

# THE WALL STREET JOURNAL.

## The Case for Protecting the Apaches' Oak Flat

*If the sacred site can be sacrificed for corporate profit, no religion is safe.*

Letter | September 17, 2025



The Oak Flat area of Superior, Ariz. PHOTO: ASSOCIATED PRESS

In defending the annihilation of an Apache sacred site, William P. Barr suggests that religious freedom ends at the walls of one's "own home or private place of worship" ("[Dubious Religious Liberty Case Against an Arizona Copper Mine](#)," Cross Country, Sept. 13). That is a chilling and ahistoric view.

Oak Flat has been sacred to Apaches since before our nation existed. It is their Temple Mount, the site of sacred rituals that can't occur elsewhere, which is why the government has protected it for generations. The proposed mine would swallow it in a massive crater, ending private religious use forever.

The former attorney general says government can do what it wants with public land, even destroying sacred sites, so long as it doesn't specifically target "religious worship." But Justices Clarence Thomas and Neil Gorsuch recently [rejected](#) this view as "extraordinary," supported by "exactly nothing" in federal law and resting on logic the court has "emphatically rejected" as "absurd."

Mr. Barr suggests that governing would be "impossible" if anyone could simply "deem" a site "sacred." But that's a straw man. The reason religious-freedom law protects Oak Flat is that Apaches use that discrete location for irreplaceable religious ceremonies—and the government's proposal would obliterate it. That marks a sharp break from the government's [longstanding practice](#) of protecting sacred sites whenever possible.

Federal civil-rights law expressly protects the use of "real property for the purpose of religious exercise." That's why the Biden administration had to back down after trying to keep Catholics from celebrating Mass at a military cemetery. This standard protects everyone, which explains why Catholics, Protestants, Jews and others have joined us in defending Oak Flat.

Mr. Barr asserts that "there is no long history of using Oak Flat for ceremonies." But the federal government itself recognizes the longtime religious use of Oak Flat, based on extensive testimony. The National Park Service [concluded](#) that it is a key Apache sacred site that "has been persistently utilized and occupied for the past 1,500 years."

Mr. Barr also says the destruction is a "carefully crafted compromise" based on "consultations" with tribal groups. That's news to all 22 of the federally recognized tribes in Arizona, which uniformly and vehemently oppose the mine. On the at least 12 occasions Congress has considered the matter in standalone legislation, it has failed. Instead, it was tacked onto unrelated appropriations legislation to avoid "compromise."

Last is the notion that extracting copper for the U.S. economy is more important than Apache religion. But there are plenty of ways to get more copper without obliterating sacred sites. If Oak Flat can be sacrificed for corporate profit, no religion is safe. As Justices Thomas and Gorsuch put it: "Popular religious views are easy enough to defend. It is in protecting unpopular religious beliefs that we prove this country's commitment to religious freedom."

## **Mark Rienzi and G. Marcus Cole**

*Washington and South Bend, Ind.*

---

*Mr. Rienzi is president of the Becket Fund for Religious Liberty. Mr. Cole is dean of Notre Dame Law School.*