

From Gunpowder and Disease to Bureaucratic Negligence and a Mythologized Past: How Nineteenth-Century Hardships are Invoked in Contemporary Western Apache Land Defense



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## Introduction

On September 11, 2024, Apache Stronghold, a grassroots organization of Western Apache and other Indigenous advocates, petitioned the U.S. Supreme Court to prevent the transfer of Oak Flat (Chi'chil Bildagoteel) to Resolution Copper, a multinational mining company. This legal move came after a narrowly divided Federal Court decision allowed the land exchange to proceed, despite widespread opposition.<sup>1</sup> Oak Flat, located in Arizona's Tonto National Forest, is a sacred site where Western Apache communities have carried out ceremonies, prayers, and coming-of-age rituals for generations. If the proposed copper mine is approved, this site will be permanently destroyed, leaving a massive crater in its place, and cutting off access to a place considered spiritually irreplaceable. This conflict over Oak Flat is more than a local land dispute. In fact, it speaks to broader questions of Indigenous sovereignty, religious freedom, and ongoing effects of colonial land policies. At its core, this debate highlights the continuing tension between economic development and the protection of cultural heritage sites. As Indigenous communities across the United States continue to defend their sacred spaces, Oak Flat has become a powerful symbol of resistance, remembrance, and the right to protect ancestral lands.<sup>2</sup>

The historiography surrounding the Western Apache's cultural heritage, particularly in relation to their land, has evolved significantly over the past century. Early scholarship mostly focused on the ethnographic documentation of Apache cultures, in particular their kinship structures, cultural and religious practices, and social organization. Over time, scholars began to incorporate historical, linguistic, and legal perspectives, creating an interdisciplinary approach to the study of Western Apache culture. Contemporary studies now engage with political activism, environmental justice, and more Indigenous-led research, highlighting the dynamic ways in which Western Apache communities interact with their land and their cultural heritage today.

The study of Western Apache communities was initiated by early ethnographers and anthropologists who sought to document Apache culture, often from an outsider perspective. Its foundations were laid in the 1940s, with Morris Opler's *An Apache Life-Way* and *Myths and Tales of the Chiricahua Apache Indians*, two of the earliest works to document Apache spirituality and social structures, including detailed examinations of Chiricahua religious and economic practices.<sup>3</sup> In 1942, Grenville Goodwin's *The Social Organization of the Western Apache* continued this ethnographic trend, with his systematic approach on the Apaches and their cultural practices.<sup>4</sup> While valuable in its

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<sup>1</sup> Ryan Colby, 'BREAKING: Apache Stronghold asks Supreme Court to save Oak Flat', *Becket, Religious Liberty for All* (11 September 2024). <https://becketfund.org/media/breaking-apache-stronghold-asks-supreme-court-to-save-oak-flat/>

<sup>2</sup> 'Apache Stronghold v. United States', *Becket, Religious Liberty for All* (19 February 2021). <https://becketfund.org/case/apache-stronghold-v-united-states/>

<sup>3</sup> Morris Opler, *An Apache Life-Way: The Economic, Social, and Religious Institutions of the Chiricahua Indians* (University of Chicago Press, 1941); Opler, M.E., 'Myths and Tales of the Chiricahua Apache Indians', *Memoirs of the American Folklore Society*, 37 (1942), vii-114.

<sup>4</sup> Grenville Goodwin, *The Social Organization of the Western Apache* (University of Arizona Press 1941).

detailed descriptions, Goodwin's work tends to present Apache society as static rather than dynamic and adaptive to cultural hardships. In the 1960s, Edward Spicer expanded the scope of Apache studies by analyzing long-term patterns of Indigenous adaptation to colonial pressures.<sup>5</sup> His work emerged from and contributed to the rise of ethnohistory, a field shaped by the broader anthropological turn toward more culturally nuanced and historically grounded scholarship in the United States.<sup>6</sup> While these early works on the culture of the Western Apache have provided contemporary scholars with invaluable documentation of Apache traditions, they largely failed to account for the dynamic and evolving nature of Apache cultural heritage. Here, the emphasis remained on static descriptions rather than an exploration of historical continuity and change, a gap that later scholars sought to address and fill.

The late twentieth century saw a shift in scholarship as scholars moved beyond ethnographic descriptions to analyze how cultural memory and language shaped Apache connections to their ancestral lands. This development was part of the broader cultural turn and the rise of New Cultural History, which emphasized meaning, identity, and narrative in historical analysis from the late 1980s onwards.<sup>7</sup> Keith Basso's *Wisdom Sits in Places* was deeply influenced by this shift, and marked a turning point in the study of Western Apache land relationships. Basso's research demonstrated how place names and oral traditions are not merely descriptive tools, but also function as sources of historical knowledge and moral instruction. For the Western Apache, land is not purely a physical space but also a living archive of experiences, stories, and cultural values. His work illustrated how Apache place names determine narratives about their history and identity, showing that land serves as both a tangible and intangible link to the past.<sup>8</sup> This perspective was crucial in reframing Apache land struggles, emphasizing that this fight is as much about protecting sacred landscapes as it is about preserving historical consciousness.

At the turn of the century, more interdisciplinary approaches emerged in the study of Western Apache cultural heritage. Scholars began to incorporate legal and activist perspectives, recognizing the deep ties between cultural heritage, political sovereignty, and land rights. This shift brought a new focus to the reclamation of land on a physical and spiritual basis, and to the long-term trauma caused by dispossession. As is highlighted in early twenty-first-century scholarship, the cultural heritage of the Western Apache is deeply connected to geographical areas, ancestral knowledge, collective memory, and cultural identity. Heritage, the Western Apache believe, is established in specific landscapes and all traditions attached to them, making heritage both tangible and intangible.<sup>9</sup> Around the same time, researchers began placing contemporary land struggles within a broader historical

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<sup>5</sup> Edward Spicer, *Cycles of Conquest: The Impact of Spain, Mexico, and the United States on the Indians of the Southwest, 1533-1960* (University of Arizona Press, 1962).

<sup>6</sup> Peter Burke, *Wat Is Cultuurgeschiedenis?* (Bijleveld, 2018), 52-60.

<sup>7</sup> *Ibidem*, 79-81.

<sup>8</sup> Keith Basso, *Wisdom Sits in Places: Landscape and Language Among the Western Apache* (University of Mexico, 1996).

<sup>9</sup> John Welch & Robert Brauchli, "'Subject to the Right of the Secretary of the Interior': The White Mountain Apache Reclamation of the Fort Apache and Theodora Roosevelt School Historic District", *Wicazo Sa Review*, 25:1 (2010), 47-73.

framework, linking past violence and colonial policies to ongoing battles over sovereignty and identity.<sup>10</sup> Greater attention was also given to heritage preservation as an active form of resistance, as reclaiming historical sites became a way for communities to control their own narratives, and to resist further cultural erasure. Additionally, scholars began to study legal cases and land protection efforts not only as political actions, but also as cultural expressions, with heritage increasingly framed as a legal argument in the defense of sacred sites.<sup>11</sup> This period signaled a critical step in redefining cultural heritage as both a lived experience and a tool of political and legal agency.

Recent scholarship has continued this diversification, incorporating perspectives from digital activism, environmental studies, and Indigenous-led research methodologies. One prominent area of focus has been the ongoing struggle to protect Oak Flat. Over the past decade, this site has become a symbol for broader conflicts surrounding Indigenous land rights and sacred landscapes under threat from resource extraction. Scholars have starting increasingly analyzing how contemporary Indigenous activists draw on historical narratives of dispossession and broken treaties to strengthen their resistance to modern land dispossession. Testimonies from community members are an important source in this work, as they highlight the spiritual and physical connection to the land, as well as the psychological impact of generational cultural disruption.<sup>12</sup> These narratives are frequently brought into legal and political fields, where they are used to claim sovereignty and cultural continuity. Central to this body of research is the argument that land, as a form of cultural heritage, has become a powerful legal tool in contemporary Indigenous activism, revealing injustices embedded in U.S. land policy and the enduring legacy of colonialism.<sup>13</sup> Furthermore, recent scholarship has increasingly analyzed the role of social media and grassroots activism in cultural heritage preservation. Digital platforms have become an extension of traditional oral storytelling, which offers Indigenous communities new tools to raise awareness and mobilize support on a broader scale. Scholars have emphasized that these online narratives help sustain cultural memory and bring visibility to struggles over land.<sup>14</sup>

Lastly, increasing attention has been given to the ways in which Western Apache communities are actively reclaiming and restoring their cultural heritage. By examining the relationship between cultural traditions and ecological restoration, researchers have highlighted how land stewardship is not purely environmental, but also deeply spiritual.<sup>15</sup> Heritage preservation efforts are often rooted in

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<sup>10</sup> Karl Jacoby, *Shadows at Dawn: A Borderlands Massacre and the Violence of History* (Penguin Press, 2008).

<sup>11</sup> John Welch & Ramon Riley, 'Reclaiming Land and Spirit in the Western Apache Homeland', *American Indian Quarterly*, 25:1 (2001), 5-12.

<sup>12</sup> Nicholas Paliewicz, 'Decolonization of Oak Flat: Apache Stronghold's Place-based Temporal, and Mnemonic Dissensus at Public Hearings', *Environmental Communications* 16:5 (2022), 664-679; Marcus Macktima, *Sacred Space and Identity: The Fight for Chi'chil Bildagoteel (Oak Flat) and the History of the San Carlos Apachean Peoples*, in Brenden W. Rensink (ed.), *The North American West in the Twenty-First-Century* (2022), 59-80.

<sup>13</sup> Katharine Lovett, 'Not All Land Exchanges Are Created Equal: A Case Study of the Oak Flat Land Exchange', *22 Colo. Nat. Resources, Energy, and Envtl. L. Rev.* (2017), 354-386.

<sup>14</sup> Nicholet Parkhurst, 'Protecting Oak Flat: Narratives of Survivance as Observed Through Digital Activism', *Australasian Journal of Information Systems* 17 (2017), 1-18.

<sup>15</sup> Jonathan Long, Aregai Teclé & Benrita Burnette, 'Cultural Foundations for Ecological Restoration on the White Mountain Apache Reservation', *Conservation Ecology*, 8:1 (2003).

community-driven initiatives, where leadership emerges from within rather than being directed by external institutions.<sup>16</sup> Additionally, scholars have called for a shift toward more Indigenous-led research and education, particularly within archaeology and heritage studies, to ensure that cultural narratives are shaped by those to whom they belong.<sup>17</sup> In this light, cultural heritage education is seen as a powerful tool for connecting generational gaps caused by historical trauma, and for addressing the lasting effects of the loss of language and tradition. These innovative approaches mark an important shift in the field, demonstrating that cultural heritage is not solely about safeguarding the past, but also about empowering Indigenous futures.<sup>18</sup>

Building further on the existing historiography, this study will focus on the ways in which Western Apache communities continue to draw upon their historical experiences of land dispossession in ongoing efforts to protect their sacred sites. It aims to explore how historical narratives and cultural practices are utilized in contemporary activism. Through an analysis of testimonies and public statements from members of Western Apache communities and other advocates, the goal of this research is to show how the past is not just remembered, but intentionally mobilized in present-day land protection efforts. This study will contribute to existing historiography by bridging the gap between historical narratives of land loss and contemporary Indigenous resistance. By examining how historical memory is actively used in present-day activism, it will highlight the strategic and dynamic role of memory in the ongoing shaping of Western Apache cultural heritage.

The following question will be answered: “*How do present-day Western Apache activists invoke nineteenth-century struggles over land to defend sacred sites, such as Oak Flat?*” To be able to answer this question I will, first of all, explore how historical land struggles from the nineteenth century are remembered and represented in present-day Western Apache discourse. This will set the historical and cultural foundation for this study by providing the context and content of past events and memories that are still alive in Apache culture today. Second, I will analyze how these historical narratives are used as cultural and political tools in the current defense of sacred sites. This will be done by examining how memories of past traditions and hardships are mobilized in testimonies given by members of the Western Apache tribes and activist organizations. Lastly, I will explore how Western Apache communities revitalize longstanding practices and historical strategies of resistance through modern initiatives, using tools like social media and educational programs, while navigating the internal tension between maintaining cultural integrity and making sacred traditions visible to wider audiences.

This research is positioned within the interdisciplinary field of heritage studies and its link to memory studies. It investigates how cultural memory and tradition shape Western Apache

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<sup>16</sup> John Welch, Mark Altaha, Karl Hoerig, & Ramon Riley, ‘Best cultural heritage stewardship practices by and for the White Mountain Apache Tribe’, *Conservation and Management of Archaeological Sites*, 11:2 (2009), 148–160.

<sup>17</sup> Nicholas Laluk, ‘The indivisibility of land and mind: Indigenous knowledge and collaborative archaeology within Apache contexts’, *Journal of Social Archaeology*, 17:1 (2017), 92–112.

<sup>18</sup> Eleanor King, ‘Buffalo Soldiers, Apaches, and Cultural Heritage Education’, *Heritage Management*, 1:2 (2008), 219–241.

understandings of cultural heritage, and how this is activated in contemporary land defense. Cultural heritage, in this study, is not just understood as a static set of traditions or monuments, but also as a dynamic process of transmitting ideas, values, and knowledge across generations. It encompasses both tangible and intangible forms, including natural landscapes and oral storytelling, and is central to the construction and maintenance of collective identity. For Indigenous communities, natural heritage in particular plays a vital role, as it provides both the symbolic and material grounds upon which cultural values are expressed and preserved. The concept of cultural memory is closely tied to this, which refers to the ways in which knowledge and collective experiences are sustained over time through shared practices and spaces. Tangible heritage sites, such as sacred landscapes, become physical anchors for memory, linking past generations with the present through social and cultural interaction. These concepts form the theoretical foundation of this study, guiding its analysis of how historical struggles over land are remembered and invoked in contemporary Western Apache activism.<sup>19</sup>

The primary sources used in this research consist of written and spoken testimonies, statements, and hearing transcripts produced by members of Western Apache communities and other advocates, particularly in the context of the ongoing struggle over Oak Flat. These include prepared statements delivered before congressional committees, transcriptions of public hearings, and formal letters addressed to U.S. federal agencies such as the Department of Agriculture and the Forest Services. While many were presented during official government proceedings, others, such as the letters, still function as public declarations of cultural resistance.

The material was collected from a combination of government and advocacy websites. These platforms provide direct access to publicized official U.S. congressional records and legal documents from Indigenous activists and environmental organizations.<sup>20</sup> Despite the different platforms used in this study, all sources are either part of the public record or have been formally submitted to government bodies, guaranteeing their reliability and relevance.

Important to note, is that these sources are predominantly oral in origin, reflecting the Apache tradition of storytelling as a mode of cultural transmission. This makes the testimonies particularly valuable for understanding how cultural memory is communicated. The selection criteria for the primary sources focused on documents that explicitly reference ceremonial practices, ancestral memory, or cultural identity in relation to Oak Flat, especially those produced by tribal leaders, youth activists, or members of Apache Stronghold. These statements were delivered in response to political developments between 2013 and 2021, which shaped both their content and urgency, depending on the different stages of the Oak Flat situation. While these sources are powerful expressions of Indigenous resistance, they are also shaped by the political and legal contexts in which they are delivered. As

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<sup>19</sup> Veysel Apaydin, *Critical Perspectives on Cultural Memory and Heritage: Construction, Transformation and Destruction* (University College London Press, 2020), 1-8.

<sup>20</sup> Most importantly, the Library of Congress: <https://www.congress.gov>; the Center for Biological Diversity: [www.biologicaldiversity.org](http://www.biologicaldiversity.org); the U.S. House of Representatives Document Repository: <https://docs.house.gov>; and the U.S. Government Information website: <https://www.govinfo.gov>.

such, they may highlight certain narratives while excluding others. This study does not evaluate their factual accuracy, but rather analyzes how they function as dynamic acts of cultural and political expression. These sources also reflect a distinct Apache worldview in which land and identity are inseparable, which is an understanding shaped by centuries of oral tradition and spiritual practice, and often clashes with Western legal and bureaucratic frameworks.

Scholars such as Nicholas Paliewicz and Kehaulani Darrah-Okike have demonstrated the analytical potential of public hearings and testimonies as sources in Indigenous land struggles. Both authors strongly emphasize how such hearings become platforms for culturally grounded resistance. Paliewicz analyzes the Oak Flat hearings as opportunities where members of Apache Stronghold challenged dominant colonial frameworks by centering their testimonies on land, ancestral memory, and spiritual ties. He sees these hearings as acts of resistance that reject Western environmental logics and instead affirm Indigenous worldviews and claims to sovereignty.<sup>21</sup> Similarly, Darrah-Okike analyzes a public hearing over Laʻau Point in Hawaii as a space where Native Hawaiian speakers strategically appropriated environmental law to express cultural values, spiritual responsibility, and land-based identity. In her work, she shows how Indigenous participants used legal tools selectively, blending legal and cultural literacies to challenge state power.<sup>22</sup>

Much like scholars such as Paliewicz and Darrah-Okike, this research understands hearings as settings where Indigenous speakers mobilize their cultural knowledge, ancestral memory, and the intergenerational responsibility in defense of sacred land. More specifically, this research focuses particularly on how ceremonial practices and oral traditions are employed as tools of resistance, grounding the interpretation within heritage and memory studies frameworks.

## Chapter 1

### Historical and Cultural Foundations of Apache Struggles with the United States

Water, described in Western Apache creation stories as the “breath of the earth”, was infused into the land by Black Thunder to wake it, bringing life into its mountains and rivers. This act illustrates the Apache understanding of land as being far more than a passive environment. Instead, land is understood as a living entity, with its own spirit and memory. The Western Apache, or *Ndee*, preserve a deep cultural and spiritual connection to this land, which is inseparable from their identity

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<sup>21</sup> Paliewicz, ‘Decolonization of Oak Flat’, 665-666.

<sup>22</sup> Jennifer Darrah-Okike, “‘The decision you make today will affect many generations to come’: Environmental assessment law and Indigenous resistance to urbanization’, *Environmental and Planning E: Nature and Space* 2:4 (2019), 2-3.

and overall way of life. Their creation stories further stress a worldview where nature operates through organic processes, with humans in a more supportive role in maintaining the natural harmony.<sup>23</sup>

As Welch notes, “Ndee connections to their land remain vital only in spite of an astoundingly insensitive century of mistreatment by the U.S. government.”<sup>24</sup> This inseparable bond between physical landscapes, and psychological and spiritual well-being is underscored in the Apache concept of *Ni*, which translates to both ‘mind’ and ‘land’.<sup>25</sup> The thus deep interconnection between people and place is further reflected in the way Western Apache define their cultural heritage. As Welch explains, Ndee cultural heritage encompasses all places, objects, and intangible elements that carry cultural or historical meaning. Additionally, central to this definition of cultural heritage is the fact that animals, plants, minerals, and sacred sites are all connected seamlessly. This connection embeds cultural meaning directly into the physical landscape, making the land itself a vital part of cultural expression and continuity.<sup>26</sup>

This chapter explores how these traditions, while predating U.S. contact, were disrupted in the nineteenth century, a period that is frequently invoked in present-day activism relating to struggles over land and religious freedom.

### *The Nineteenth Century as a Turning Point*

The nineteenth century marked a period of dramatic change in the history of the Western Apache, as U.S. westward expansion carried forced removals, violent military campaigns, causing massive cultural and spiritual disruption of Indigenous life. Following the 1848 Treaty of Guadalupe-Hidalgo, the U.S. gained jurisdiction over vast Apache territories. These holdings expanded further with the Gadsden Purchase of 1854, which transferred additional lands from Mexico to the U.S., without consulting Indigenous nations. With the discovery of precious metals, settlers and miners rushed to southeastern Arizona, causing the Western Apache people to quickly be portrayed as obstacles to Western ideologies of progress.<sup>27</sup> To make matters worse, in 1864, General James Carleton declared what have been described as genocidal orders: Western Apaches were to be forcibly relocated or exterminated to ensure the safety of incoming miners and settlers.<sup>28</sup> One of the most devastating consequences of this constant pressure on the Western Apache occurred in 1871 at Camp Grant, where a gathering of Apache families was attacked by armed forces from Tucson, resulting in the massacre of over a hundred people.<sup>29</sup> This brutality continued into the 1870s, when the march

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<sup>23</sup> Long, Teale & Burnette, ‘Cultural Foundations for Ecological Restoration on the White Mountain Apache Reservation’.

<sup>24</sup> Welch & Riley, ‘Reclaiming Land and Spirit in the Western Apache Homeland’, 6.

<sup>25</sup> *Ibidem*, 5.

<sup>26</sup> Welch et al., ‘Best cultural heritage stewardship practices by and for the White Mountain Apache Tribe’, 152-153.

<sup>27</sup> Wenger, T., ‘Fighting for Oak Flat: Western Apaches and American Religious Freedom’, *Journal of Law and Religion*, 39:2 (2024), 252-253.

<sup>28</sup> Paliewicz, ‘Decolonization of Oak Flat’, 667.

<sup>29</sup> Brown, D., *Bury My Heart At Wounded Knee, An Indian History of the American West* (Random House, 1991), 204-205.

known as the ‘Apache Trail of Tears’ forced 1,500 Yavapai-Apaches to march over 280 kilometers to the San Carlos Reservation under heavy military guard.<sup>30</sup>

The San Carlos Reservation, purposefully placed in the most undesirable and dry territory of Arizona, became known for its severe living conditions, causing malnutrition and disease. Being under constant surveillance, Western Apaches were not allowed to hunt, gather, or perform religious ceremonies on their sacred lands, with heavy punishments awaiting them if they got caught.<sup>31</sup> Indigenous leaders such as Cochise refused to negotiate further with the U.S. officials due to deep mistrust caused by many broken promises, while others, like Eskiminzin, mourned the health and spiritual loss tied to their displacement.<sup>32</sup> Areas like the San Carlos Reservation were sites of incarceration, where Indigenous culture was systematically erased. Meanwhile, Fort Apache, built just north of the San Carlos Reservation in the early 1870s, with the help of Apache communities, became an important post for controlling and policing the Western Apache population. Even after hostilities ended in 1922, its function in cultural erasure and forced assimilation continued through its transformation into the Theodore Roosevelt Indian Boarding School in 1923, where Apache children were subjected to conform to Christianity and leave behind their cultural practices.<sup>33</sup>

This period of violent disruption has become an anchor point in Apache memory and activism. Activists today often refer to these nineteenth-century traumas to underscore the continuity of struggle, particularly around sacred land and resource extraction.<sup>34</sup> The White Mountain Apache Tribe’s efforts to reclaim and reinterpret Fort Apache exemplify this. Since the 1990s, they have asserted control over the site to transform it from a symbol of suppression into a place of historical conscience, incorporating Indigenous narratives to challenge dominant Western histories.<sup>35</sup> In reclaiming such sites, the Western Apache are reaffirming that their culture endures, despite the many attempts by the U.S. to erase it completely. Their cultural practices continue to thrive, proving that Apache life is not a remnant of the past, but instead a living, evolving force in the present.

### *Ceremonial Continuity and Cultural Survival*

Among the Western Apache, cultural survival and continuity are closely tied to ceremonial practice. Ceremonies such as the Sunrise Ceremony and the Sweat Lodge represent powerful expressions of identity connected to sacred land. These rites of passage are community-wide efforts that ensure traditions get passed down to the next generation, which is especially vital in a context where historical efforts have sought to sever those generational links.

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<sup>30</sup> Paliewicz, ‘Decolonization of Oak Flat’, 667.

<sup>31</sup> Wenger, ‘Fighting for Oak Flat’, 252.

<sup>32</sup> Brown, *Bury My Heart At Wounded Knee*, 201.

<sup>33</sup> Welch & Brauchli, “Subjects to the Right of the Secretary of the Interior”, 50-53.

<sup>34</sup> Paliewicz, ‘Decolonization of Oak Flat’, 667.

<sup>35</sup> Welch & Brauchli, “Subjects to the Right of the Secretary of the Interior”, 48-49.

The Sunrise Ceremony and the Sweat Lodge ritual serve as coming-of-age rites for girls and boys, respectively, and are centered around Oak Flat. According to Wendsler Nosie Sr., the former chairman of the San Carlos Apache Tribe, the Sweat Lodge ceremony marks a boy's transition into manhood and is practiced when his voice begins to change. It is led by elders and medicine people who guide the young participant through spiritual cleansing. The Sweat Lodge itself is seen as the womb of Mother Earth, a space for purification and balance. Men are expected to return to the lodge on a monthly basis to stay spiritually aligned, mirroring the natural cycles of Apache women. This ceremony, rooted in the spiritual presence of the *Gaan*, or sacred mountain spirits, ends in the blessing of the Sunrise Ceremony, linking the two practices as an interwoven spiritual process.<sup>36</sup>

The Sunrise Ceremony, as described by San Carlos Apache Tribe member and activist Naelyn Pike, marks the transition of a girl into womanhood. It begins with the construction of a *wikkiup* on sacred ground, symbolizing a return to traditional ways. The girl, guided by her godparents and elders, prepares Apache bread, dresses in ceremonial attire, and dances with her godfather as the sun rises. Her dance is synchronized with drumbeats, which awakens the *Gaan* and calls them into the physical world. These spirits, embodied by the men who have undergone the Sweat Lodge ritual, perform a holy dance to bless the girl's passage into womanhood. Over several days, she becomes the white-painted woman, referencing the Western Apache creation story, where her body is painted with sacred ash, or *Glesh*, that symbolically seals the prayers and blessings of the ceremony onto her being. The ceremony concludes with the girl's cleansing in a stream, during which her grandmother guides her. This intimate and physical participation reinforces the importance of generational continuity, as elders pass knowledge through lived experience, not just oral storytelling.<sup>37</sup>

As Pike has testified, "In Apache tradition, we have oral history, and we have to physically show the people ..., and it gives us a sense of life and understanding and not taking anything for granted." The practice itself is the act of memory, as without it, the culture risks being forgotten. The preservation of these ceremonies, which are thus performed on ancestral lands, led by elders, and experienced by youth, reflects an embodied resistance to centuries of forced erasure.<sup>38</sup>

During the late nineteenth century, a U.S. government policy aimed to systematically dismantle Indigenous religions and identities. The Office of Indian Affairs implemented 'Rules Governing the Court of Indian Offenses' in 1883, which explicitly banned traditional ceremonies, and penalized those who engaged in them. These policies, intensified in 1892, criminalized Indigenous

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<sup>36</sup> Wendsler Nosie Sr., 'Hearing on Motion for Preliminary Injunction, Reporter's Transcript of Proceedings, U.S. District Court for the District of Arizona, 3 February 2021. [https://www.biologicaldiversity.org/campaigns/oak\\_flat/pdfs/lawsuit-20210203-Apache-Stronghold-TRANSCRIPT-CV-21-00050-PHX-SPL.pdf](https://www.biologicaldiversity.org/campaigns/oak_flat/pdfs/lawsuit-20210203-Apache-Stronghold-TRANSCRIPT-CV-21-00050-PHX-SPL.pdf), 68-70.

<sup>37</sup> Naelyn Pike, "The Irreparable Environmental and Cultural Impacts of the Proposed Resolution Copper Mining Operation", written testimony for the House Natural Resources Subcommittee for Indigenous Peoples of the United States, 12 March 2020. <https://www.congress.gov/116/meeting/house/110729/witnesses/HHRG-116-II24-Wstate-PikeN-20200312.pdf>, 2-4.

<sup>38</sup> Naelyn Pike, 'Hearing on Motion for Preliminary Injunction, Reporter's Transcript of Proceedings, U.S. District Court for the District of Arizona, 3 February 2021. [https://www.biologicaldiversity.org/campaigns/oak\\_flat/pdfs/lawsuit-20210203-Apache-Stronghold-TRANSCRIPT-CV-21-00050-PHX-SPL.pdf](https://www.biologicaldiversity.org/campaigns/oak_flat/pdfs/lawsuit-20210203-Apache-Stronghold-TRANSCRIPT-CV-21-00050-PHX-SPL.pdf), 43.

rituals and targeted medicine men and spiritual leaders for punishment. Native traditions were redefined as “barbarous rites” incompatible with a Western narrative of progress and civilized society.<sup>39</sup> Despite these efforts, the Western Apache maintained their ceremonial lifeways. By practicing these rites in the sacred spaces where they originated, such as Oak Flat, they nowadays actively reaffirm their cultural and spiritual sovereignty. These ceremonies embody memory and teach vital life lessons about the sacred bond between people and land. Additionally, they demonstrate that cultural heritage is not static but dynamic, continuously shaped through active practice as well as oral storytelling, even in the face of historical and ongoing threats.

### *The Apache Way of Life Still Exists*

In contemporary Apache discourse, one of the most powerful strategies of cultural assertion is the public and vocal reaffirmation that their lifeways are not relics of the past. This has become particularly important in response to external narratives that attempt to historicize or erase Indigenous presence, especially in government reports. A striking example is found in a testimony given by Pike in March of 2020:

In the DEIS, Tonto National Forest discusses the Apache way of life in the past tense as if it is ancient history. I hope Congress understands that the Apache way of life is not just history, but the present and future. We are living and breathing. The culture and traditions are very much alive, and we pray every day that they will continue.<sup>40</sup>

Here, she is responding to the Draft Environmental Impact Statement (DEIS), a detailed document mandatory under the 1969 National Environmental Policy Act (NEPA). Issued by the Tonto National Forest, this DEIS outlines the anticipated environmental consequences of the proposed Oak Flat land transfer and mining project. Its purpose is to inform the public and decision-makers, allowing for review before any final actions are taken.<sup>41</sup> Pike’s words about the way in which Tonto National Forest discusses her way of life directly counter the narrative that Apache culture belongs only in history books, where their relationship with sacred places like Oak Flat is described as a persisting, daily lived experience.

In 2013, Terry Rambler, the current chairman of the San Carlos Apache Tribe, expressed a position similar to Pike’s, emphasizing that at least eight Apache clans and two Western Apache bands have maintained long-standing ceremonial ties to Oak Flat. During a legislative hearing on the Oak Flat land exchange, he affirmed that these religious practices have been carried out at the site for

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<sup>39</sup> Wenger, ‘Fighting for Oak Flat’, 255-256.

<sup>40</sup> Pike, “The Irreparable Environmental and Cultural Impacts of the Proposed Resolution Copper Mining Operation”, 4-5.

<sup>41</sup> Lovett, ‘Not All Land Exchange Are Created Equal’, 361-362.

centuries and remain vital to Apache spiritual life today.<sup>42</sup> Regardless of forced removals and systematic disruption, the connection to these lands has not been broken, as both Nosie and Pike stress.<sup>43</sup>

Both often speak of praying at Oak Flat, not only for themselves, but for their ancestors who suffered colonial violence, and for future generations for whom they are trying to save Oak Flat. As Nosie puts it, his people “are intertwined with the earth, with the mother,” and could never fully give up their identity.<sup>44</sup> This enduring connection to land and identity is what makes the present struggle feel like a continuation of older ones. As Nosie sharply observes, “what was once gunpowder and disease is now replaced with bureaucratic negligence and a mythologized past that treats we as Native People as something invisible or gone”.<sup>45</sup> His words capture how colonial violence has evolved in form but not in effect, reinforcing how the legal and political battles over Oak Flat are rooted in a historical pattern of erasure and resistance. In this way, cultural survival is an act of ongoing resistance through remembrance, as referring to ancestors and longstanding ceremonies becomes a means of stressing that the Western Apache people are still here, and have never left.

### *Chapter 1: Preliminary Conclusions*

To conclude, Western Apache identity is embedded in their sacred relationship to the land, sustained through creation stories, ceremonies, and intergenerational knowledge. This connection has endured through the nineteenth century, despite the dispossession, forced relocations, cultural erasure, and assimilationist policies. As westward expansion displaced them, Western Apache communities continued their traditions in secret, showing that cultural survival was a form of resistance on its own.

Practices like the Sunrise Ceremony and the Sweat Lodge not only affirm spiritual identity, but also demonstrate that Apache culture is alive and even actively transmitted across generations. These ceremonies depend on sacred landscapes to function, underscoring that land and culture cannot be separated. By tracing these experiences of loss and survival, this chapter has highlighted the enduring foundations of Western Apache cultural life that continue to shape how the past is remembered and carried forward in the present.

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<sup>42</sup> Terry Rambler, ‘Legislative Hearing on S. 339: Southeast Arizona Land Exchange and Conservation Act of 2013’, testimony before the Senate Committee on Energy and Natural Resources, Subcommittee on Public Lands, Forests, and Mining, 20 November 2013. [https://www.azminingreform.org/sites/default/files/docs/SCAT-Testimony%20of%20Chmn%20Rambler%20for%20ENR%20hearing%20on%20S339%20\(11-20-13\).pdf](https://www.azminingreform.org/sites/default/files/docs/SCAT-Testimony%20of%20Chmn%20Rambler%20for%20ENR%20hearing%20on%20S339%20(11-20-13).pdf)

<sup>43</sup> Naelyn Pike and Wendsler Nosie Sr., ‘Hearing on Motion for Preliminary Injunction, Reporter’s Transcript of Proceedings, U.S. District Court for the District of Arizona, 3 February 2021. [https://www.biologicaldiversity.org/campaigns/oak\\_flat/pdfs/lawsuit-20210203-Apache-Stronghold-TRANSCRIPT-CV-21-00050-PHX-SPL.pdf](https://www.biologicaldiversity.org/campaigns/oak_flat/pdfs/lawsuit-20210203-Apache-Stronghold-TRANSCRIPT-CV-21-00050-PHX-SPL.pdf)

<sup>44</sup> Nosie, ‘Hearing on Motion for Preliminary Injunction’, 59.

<sup>45</sup> Nosie, “The Irreparable Environmental and Cultural Impacts of the Proposed Resolution Copper Mining Operation”, 2.

## Chapter 2

### Fighting For Sacred Sites: Testimonies and Statements as Practices of Resistance

Having established the significance of Western Apache ceremonial practices, this chapter shifts its focus to examine how these traditions and references to the struggles of the nineteenth century are actively mobilized in the fight to protect sacred land. The case of Oak Flat provides a clear example of how long-standing cultural practices are living actions that play a vital role in political and legal struggles. Threatened by a mining project led by Resolution Copper, Oak Flat has sparked strong Indigenous opposition, bringing tribal voices to congressional hearings, public meetings, and courtrooms, where activists draw on these traditions to defend their heritage.

As has become clear in the first chapter, the Oak Flat conflict is part of a long history of land loss and broken promises dating back to the 1848 Treaty of Guadalupe-Hidalgo. While this treaty was a major turning point in the nineteenth century in relations between the U.S. and the Apache communities, its impact is still felt today, as the continuance of land transfers without Indigenous consent shows that these patterns of dispossession have not yet ended. The Oak Flat conflict is therefore not only about mining, but also part of a broader struggle over land and Indigenous sovereignty.

This chapter analyzes testimonies about the mining proposal and connected land transfer, which serve both as legal appeals and expressions of cultural identity. Western Apache activists invoke ceremonial knowledge and responsibility to future generations in public and political settings. It is important to note, however, that these testimonies are shaped by the institutional settings in which they are delivered, such as congressional hearings. As such, they reflect a strategic engagement with the expectations and limitations of these settings, as was already mentioned in the Introduction. Thus, this analysis demonstrates how Indigenous traditions function as active tools of resistance, showing the Western Apache's ongoing defense of sacred sites today.

#### *The Oak Flat Land Exchange*

Resolution Copper, a joint venture owned by the global mining companies Rio Tinto and BHP Billiton, has long set its sights on developing a copper mine beneath Oak Flat. Located within the Tonto National Forest near the town of Superior, Oak Flat sits within the historic Copper Triangle, where copper mining has shaped local economies since the late nineteenth century.<sup>46</sup> While Resolution

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<sup>46</sup> Lovett, 'Not All Land Exchange Are Created Equal', 357-358.

Copper already owns the surrounding areas, which BHP had previously acquired in 1996, they still need access to Oak Flat to proceed with this mining project.<sup>47</sup>

Oak Flat has been under federal protection since 1955, when President Dwight D. Eisenhower issued a Public Land Order (PLO) that withdrew the area from mining activities in recognition of its ecological and recreational value.<sup>48</sup> However, this protection was partially weakened in 1971, when President Richard M. Nixon modified this PLO, now allowing the land to be reopened for various uses, except mining. This created a legal loophole, as mining was still allowed if the land got transferred from federal ownership to private ownership in a land exchange.<sup>49</sup> Taking advantage of this, Resolution Copper pursued a legislative route to acquire Oak Flat. Members of Congress started introducing various bills to make this exchange happen, resulting in the creation of the Southeast Arizona Land Exchange and Conservation Act (SALECA). This authorized the transfer of almost ten square kilometers of public land, including Oak Flat, in exchange for private land elsewhere. Eventually, after almost ten years of introducing legislation, SALECA passed in 2014 through a rider on the must-pass National Defense Authorization Act (NDAA).<sup>50</sup> This strategy bypassed the normal environmental review and public consultation procedures, like the DEIS, required under laws like the National Environmental Policy Act (NEPA), and the Federal Land Policy and Management Act (FLMPA).<sup>51</sup> Because this was a legislative land exchange, crucial safety nets such as establishing if the exchange would serve the public interest, were avoided.<sup>52</sup>

For the Western Apache communities, Oak Flat is far more than a tract of land from which resources can be extracted, as this site is a living and sacred space interwoven with ancestral memory and the overall Apache identity.<sup>53</sup> The proposed mine threatens to destroy hundreds of cultural and archaeological sites, and would eventually leave behind a massive crater of over three kilometers wide.<sup>54</sup> Indigenous leaders and tribal members argue that the Project reflects a continuation of colonial reasoning which reduces land to a resource for extraction, disregarding Indigenous sovereignty, and repeating and continuing the historical narrative of dispossession.<sup>55</sup>

In response to the nineteenth-century land dispossessions that set the stage for ongoing threats like the proposed land exchange at Oak Flat, Western Apache tribal members have voiced their opposition and concern through testimonies and statements. These expressions not only raise legal concerns, but also affirm a long history of cultural survival rooted in their historical experiences of

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<sup>47</sup> Lovett, 'Not All Land Exchange Are Created Equal', 364-365.

<sup>48</sup> Macktima, *Sacred Space and Identity*, 69.

<sup>49</sup> Lovett, 'Not All Land Exchange Are Created Equal', 363.

<sup>50</sup> Ibidem, 366-368.

<sup>51</sup> Paliewicz, 'Decolonization of Oak Flat', 665; Lovett, 'Not All Land Exchange Are Created Equal', 361.

<sup>52</sup> Lovett, 'Not All Land Exchange Are Created Equal', 361.

<sup>53</sup> Paliewicz, 'Decolonization of Oak Flat', 664.

<sup>54</sup> Lovett, 'Not All Land Exchange Are Created Equal', 364-365.

<sup>55</sup> Paliewicz, 'Decolonization of Oak Flat', 666-667.

displacement and resistance. Within them, tradition, memory, and identity are active forces shaped by nineteenth-century struggles, now mobilized to protect sacred land.

### *Analysis of Testimonies*

The ceremonial practices introduced in the previous chapter, such as the Sunrise Ceremony and Sweat Lodge, are engrained in the nineteenth-century history of cultural suppression and resistance that shaped Western Apache identity. Despite numerous efforts to undermine their traditions, including punishments for leaving the San Carlos Reservation to perform sacred rites, and cultural assimilation enforced through institutions like the Theodore Roosevelt Boarding School, these ceremonies persisted. This legacy of survival under oppression gives ceremonial life today not only its spiritual meaning, but also its political force.

When examining the testimonies surrounding Oak Flat, it becomes clear that ceremonies are depicted as deeply tied to the physical landscape of Oak Flat, and central to what it means to be Apache today.<sup>56</sup> On March 12, 2020, the U.S. House Committee on Natural Resources Subcommittee for Indigenous Peoples held an oversight hearing to examine the irreparable environmental and cultural impacts of the proposed mining project by Resolution Copper. Several activists from Western Apache communities, such as Wendsler Nosie Sr., and Naelyn Pike, submitted written testimonies as part of this hearing, using the formal setting to articulate their opposition to the land transfer that threatens their ancestral grounds.<sup>57</sup>

In her testimony, Pike asserts that the Sunrise Ceremony, which she herself underwent at Oak Flat, is a rite that affirms the continuity of Apache womanhood and cultural vitality. She explains how, throughout her life, Oak Flat has been the central location of her cultural identity: “Through my entire existence, I was consistently brought back to Oak Flat. My family would come together for prayer and ceremony”.<sup>58</sup> This connection is not only personal but generational, as Pike describes how her great-grandmother and ancestors once lived close to Oak Flat, and how they actively resisted dispossession. Their fight to protect sacred places like Oak Flat is part of the legacy she now continues, making their ceremonies inseparable from the land.<sup>59</sup> Pike emphasizes that all elements needed for her ritual are drawn from this specific landscape, which are tangible links between the past and present. By using them during the ceremony, a young woman symbolically affirms her role in sustaining the community,

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<sup>56</sup> Wendsler Nosie Sr., “The Irreparable Environmental and Cultural Impacts of the Proposed Resolution Copper Mining Operation”, written testimony for the House Natural Resources Subcommittee for Indigenous Peoples of the United States, 12 March 2020. <https://www.resolutionmineeis.us/sites/default/files/references/nosie-2020.pdf>

<sup>57</sup> Full hearing: U.S. House of Representatives, ‘The Irreparable Environmental and Cultural Impacts of the Proposed Resolution Copper Mining Operation: Oversight Hearing’, hearing before the Subcommittee for Indigenous Peoples of the United States, Committee on Natural Resources, 12 March 2020. <https://www.govinfo.gov/content/pkg/CHRG-116hrg40520/html/CHRG-116hrg40520.htm>

<sup>58</sup> Pike, “The Irreparable Environmental and Cultural Impacts of the Proposed Resolution Copper Mining Operation”, 3-4.

<sup>59</sup> *Ibidem*, 2.

just as her ancestors did before her. In this way, Pike presents the ceremony as a living tradition that materializes ancestral memory and reaffirms cultural responsibility.<sup>60</sup>

Chairman of the San Carlos Apache Tribe, Terry Rambler, echoes this emphasis on intergenerational teaching in 2013. On November 20 of that year, the Senate Subcommittee on Public Lands, Forests, and Mining held a legislative hearing regarding the SALECA. During this session, Rambler underscored that Apache Elders teach youth from an early age about the meaning and significance of sacred sites. This underlines how ceremonies function as modes of cultural transmission passed down through generations, inseparable from specific places.<sup>61</sup> That continuity, however, depends on the land's vitality. In the 2021 preliminary injunction hearing, Pike warned that if Oak Flat is destroyed, "that spirit is no longer there... it is like a dead carcass".<sup>62</sup> This hearing, held before the U.S. District Court in 'Apache Stronghold v. United States', was part of a legal effort to halt the Oak Flat land transfer on the grounds of religious freedom.<sup>63</sup> In this testimony, Pike links her personal experiences to broader collective heritage, which goes to show how the site is fundamental for their identity. Oak Flat is described as a "corridor" to their creator, essential not only to ceremony, but to Apache survival and identity itself, as it has been since time immemorial.<sup>64</sup>

Her grandfather and longtime advocate for Apache sovereignty and sacred lands, Wendsler Nosie Sr., offers a matching generational perspective. On the 21<sup>st</sup> of November of 2019, in a letter directed to the U.S. Department of Agriculture, the U.S. Forest Service, and the U.S. Congress, he announced his return to Oak Flat to live in prayer and protest. He described this act as a religious obligation and his Indigenous right, referring to the inherent and collective rights of Indigenous peoples to maintain spiritual and cultural relationships with their ancestral lands.<sup>65</sup> This has been recognized in documents such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which affirms the right to "maintain, protect, and have access in privacy to their religious and cultural sites".<sup>66</sup> Additionally, he frames his return to Oak Flat as a moral obligation "to protect it from being murdered and protect our future generations".<sup>67</sup> Nosie's decision to live at Oak Flat, despite the risk and difficulty, underscores the depth of this resistance and reflects a profound sense of responsibility rooted in ancestral obligation and commitment to future generations.

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<sup>60</sup> Pike, "The Irreparable Environmental and Cultural Impacts of the Proposed Resolution Copper Mining Operation", 3-4.

<sup>61</sup> Rambler, 'Legislative Hearing on S. 339: Southeast Arizona Land Exchange and Conservation Act of 2013'.

<sup>62</sup> Pike, 'Hearing on Motion for Preliminary Injunction', 42.

<sup>63</sup> Full hearing: Apache Stronghold v. United States, 'Hearing on Motion for Preliminary Injunction, Reporter's Transcript of Proceedings, U.S. District Court for the District of Arizona, 3 February 2021.

[https://www.biologicaldiversity.org/campaigns/oak\\_flat/pdfs/lawsuit-20210203-Apache-Stronghold-TRANSCRIPT-CV-21-00050-PHX-SPL.pdf](https://www.biologicaldiversity.org/campaigns/oak_flat/pdfs/lawsuit-20210203-Apache-Stronghold-TRANSCRIPT-CV-21-00050-PHX-SPL.pdf)

<sup>64</sup> Pike, 'Hearing on Motion for Preliminary Injunction', 42.

<sup>65</sup> Wendsler Nosie Sr., "Gaan Bike' Goz'aa", letter to the U.S. Forest Service, U.S. Department of Agriculture, and U.S. Congress, 21 November 2019. [https://www.biologicaldiversity.org/campaigns/oak\\_flat/pdfs/correspondence-20191121-NOSIE-to-USFS-re-RETURN-TO-LANDS.pdf](https://www.biologicaldiversity.org/campaigns/oak_flat/pdfs/correspondence-20191121-NOSIE-to-USFS-re-RETURN-TO-LANDS.pdf)

<sup>66</sup> United Nation, 'United Nations Declaration on the Rights of Indigenous Peoples' (2007).

[https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf), 12.

<sup>67</sup> Nosie, "Gaan Bike' Goz'aa".

Importantly, these voices are not isolated. Apart from just San Carlos Apache Tribal members, tribal leaders and allies also echo these concerns. Kevin Allis, CEO of the National Congress of American Indians, also submitted a written testimony for the oversight hearing of March 2020. In this testimony, he emphasizes that the proposed land transfer violates the federal government's trust responsibility. This trust responsibility refers to the U.S. government's legal and moral obligation to act in the best interest of Native nations. While this framework was meant to protect tribal sovereignty and land, it has often been inconsistently upheld, with federal priorities often overruling Indigenous rights.<sup>68</sup> Allis frames Oak Flat as a clear example of such failure by the U.S., linking it to a longer pattern of broken promises and undermined sovereignty during the nineteenth and twentieth centuries. He stresses that tribal nations still have legal rights to their ancestral lands, and that places like Oak Flat are essential to the survival of ceremonial practice and thus the identity of the Western Apache people.<sup>69</sup>

Also among these supporting voices are tribal leaders and other Native Americans who are very aware of what is at stake if Oak Flat gets destroyed. At the 2021 hearing on the 'Save Oak Flat Act', held before the Subcommittee for Indigenous Peoples of the United States, Fort Mojave Vice Chairman Shan Lewis warned that the proposed mine would destroy ancient oak trees, medicinal plants, and the region's fragile water systems, elements deeply embedded in Indigenous spiritual and ecological heritage. As was already explained in the first chapter, Apache creation stories describe water as the breath of the earth, and such destruction thus not only threatens the land but the spiritual continuity it sustains.<sup>70</sup> Furthermore, Fawn Sharp, President of the National Congress of American Indians, emphasized that sites like Oak Flat are essential for the intergenerational transmission of cultural knowledge. Her testimony drew on treaty law, executive orders, and Oak Flat's placement on the National Register of Historic Places to underline how the proposed land transfer violates the federal trust responsibility, similar to Allis.<sup>71</sup> Together, these voices highlight that the defense of Oak Flat is not an isolated protest, but part of a larger historical struggle to uphold Indigenous rights and preserve cultural heritage.

While not Indigenous himself, John R. Welch has worked closely with Apache communities for decades, particularly during his time as director of the White Mountain Apache Tribe's Historic Preservation Office, and has contributed greatly to the discourse surrounding Western Apache heritage preservation. In the 2021 preliminary injunction hearing, he supported Nosie and Pike by reaffirming a

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<sup>68</sup> Clark, B., 'The Federal Trust Responsibility and Indigenous Stewardship', *Davis Journal of Legal Studies* 1 (2021), 47-52.

<sup>69</sup> Kevin Allis, "The Irreparable Environmental and Cultural Impacts of the Proposed Resolution Copper Mining Operation", written testimony for the House Natural Resources Subcommittee for Indigenous Peoples of the United States, 12 March 2020. <https://www.congress.gov/116/meeting/house/110729/witnesses/HHRG-116-II24-Wstate-AllisK-20200312.pdf>

<sup>70</sup> Shawn Lewis, 'Legislative Hearing on H.R. 1884, "Save Oak Flat Act"', hearing before the Subcommittee for Indigenous Peoples of the United States, Committee on Natural Resources, 13 April 2021. <https://www.govinfo.gov/content/pkg/CHRG-117hhrg44244/html/CHRG-117hhrg44244.htm>

<sup>71</sup> Fawn Sharp, 'Legislative Hearing on H.R. 1884, "Save Oak Flat Act"', hearing before the Subcommittee for Indigenous Peoples of the United States, Committee on Natural Resources, 13 April 2021. <https://www.govinfo.gov/content/pkg/CHRG-117hhrg44244/html/CHRG-117hhrg44244.htm>

core message heard throughout the testimonies: that Apache ceremonial life depends on undisturbed sacred land.<sup>72</sup>

Taken together, these testimonies highlight how Western Apache activists continue to mobilize cultural heritage in defense of sacred land. Rather than speaking of tradition as something of the past, they show how ceremony, memory, and land remain inseparable and alive. The hearings become spaces where the echoes of nineteenth-century land dispossession are invoked not just as historical injustices, but also as active warnings and calls to action. In doing so, these statements link historical trauma and present-day resistance, maintaining their distinct identity and continuity. Protecting Oak Flat then becomes a powerful affirmation of the Apache people's right to shape their future on their own terms.

## *Chapter 2: Preliminary Conclusions*

The contemporary fight to protect sacred sites, like Oak Flat, is embedded in the historical experiences of dispossession and cultural suppression that defined the nineteenth century for Western Apache communities. As this chapter has shown, present-day testimonies given in courtrooms and congressional hearings do more than argue against environmental destruction, as they reclaim history as a tool of resistance. Speakers invoke creation stories, ceremonies and cultural practices, and ancestral memory to expose how current land transfers reflect a broader legacy of broken treaties and ignored responsibilities. In doing so, they link their opposition to the Oak Flat mining project to a much older struggle for identity and survival, already present in the nineteenth century.

The testimonies challenge the assumption that Indigenous culture is dead, by ensuring that their ceremonies are existing traditions inseparable from the land. They affirm that land is not symbolic, and that it is in fact essential to spiritual continuity and collective identity. In voicing these truths publicly, Apache activists and their allies reassert sovereignty. Thus, these hearings become settings where historical trauma meets present-day advocacy, and where memory becomes both a warning and a form of agency.

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<sup>72</sup> John R. Welch, 'Hearing on Motion for Preliminary Injunction, Reporter's Transcript of Proceedings, U.S. District Court for the District of Arizona, 3 February 2021. [https://www.biologicaldiversity.org/campaigns/oak\\_flat/pdfs/lawsuit-20210203-Apache-Stronghold-TRANSCRIPT-CV-21-00050-PHX-SPL.pdf](https://www.biologicaldiversity.org/campaigns/oak_flat/pdfs/lawsuit-20210203-Apache-Stronghold-TRANSCRIPT-CV-21-00050-PHX-SPL.pdf)

## Chapter 3

### Revitalizing Heritage and Resisting Erasure

The previous two chapters showed how practices and sacred sites hold deep spiritual meaning while also reflecting a history of struggle. This chapter shifts its focus to examine how, in resisting the destruction of these cultural elements, cultural heritage is being revitalized and put into action in response to current threats. As the fight to save Oak Flat intensifies, Western Apache communities, particularly grassroots and youth-led groups, are restating historical practices through new channels, such as educational programs and digital advocacy. These efforts do not signal a break with tradition, but rather its renewal, affirming the resilience of Apache cultural life across generations.

At the same time, these efforts raise complex questions. Defending sacred land often requires revealing cultural knowledge that has historically been protected to prevent destruction. Therefore, this chapter will also examine both the outward-facing strategies of resistance, and the internal conversations they provoke within Apache communities. By doing so, it highlights how present-day activism is not only a fight for land, but also an ongoing negotiation over how to sustain Indigenous identity in ways that honor the past while confronting the realities of the present.

#### *Apache Stronghold and Youth Organization*

The current activism around Oak Flat is deeply rooted in local grassroots leadership, with its forefront occupied by community members who have a personal connection to the land. At the center of this activism lies Apache Stronghold, founded in 2015 by Wendsler Nosie Sr. following the Southeast Arizona Land Exchange and Conservation Act of December 2014.<sup>73</sup> Though the organization itself is recent, it builds on generations of resistance, thus continuing long-standing efforts to defend sacred land from external threats. As outlined in Chapter 1, these efforts stretch from nineteenth-century defenses of ancestral territory to current legal and cultural initiatives to preserve ceremonial life. Apache Stronghold is an intergenerational organization, which brings together elders, youth, and allies to defend Oak Flat through prayer, protest, education, and legal action. A defining feature of this grassroots resistance is the central role of the younger generations. Naelyn Pike, granddaughter of Nosie and a leading voice in the movement, has repeatedly testified on behalf of the Western Apache youth by regularly mentioning the importance of the generations that will come after her. As she put it, “Native youth understand that it is now our responsibility to stand together proudly and ensure our culture is being protected,” underscoring how the movement frames youth not just as

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<sup>73</sup> Apache Stronghold, ‘about us’, <http://apache-stronghold.com/about-us.html>

future leaders, but as active stewards of tradition in the present.<sup>74</sup> The movement reaffirms survivance by centering the future of Apache culture in the voices of youth, a term defined by both survival and resistance. In this context, survivance not only celebrates this cultural continuity, but also the continuation of historical resistance to colonial suppression, including forced relocations and cultural erasure initiated in the nineteenth century.<sup>75</sup> Youth participation is used purposefully within this movement, since young leaders like Pike represent continuity and the capability of the next generation to carry forward ancestral values in new forms.

Apache Stronghold's strategic use of social media has amplified their message far beyond Arizona. Pike, for instance, was photographed in traditional attire holding a bow and arrow in the center of Times Square, powerfully merging past and present, as well as ritual and resistance, in one single image.<sup>76</sup> According to Parkhurst, such visual activism represents a form of survivance that reframes Indigenous activism from tragedy to persistence. By turning to digital platforms, Apache Stronghold has been able to avoid mainstream media filters, giving them greater control over how their stories are told and shared to a wider audience. This use of social media fits within a long line of Apache resistance strategies, now adapted to fit the tools of the present. Through nineteenth-century armed defense of sacred land, and, more recently, through twenty-first-century courtroom and legislative battles, each generation has drawn on cultural heritage to defend sovereignty. Social media activism continues this trajectory by using visibility as a political tool. Through actions such as public demonstrations and encampments at sacred sites, they have created connections with other activist communities and allies, strengthening alliances and amplifying their message of resistance and preservation.<sup>77</sup>

### *Revitalizing Heritage Through Intergenerational Practice*

The efforts of Western Apache communities to protect and revitalize their cultural heritage build on a long history of resistance to colonial suppression. Since the nineteenth century, when ceremonial practices were targeted through military violence and forced assimilation, Apache cultural survival has depended on the transmission of knowledge across generations. Today, that same commitment continues, particularly through educational programs by members of the community. Elders of Apache communities play a central role in teaching youth about ceremony, language, and sacred relationships to their ancestral land, grounded in Apache values of intergenerational teaching.

While these initiatives often take place in contemporary settings, such as schools or public health programs, they are ingrained in historical practices that have long sustained Apache identity.

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<sup>74</sup> Pike, "The Irreparable Environmental and Cultural Impacts of the Proposed Resolution Copper Mining Operation", 4.

<sup>75</sup> Parkhurst, "Protecting Oak Flat", 1-2.

<sup>76</sup> Ibidem, 10.

<sup>77</sup> Ibidem, 12-15.

This approach also reflects the concept of survivance, mentioned before as the combination of survival and resistance. Here, survivance is portrayed more as the active presence of Indigenous culture as a form of defiance against cultural erasure.<sup>78</sup> Importantly, survivance is not a new response to modern challenges, but rather a persistent strategy that has shaped Apache life since the nineteenth century. Whether through secret ceremonies held under government threat, or teaching in schools once built for assimilation, the continued enactment of culture stands as a form of political and spiritual resistance. Thus, these efforts keep Apache heritage alive by actively carrying it forward.

Education plays a central role in supporting intergenerational transmission. Elders, who have always been trusted keepers of cultural knowledge, are now helping guide the next generation by passing on traditions and supporting ongoing resistance. The White Mountain Apache Tribe's public health initiative, as described by Cwik et al., offers an example of such an educational program. The program, titled 'Let Our Apache Heritage and Culture Live on Forever and Teach the Young Ones', focuses on middle school students and uses traditional knowledge to strengthen cultural identity as a form of suicide prevention, as the suicide rates within Native American communities are much higher than the national average.<sup>79</sup> These efforts can be understood as part of a broader historical response to the trauma inflicted by land dispossession and forced assimilation policies of the nineteenth century, which severely disrupted the Apache way of life. Here, the preservation and reconnection with language, ceremony, and spiritual practices is tied directly to the health and well-being of the community. Field trips to sacred sites are included to base teachings on their geographical context, further strengthening the relationship between youth and the land.<sup>80</sup> Additionally, this specific curriculum was also taught at the Theodore Roosevelt School, originally Fort Apache and later a boarding school designed for forced assimilation and cultural erasure, as was already mentioned in the first chapter. This curriculum being taught at this school specifically, symbolizes a reclaiming of space and narrative, where once culture was suppressed and is now actively nurtured.<sup>81</sup>

These initiatives are also reflecting in an expanding emphasis on Indigenous-led research and community-driven heritage preservation work that reaches beyond the reservation. Laluk argues that Apache archaeology must align more closely with "Indigenous ways of knowing", especially by valuing storytelling and memory as legitimate sources of knowledge.<sup>82</sup> Instead of organizing history by linear dates and Western chronologies, Apache tradition emphasizes 'where' above 'when', as is also Keith Basso's main emphasis in his *Wisdom Sits in Places*.<sup>83</sup> Cultural continuity is maintained through stories tied to specific locations and keeping those places alive and intact. When Apache

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<sup>78</sup> Parkhurst, 'Protecting Oak Flat', 13-15.

<sup>79</sup> Cwik, M. et al., "'Let our Apache Heritage and Culture Live on Forever and Teach the Young Ones': Development of The Elders' Resilience Curriculum, and Upstream Suicide Prevention Approach for American Indian Youth', *Am J Community Psychol*, 64 (2019), 139.

<sup>80</sup> Ibidem, 137-138.

<sup>81</sup> Ibidem, 142.

<sup>82</sup> Laluk, 'The indivisibility of land and mind', 107.

<sup>83</sup> Basso, *Wisdom Sits in Places*.

researchers or partners lead these efforts, the knowledge produced reflects the priorities of the community, and reflects their cultural logic. Not only is this beneficial for internal cohesion, it also counters the misunderstanding and exploitation that often results from non-Indigenous-led research. In that sense, Indigenous-led academic work becomes a form of activism in itself, resisting dominant narratives and reclaiming intellectual sovereignty.

Further educational projects are built on similar goals. Through her Mescalero-Buffalo Soldiers Archaeological Project, King sought to introduce students of diverse backgrounds, particularly those from underrepresented communities in academia, to the possibilities of working in heritage-related fields. Between 2004 and 2006, this program combined archaeological fieldwork with intergenerational exchange. Elders of the Mescalero Apache Tribe shared their knowledge of traditional sites, carrying forward a lineage of knowledge transmission, while students physically worked with the sources.<sup>84</sup> One especially powerful moment involved students being invited to witness a coming-of-age ceremony. These ceremonies are rarely shared with outsiders, and their inclusion reflects the level of trust and significance attached to the project. It also reinforced one of King's main points: that students need access to knowledge, as well as the possibility to physically engage with the spaces and practices that this knowledge is attached to. Creating these learning environments can transform abstract respect for culture into lived experience and future cultural heritage stewardship.<sup>85</sup> In doing so, these projects also represent a reclamation of intellectual and cultural autonomy, reversing the legacy of colonial policies that once aimed to sever Indigenous youth from their culture through boarding schools.

All of these efforts, whether focused on education or research, reflect the community's commitment to both protect and revitalize. Once again circling back to survivance, as Parkhurst emphasizes, it becomes clear that it is not merely a defensive stance against loss. In fact, it is a celebration of presence and persistence. At the same time, it represents a conscious effort to revive cultural practices and values predating colonial oppression, in defiance of a legacy shaped by forced assimilation. Culture is not frozen in time, nor is its survival passive. Instead, its daily enactment in classrooms, ceremonies, fieldtrips, and research centers becomes a declaration of this continuity. Apache youth embody this spirit of resistance, as learning about their culture is a means of carrying it forward, symbolizing the future of their people.<sup>86</sup>

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<sup>84</sup> King, 'Buffalo Soldiers, Apaches, and Cultural Heritage Education', 221-225.

<sup>85</sup> *Ibidem*, 225-228.

<sup>86</sup> Parkhurst, 'Protecting Oak Flat', 13-15.

### *Tension Between Sacred Privacy and Public Exposure*

The previous chapter already highlighted the caution with which many Western Apache speakers addressed their cultural traditions during public testimonies, often carefully navigating what could be shared and what should stay private. This caution becomes even more pronounced when sacred knowledge is discussed outside the courtroom, particularly in educational and activist contexts. The longstanding emphasis on privacy around ceremonies, which is deeply rooted in generations of forced assimilation and cultural erasure, has taught many Indigenous communities to guard their traditions closely. Yet, in the fight to protect places like Oak Flat, this protective instinct is increasingly challenged by the need for visibility and understanding.

During the 2021 preliminary injunction hearing, already discussed in Chapter 2, Nosie gave voice to this internal struggle: “And so forgive me and Naelyn, you know, we are giving you a lot more than anybody has even gotten (...). But it does hurt me, because it’s like our religion is being on trial”.<sup>87</sup> Besides personal vulnerability, his words convey a broader community dilemma: defending sacred land sometimes means exposing sacred knowledge to institutions that have historically disrespected it. This dilemma also surfaces in education-based cultural preservation. In developing the culturally grounded ‘Let Our Apache Heritage and Culture Live on Forever and Teach the Young Ones’ curriculum, Apache Elders acknowledged that formal instruction could conflict with their oral traditions, which are very community-based. However, after thorough discussion, they decided that the strengths of this suicide prevention curriculum outweighed the limitations and concerns, reflecting a commitment to cultural survival over strict adherence to conventional methods.<sup>88</sup> By prioritizing cultural continuity and mental health, especially among younger generations, they found a way to revitalize tradition without abandoning its core values. Across both legal and educational spaces, Apache leaders and elders show that sharing knowledge can be an act of both vulnerability and resistance, made with a deep awareness of what is at stake, and a profound hope for culture perseverance.

### *Chapter 3: Preliminary Conclusions*

To conclude, this chapter has explored how present-day Apache resistance draws strength from historical continuity, activating long-standing cultural practices and values in response to contemporary threats. Whether through the grassroots leadership of Apache Stronghold, youth-centered activism, or educational initiatives led by elders, each effort represents a continuation of the struggle for cultural survival that began in the nineteenth century. While modern tools such as social

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<sup>87</sup> Nosie, ‘Hearing on Motion for Preliminary Injunction’, 68-69.

<sup>88</sup> Cwik et al., “‘Let our Apache Heritage and Culture Live on Forever and Teach the Young Ones’”, 139.

media and legal testimony offer new platforms for expression, they are rooted in traditions of ceremony, intergenerational teaching, and land-based knowledge that still serve as the foundations of Apache identity. These acts of resistance are strategic renewals of cultural frameworks shaped by past experiences of dispossession and forced assimilation. Additionally, navigating the complex balance between safeguarding sacred knowledge and making it visible to protect sacred sites has shown that Western Apache communities affirm the continuation of their cultural survival, carried forward with the same determination that has sustained them through generations of dispossession.

## **Conclusion**

Western Apache activism around their sacred land, particularly Oak Flat, cannot be understood without recognizing the historical currents that continue to shape it. In this study, I have examined how present-day resistance directly draws on nineteenth-century struggles over land and identity, mobilizing memory, ceremony, research, and education as tools of cultural survival.

In the first chapter, I laid the historical and cultural foundation for this study by centering the significance of land in Western Apache worldviews. Through creation stories and ceremonies, the land is seen as a living being, strongly connected to identity through ancestry. This worldview was disrupted in the nineteenth century by westward expansion, mining, and federal policies that dispossessed the Western Apache and confined them to distant reservations. Ceremonies were suppressed, and children were subjected to forced assimilation through boarding schools. Despite these efforts of cultural erasure, traditions like the Sunrise Ceremony and Sweat Lodge endured, sustaining intergenerational knowledge. This first chapter demonstrated how the traumas of the nineteenth century remain central in Western Apache memory and continues to shape present-day resistance.

The second chapter examined how historical memory is actively mobilized in contemporary activism, focusing on the legal defense of Oak Flat. Through testimonies and statements, it became clear that these are not just legal arguments, but actually expressions of cultural identity through invoking ancestral memory, as speakers like Wendsler Nosie Sr. and Naelyn Pike have done. The 2014 Oak Flat land exchange bypassed Indigenous consultation and environmental review, which reflects the broken promises and power imbalances of the nineteenth century. Through testimonies specifically, it becomes clear that Oak Flat is both a symbolic site and a living one, on which their culture is built. Losing it would mean a rupture in their identity and ceremonial continuity that cannot be fixed. Many voices outside the San Carlos Apache Tribe have joined in solidarity of this movement. These external

contributions frame the conflict to be part of something far outside Oak Flat alone, as it becomes part of a broader, historically grounded struggle for Indigenous sovereignty and heritage preservation.

Lastly, the third chapter explored how Western Apache communities revitalize longstanding practices and historical strategies of resistance through modern initiatives. The activist organization Apache Stronghold exemplifies this continuity. Though recently founded, it draws on generations of resistance, uniting Elders and youth in their defense of Oak Flat. Youth figures like Pike are central to this effort, embodying survivance as they carry forward ancestral values with the use of contemporary tools to reclaim narratives and raise awareness. Still, Elders remain at the heart of these revitalization efforts, guiding intergenerational teaching and shaping local educational initiatives. One example is the culturally grounded suicide-prevention program, which strengthens identity through reconnection with language and ancestral knowledge. Its implementation at a former boarding school highlights a powerful reversal, as transforming a site of cultural erasure into one of cultural renewal flips the narrative. However, these revitalization efforts also raise internal tensions, as communities must carefully choose what knowledge is shared and what is kept private, as much has been destroyed in the past due to sharing too much.

With this, it is now possible to answer my research question: “How do present-day Western Apache activists invoke nineteenth-century struggles over land to defend sacred sites, such as Oak Flat?” At the core of this resistance is the belief that land is inseparable from identity. This worldview, grounded in their creation stories, still persists despite centuries of cultural suppression and the dispossession of land. The nineteenth century did not extinguish Western Apache cultural life, but instead reshaped it into a framework of resistance through remembrance. That legacy continues today, with activists drawing on this very history to win their sovereignty back. Testimonies function as warnings and calls to action through which speakers talk about how land dispossession still occurs to this day. Through their stories, activists reveal how the tactics of dispossession have changed in form but not in effect. This historical awareness also informs the educational initiatives where Elders teach youth the practices that were once banned, taking back spaces like Fort Apache to reclaim and reinterpret their significance. Although sharing sacred knowledge still causes anxiety, many recognize that revitalization outweighs the risks, and that teaching youth about the culture is what takes it forward. Survivance becomes embodied in both these teaching practices and new tools of expression, such as Indigenous-led research and social media, since these strategies give Western Apache communities control over how their stories are told and remembered. In this way, contemporary activism continues the resistance of the nineteenth century, turning cultural memory into a powerful instrument for defending sacred sites and asserting Indigenous control in the present.

Future research could build on this study by exploring revitalization efforts in other Indigenous communities at a more localized level. Examining how different groups interpret present-day threats through the lens of the nineteenth century could reveal unique or shared responses in relation to this study. Additionally, comparative studies between Indigenous communities across North

America would offer valuable insights into how diverse Indigenous communities have remembered and mobilized their histories. Of course, I am of the opinion that this type of research on a more professional scale should be done with the help of Indigenous voices, at least, to avoid misinterpretations. Such studies would contribute to a richer understanding of how Indigenous peoples continue to shape history, not only through ongoing action, but also through the use of ancestral memory.

The Western Apache case, and Oak Flat in particular, shows how history does not remain in the past. It lives inside of the land, and the words of those who continue to speak up for its defense. In that sense, defending Oak Flat is not just about stopping this mine. It is about asserting that their story is not over, and that their presence, like the land itself, will last.

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