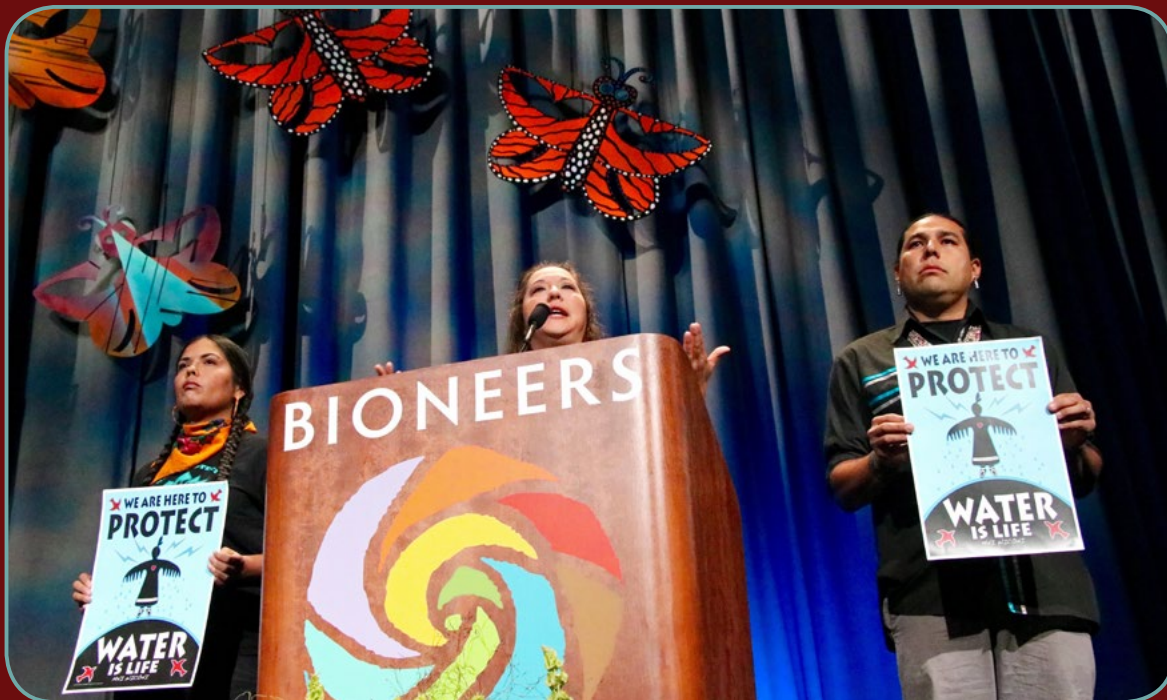


STANDING ROCK PRIMER

A guide to the people, places and events that took place
to put a stop to the Dakota Access Pipeline



A BIONEERS INDIGENEITY PUBLICATION

2017



July 10, 2017

What is the Standing Rock Primer?

The purpose of the Standing Rock Primer is to provide context to the Standing Rock occupation and demonstrations against the Dakota Access Pipeline.

In the fall of 2016, Bioneers hosted several water protectors, who came straight from Standing Rock to join us at the annual Bioneers Conference where they made a moving call for solidarity and shared what it was like to be on the frontlines on the Indigenous Rising[a1] Indigenous Forum Panel. Like Wounded Knee and Alcatraz of the historic American Indian Movement of our parents' time, we knew that Standing Rock represented our generation's ongoing resistance against 500+ years of genocide, colonization and environmental destruction. The ancestors of today's Lakota People knew the pipeline was coming when they told the prophecy of a terrible "black snake" that would bring destruction to everything in its path.

Summer and fall of 2016 witnessed the largest and most diverse gathering of Native Americans to ever assemble around a single issue: putting a stop to the proposed Dakota Access Pipeline, or #noDAPL. More than 10,000 Native Americans and non-Native allies occupied several demonstration camps to prevent the pipeline from being drilled under Lake Oahe, a human made lake at the confluence of the Missouri and Cannonball rivers about a half a mile upstream from the Standing Rock Reservation. More broadly, #noDAPL was a fight against irreparable environmental damage caused by the faceless corporate greed of the fossil fuel industry.

What happened at the camps on the edge of the Standing Rock Reservation is hard to understand for those who were not there. Camp life was structured around the embodiment of ceremony, rooted in traditional practice and mindfulness, although there were minor controversies over whether a handful of non-Native allies treated the camps as a sort of "exotic protest tourism." Many of our friends and colleagues returned from the camps forever changed, and have spoken about leading a well-intentioned life since returning from Standing Rock.

Amazing things happened at the Standing Rock camps. Leadership began to restore a traditional council government. According to one of our sources, Native youth suicide rates plummeted from among the highest in the nation to zero during that time. The permit to construct the pipeline was pulled by the US Army Corps of Engineers. But, the black snake was not easily defeated. Treaty violations, human rights abuses, misuse of government power, and rampant corruption were rife throughout the conflict, culminating in an Executive Order signed by Donald Trump to fast track the pipeline construction in January 2016.

At the time this is written, construction on the Dakota Access Pipeline has been completed without a full environmental review, including over 200 underwater crossings, it has begun pumping oil, and it has already had its first crude oil spill. Despite this, we are still hopeful that the Dakota Access pipeline can still be stopped for its numerous violations of environmental, human, and treaty rights setting a precedence for future pipelines.

While it was easy for our community of family, friends, and colleagues to understand that this pipeline violated treaty and human rights to a safe water supply, the story of the movement has been hard to follow. Similar to the 2010 Arab Spring revolution, #noDAPL supporters were able to access information as events unfolded through social media channels. The mainstream media largely ignored this issue, and when it did report on what was happening on the front



lines, it typically presented biased versions. Likewise, social media and daily news feeds only brought small pieces of the story, and it was difficult to situate what transpired in relation to larger movements and issues, like treaty rights, human rights, and environmental rights.

We wrote this primer to a general audience that can include students, organizers, or anyone interested in Standing Rock. Millions of people worldwide care about what happens at Standing Rock. They understand that #noDAPL represents a fight to protect water and land for generations to come. But, with a lack of comprehensive and unbiased media, we also know that it is difficult to find a trustworthy source to learn more about what's at stake and what happened at Standing Rock. This primer was written to provide more information about the Standing Rock movement in relation to people, place, and the events that occurred in the fight against the Dakota Access Pipeline. It is written from an Indigenous perspective reflecting our values and worldviews.

This primer is divided into three main parts. Part I, "What is Standing Rock?," provides background information to better understand the issues surrounding the Standing Rock #noDAPL occupation. Part II, "Standing Rock Timeline," provides a month-by-month account of the on the ground and legal battles against the Dakota Access Pipeline. Part III, "Laws the Pipeline Breaks," presents an overview of violations against environmental health, safety and human rights. With cooperation from the US Army Corps of Engineers and fast tracked under the Trump administration, Energy Transfer Partners has manipulated the law to fast track the pipeline construction in violation of numerous laws in place to protect human rights, health and safety. Federal judges have already ruled against the Standing Rock and Cheyenne River Sioux Tribes' lawsuits based on the Religious Freedom Restoration Act and the National Historic Preservation Act. However, we are hopeful that arguments yet to come around the numerous violations of the National Environmental Protection Act will put an end to Dakota Access Pipeline and set a precedence to prevent the black snake from multiplying across North America.

To learn more, see the Bioneers Indigeneity Program videos:

"What You Need to Know about Standing Rock"
www.bioneers.org/standingrockviolations

"Indigenous Rising – Solutions to the Climate Crisis"
www.bioneers.org/indigenusrising

Sincerely,

The Bioneers Indigeneity Team



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STANDING ROCK PRIMER

Indigenous Rising: Solutions to the Climate Crisis

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** Terms appearing in the glossary are bolded the first time they appear in the text.*

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WHAT IS STANDING ROCK?



ANŞE GURSOZ, INDIGENOUS RISING MEDIA

Water Protectors on the frontlines at Standing Rock

A PEOPLE

A PLACE

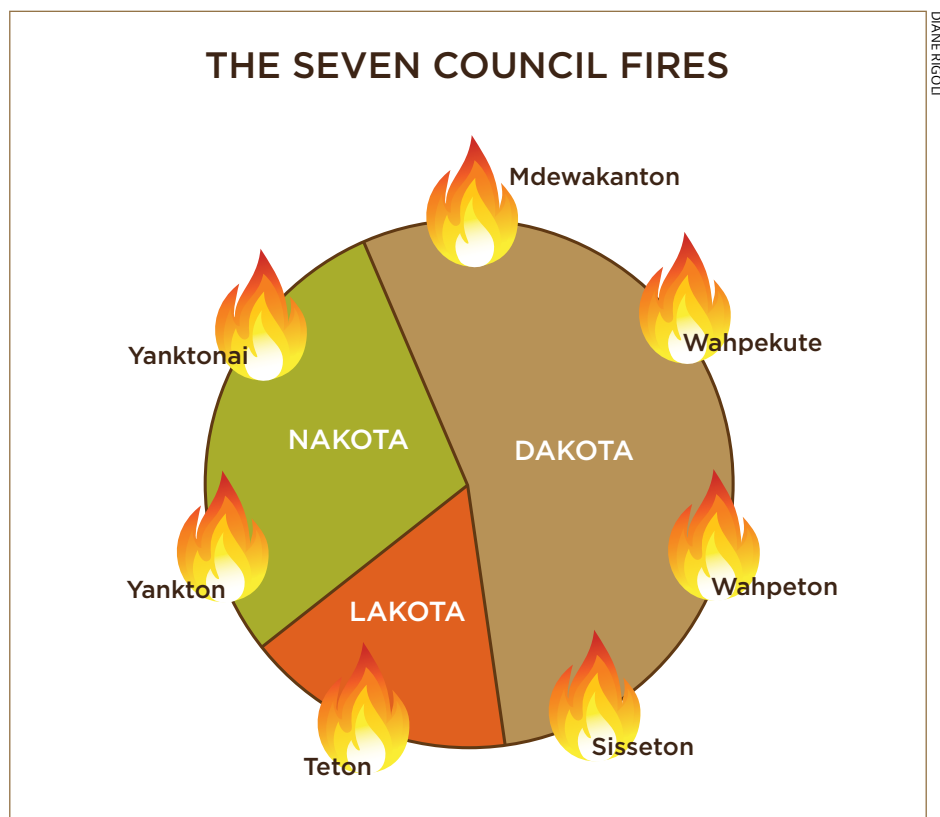
A MOVEMENT

“Standing Rock” means many different things. It stands for a group of people, a place and a movement. As a people, it points to the people who make up the Oceti Sakowin, Council of the Seven Fires, Native Americans, and Indigenous Peoples. As a place, Standing Rock is an American Indian reservation, home to many members of the Standing Rock Sioux tribe. As a movement, Standing Rock represents Indigenous Peoples, allies and accomplices in the fight against corporate interests fighting to protect water, air and land for all people.



A PEOPLE: OCETI-SAKOWIN

STANDING ROCK IS ABOUT A PEOPLE. Oceti Sakowin (Och-et-ee shak-oh-win) is a word in the Siouan language that means “the council of the seven fires,” and it is the proper name for the Lakota, Dakota, and Nakota peoples also known as the Sioux.



Depiction of the Oceti Sacowin Seven Council Fires

While each of the groups represented by the seven fires are a part of the Oceti Sakowin, each maintains cultural, linguistic, territorial, and political distinctions from each other. These sub-divisions had political, trade, and kinship relations with each other, and many people who identify as a member of one community have relatives or some kind of connection to other groups.

Members of the contemporary Standing Rock Sioux Tribe hosted and played a key role in the fight against the Dakota Access Pipeline. 15,568 enrolled tribal members include Yanktonai Dakota, Hunkpapa Lakota and Sisasapa Lakota peoples.



WHAT'S IN A NAME: EXONYMS VS. ENDONYMS?



Map of North American Tribal Nations

Knowing what name to use for an Indigenous community can be confusing. A member of the Standing Rock tribe might call themselves “Native American,” “Sioux,” “Indian,” or “Lakota.” They might use all these terms interchangeably; they might choose different terms depending on who they are talking to, or they might prefer one term over another.

Exonym: a name used to describe a group by an outside group using another language than that of the group itself

The word “Indian” was applied to the Indigenous Peoples to the Americas, after Christopher Columbus mistakenly thought he reached India. Even after it was clear that the peoples of the American Continents were not Indians from India, the term stuck.

The term “Sioux” is derived from an Ojibwe label, “Nadouwesou” that was shortened to the last syllable by French traders.

Endonym: a name used to describe a group by the group itself using their own language

The terms, Oceti Sakowin, Lakota, Dakota and Nakota, are words that the people use to describe themselves in their own languages.

Rule of thumb: When in doubt, use the “endonym,” or the name people refer to themselves in their own language.



Standing Rock Sioux Tribal members are Native Americans, and even more broadly, Indigenous peoples. There are more than 370 million Indigenous peoples across 70 countries worldwide. They are descendants of those who inhabited a country or geographical region prior to the arrival of settlers of different backgrounds who became dominant through conquest, occupation, settlement or other means.

CHARACTERISTICS OF INDIGENOUS PEOPLES



Indigenous Peoples at the United Nations

- Self-identification and accepted by the community
- Historical continuity with pre-colonial/pre-settler societies
- Strong link to territories and surrounding natural resources
- Distinct social, economic and political systems
- Distinct language, culture and beliefs
- Form non dominant groups in society
- Maintain and reproduce their ancestral environments and systems as distinct peoples and communities



A PLACE: OCETI SAKOWIN OYATE TERRITORY

The Standing Rock Reservation straddles the border between North and South Dakota, but it represents only a small fraction of *Oceti Sakowin* land at the time settlers arrived. In less than 100 years, Oceti Sakowin territories were reduced from a territory that stretched across present-day Nebraska, South Dakota, North Dakota, Minnesota, and Iowa to the contemporary reservation borders marked in red on the image.

In 1825, President James Monroe first proposed the concept of a “permanent Indian frontier” to lands west of the Mississippi to separate Native Americans from the European-descent settler population. But, when gold was discovered in California in 1849, settlers began to cross through Indian lands, setting off a series of confrontations, which set in motion the 1851 **Treaty of Fort Laramie** made between the US federal government and “head chiefs” that the US government forced Indian nations to appoint for negotiation purposes. Within this context, the Treaty defined territory for each tribal group and established a road that settlers could travel through to California.

The Territory of Dakota was created through an Act of Congress in 1861. This Act required that tribes must consent to giving up their land, stating that, “nothing in this act. . . shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians...” “[i] The Oceti Sakowin affected by this Act have never agreed for their land to become included in the Territory of Dakota by treaty or any other means, rendering it as **unceded territory**.

It is important to understand that the treaty was meaningless in terms of the political processes of the *Oceti Sakowin* included in it, because appointed chiefs could not make decisions without their peoples’ group consensus. As a result, tribal members who were not informed of the illegitimate treaty from their nation’s perspective did not obey boundaries set forth by the treaty. Likewise, settlers did not stick to the approved route, and traveled through Indian territory without permission, which set the stage for further conflict.

To pave the way for more settlers, the US Government renegotiated the terms of the Treaty of Fort Laramie in 1868, confining tribal members to the Great Sioux Reservation. But, it wasn’t enough to support growing American wants for subsurface resources to mineral deposits, and ownership of surface resources for farming. In 1874, gold was discovered in the Black Hills within the Great Sioux Reservation, leading to an 1877 Act of



Oceti Sakowin Treaty Boundaries



Tribal and US Government delegates sign the 1868 Treaty at Fort Laramie.

Congress that took the Black Hills from the Dakota and Lakota and extinguished their hunting rights to their unceded territories. As pressure to accommodate even more settlers through the 1887 **General Allotment Act** grew, the 1889 Sioux Act resulted in the breakup of the Great Sioux Nation into six smaller territories, resulting in the establishment of the Standing Rock reservation in 1890.



KNOW YOUR HISTORY: AMERICA WAS BUILT ON GENOCIDE AND BROKEN TREATIES

The United Nations defines **genocide** as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group.

The US often refers to itself as a “nation of immigrants,” but millions of Native Americans lived here before European explorers and merchants like Columbus arrived, so this is a misleading term. When European explorers first arrived, they saw for themselves that every single bit of land in North America is Native American land. This means that when immigrants settled America, they had to negotiate with existing Native Peoples for land through treaty agreements, which were often signed under difficult conditions for Native

peoples, or take Native land by force. The new settlers commonly obtained land by killing Natives through warfare and disease, or by forced relocation and slave labor under the threat of violence. It is estimated that 90% of Native Americans, 50-60 million people, were killed through the North American genocide that paved the way for European settlement in North America^[1].



Mass execution of Native Americans recorded in the book, Brief Account of the Devastation of the Indies, published in 1552.

“[The Spaniards] took babies from their mothers’ breasts, grabbing them by the feet and smashing their heads against rocks. . . They built a long gibbet, low enough for the toes to touch the ground and prevent strangling, and hanged 13 [natives] at a time in honor of Christ our Savior and the 12 Apostles. . . Then, straw was wrapped around their torn bodies and they were burned alive.”

– Bartolomé de las Casas

Another Before the United States existed as a nation, the Spanish, British, French, and Russian governments oversaw the exploitation and settlement of North America, funding armies and company employees to obtain Native lands.

This process in which foreign people move into a region that is already occupied and take over land under the direction and support of a larger government is called settler colonialism.

After the establishment of the United States of America, the US government continued to mastermind, fund and execute various genocidal tactics to clear land so that new immigrants could permanently settle. One of these strategies was to force Native Americans onto reservations established through the treaty process.

The US government used treaties as a way to extinguish Indian rights to ancestral homelands. It is important to understand that many treaties were signed under pressure, such as after devastating military attacks killing Native women and children. Federal and state officials have broken hundreds of treaties, and even deliberately avoided making them with existing tribal nations.

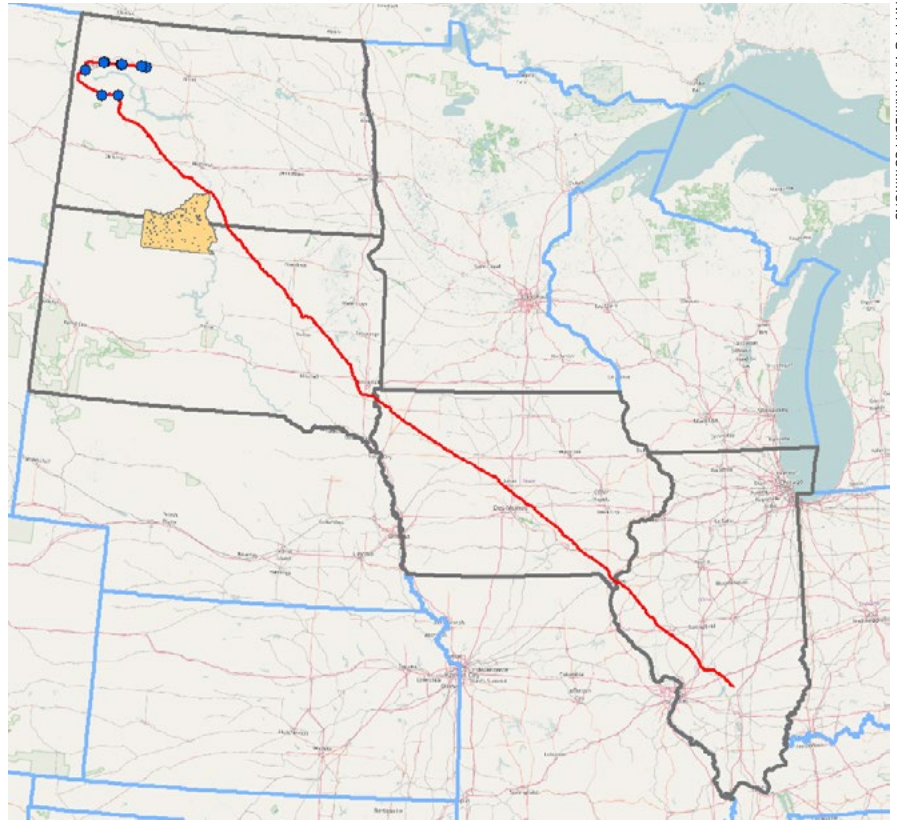
^[1] See, e. g., David E. Stannard, *American Holocaust: The Conquest of the New World* (New York: Oxford University Press, 1992). Stannard’s argument for genocide accepts high numbers for the pre-Columbian population, though he argues against the “inadvertency” of disease, instead emphasizing it as one of many intersecting factors related to European colonialism of the Western Hemisphere.



A MOVEMENT: RESISTANCE TO THE FOSSIL FUEL ECONOMY

Standing Rock is probably best known as a the social movement, often referred by the hashtag, #noDAPL, that emerged in 2016 in an attempt to stop the proposed Dakota Access Pipeline. The purpose of the 1,721,200 mile pipeline's purpose pipeline is to transport fracked oil from the Bakken Formation subsurface oil fields in North Dakota to existing pipelines in Illinois. Broadly, the #noDAPL movement protested the fossil fuel-based economy contributing to global climate change. More specifically, they opposed the pipeline's plan to cross under the Missouri River where it meets the Cannonball River and feeds into Lake Oahe, the source of drinking water for the Standing Rock Sioux Reservation. This crossing, where the two rivers meet, is a very sacred site for Native Peoples. According to the Mandan origin story, this is the place where their ancestors came into the world after the great flood. Before the US Army Corps of Engineers rerouted waters in the 1950s, this place was the creation site of Inyan Wakháŋagapi Othí, spherical Sacred Stones (hence, the colonizer's name for it "Cannonball River"). The pipeline route would also destroy many other spiritually important places, including burial grounds, village sites, and places of ceremony and prayer.

The company behind the pipeline, Dakota Access LLC, received the permits it needed to construct the pipeline in March 2016. By April, the Camp of the Sacred Stone was



Dakota Access Pipeline Route

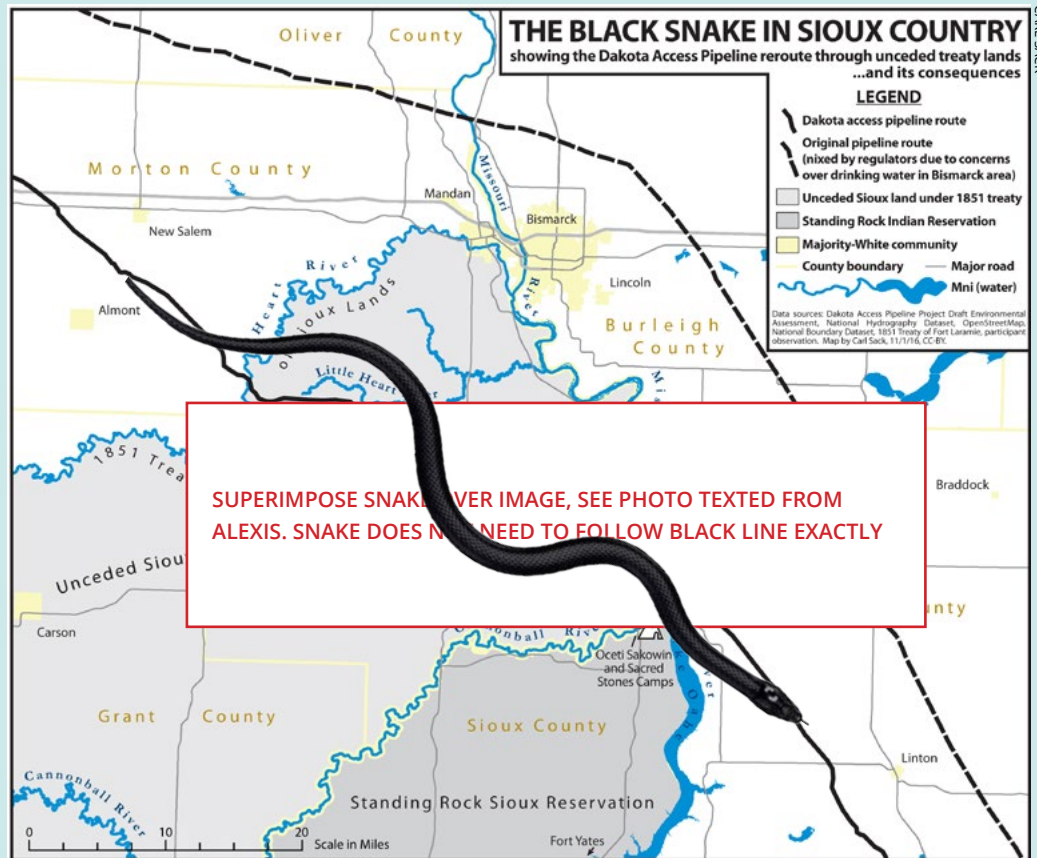
established on the property of Standing Rock Sioux tribal member, LaDonna Tamakawastewin (Brave Bull) Allard, to bring attention to the issue. Within a few months, more camps were established on federal land controlled by the US Army Corps of Engineers near the Cannonball River.

10,000 Indigenous Peoples from around the world (but, mainly North America) joined in solidarity to protest the pipeline. It became

the biggest and most diverse gathering of Native Americans working together to fight for their rights in centuries, possibly ever. Thousands more non-Native allies and accomplices—from farmers, to stay at home parents, veterans, and many more—came to stay and join the fight to protect water.



WHAT IS THE BLACK SNAKE?



The Manifestation of the Black Snake as a Pipeline

The movement against the Dakota Access Pipeline has deep roots in the Lakota (Sioux) belief system.

The *Lakota* tell a story of a black snake. Some call it a **prophecy**. In the Lakota prophecy, The black snake symbolizes a force whose instruction is to bring sickness and destruction to the communities. To the Dakota peoples, Many see the Dakota Access Pipeline is a manifestation of that black snake here to bring destruction and disease to the people and their lands.

On a broader level, the black snake stands in for a **neoliberal** modernity in which people's lives run on a cash economy and depend on fossil fuels. This modern way of life must destroy land, and in the process, harm the peoples who live closely with the land and have a spiritual relationship with it.



THE #NODAPL MOVEMENT TIMELINE

The following timeline lays out the important events that took place in the struggle against the Dakota Access Pipeline between December, 2014 and May, 2015.



GRAPHIC TO COME

possible angle diagonal direction of timeline to match pipeline

Insert timeline key dates overview here

December 2014: Pipeline Application

December 2015: Environmental Assessment Released

January 2016: Public Commentary

March-April 2016: Sacred Stone Camp Established

September 2016: Sacred Sites Bulldozed

November 2016: Violence Escalates

December 2016: Permit Denied!

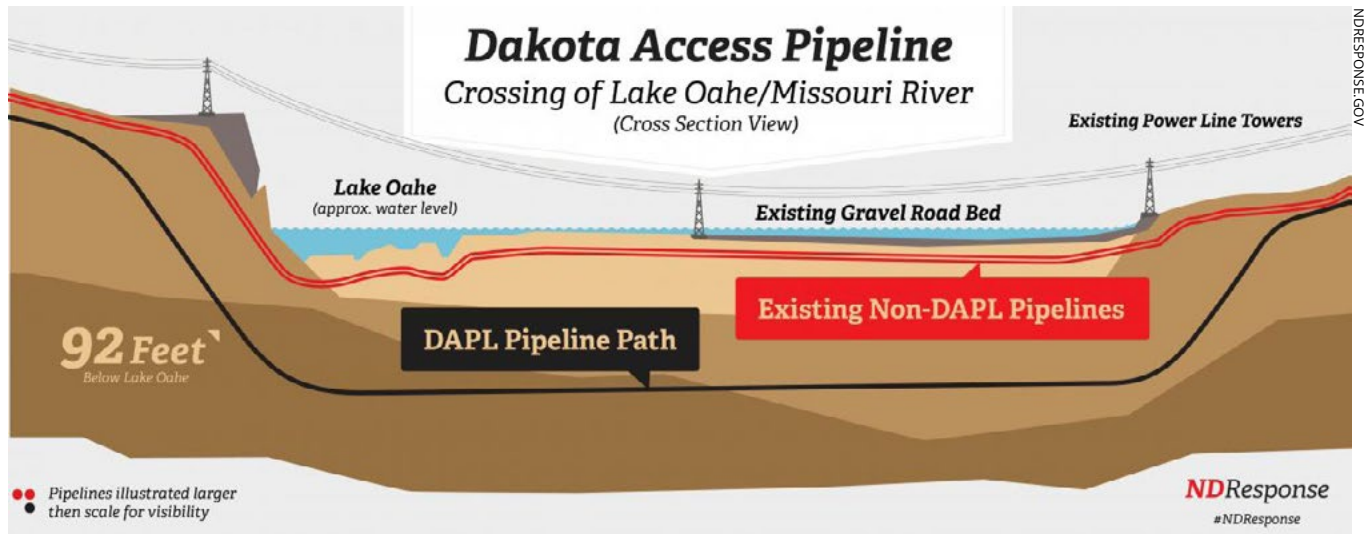
January 2017: Trump Orders Construction

March – May 2017: Pipeline Completed

June 2017: Legal Battle Continues



DECEMBER 2014: PIPELINE APPLICATION



IN DECEMBER 2014, ENERGY TRANSFER PARTNERS, the company behind the pipeline, applied to the Public Service Commission to build the Dakota Access Pipeline. Although most of the pipeline runs through private land, the plans called for a part of the pipeline to cross under rivers on federal land currently managed by

the US Army Corps of Engineers next adjacent to the present-day Standing Rock Reservation. Most of the pipeline runs through what is now privately owned land, meaning a private citizen or a company owns it and can theoretically decide to put a pipeline on it.



FEBRUARY 2015: EIS REQUESTED



George Washington's Home, Mount Vernon, is an example of cultural heritage.

IN FEBRUARY, THE US ARMY CORPS OF ENGINEERS asked the Standing Rock Sioux to identify historic sites protected under the **National Historic Preservation Act**, a law that protects places or buildings historical and archaeological sites that make up America's

history and what is called "**cultural heritage**." The tribe responded with a request for an **Environmental Impact Statement (EIS)** required under the **National Environmental Policy Act**.



WHAT IS CULTURAL HERITAGE?



Native American Heritage Sites

When construction is proposed on Native American land that includes historic sites of spiritual, cultural or historical importance, an application can be made to protect those sites under the National Historic Preservation Act, which can force construction to change locations or stop entirely.

Cultural heritage includes the tangible artifacts and intangible beliefs and practices developed by a community and passed on from generation to generation. It can include places, objects, customs, places, artistic practices and values. In addition to historical buildings, archaeological sites, or works of great art, things like songs, dances, and recipes, make up our cultural heritage. All of these shared experiences help a community to define who they are.



DECEMBER 2015: ENVIRONMENTAL ASSESSMENT

BEFORE A FULL ENVIRONMENTAL IMPACT REPORT is written, the first step in this process is to prepare a shorter report called an environmental assessment to determine whether a full environmental impact report is warranted.

A draft environmental assessment was posted December 9, 2015, co-authored by Dakota Access, LLC, the

corporation behind the pipeline, and the United States Army Corps of Engineers, Omaha District. The draft stated that the impacts on clean water would be minimal. The document did not identify the Standing Rock Reservation on its maps, and incorrectly stated that the Standing Rock Sioux Tribe had no issue with the project.



JANUARY 2016: PUBLIC COMMENTARY



The signing of the 1967 Clean Air Act by President Lyndon B. Johnson.

MEETINGS WERE HELD IN JANUARY, 2016 to offer the public an opportunity to comment on the draft environmental assessment. Public opposition was huge.

Members of the public questioned whether the initial assessment considered the pipeline's impacts on several laws, including the **Clean Air Act**, and the **Endangered Species Act**. Public commenters requested a full environmental impact report to consider many more

impacts than were covered in the initial assessment, from climate change, to oil spills, wetland damage, endangered species and more. They also noted that the areas affected by the proposed pipeline had not been reviewed through an archaeological survey to determine whether any cultural resources (prehistoric places, burial grounds, sacred sites, etc.) would be irreparably destroyed.





MARCH–APRIL 2016: SACRED STONE CAMP ESTABLISHED



TONY WEBSTER

The Sacred Stone Camp

IN MARCH, 2016, the plan for the Dakota Access pipeline was approved by all four states. On April 1, 2016, LaDonna Tamakawastewin (Brave Bull) Allard established Inyan Wakháŋagapi Othí, the Sacred Stone camp on her family land in Cannonball North Dakota to protest the pipeline and protect water.

The Sacred Stone Camp's strategy to resist the pipeline was non-violent protest. All people were welcome, but the camp was based in the Lakota culture. After

the Camp of the Sacred Stone was established, several more protest camps were erected near Standing Rock. All peoples were welcomed in peaceful prayer and co-existence. Weapons and drugs were not allowed. It became an intergenerational and multicultural gathering, with Native Americans and Indigenous peoples from around the world coming to join in solidarity with the movement to protect water. Spirituality was a big part of the Sacred Stone Camp. Campers prayed, burned sage, and held ceremonies.



SANDY HORNATH-DORI

Burning sage before mounting an eagle feather on the Resistance Radio Tower at Red Warrior Camp

QUESTION: Why was prayer central to the Sacred Stone Camp's protest? What are some other protest strategies?

ANSWER: Prayer is a powerful form of protest. For many people, prayer can be a direct link to the creator and spirituality in nature to effect direct action. Prayer can also be a powerful symbol to others of solidarity, which can put change in motion. Other protest strategies might include (but aren't limited to) public speeches, concerts, writing elected officials, petitions, marching, holding signs, and occupation (like the protest camps or chaining yourself to a building).



JULY 2016: REZPECT OUR WATER



Oceti Sakowin youth run to Washington DC for the “Rezpect Our Water” campaign.

ON JULY 15, NATIVE YOUTH from Oceti Sakowin Youth & Allies began a nearly 2,000 mile relay run from North Dakota to Washington DC bring attention to the Dakota Access Pipeline as part of the “Rezpect our water” campaign, led by 26-year old Bobby Jean Three Legs and 13 year old Anna Lee Yellowhammer. In the weeks leading up to the run, the campaign’s youth organizers circulated a from Oceti Sakowin launched a “Rezpect our water” campaign to **petition** the US Army Corps of Engineers to stop the permitting process that would allow the pipeline to be installed under the Cannonball River. Over 140,000 people signed the petition and it was endorsed by major Hollywood celebrities.

Ten days after the youth run, the Omaha, Rock Island, and St. Louis US Army Corps of Engineers Districts issued the Nationwide Permit #12 for 200 water crossings. Despite the widespread public commentary against many of the conclusions presented in the draft environmental assessment in January, a full environmental review was not completed. Permit #12 did not require it.

Two days later, on July 27, the Standing Rock Sioux Tribe filed a lawsuit against the US Army Corps of Engineers for violating the National Historic Preservation Act and other laws.





NATIONAL PERMIT 12: A LEGAL LOOPHOLE FOR CORPORATIONS TO CIRCUMVENT ENVIRONMENTAL LAW

The majority of the Dakota Access Pipeline crosses over private land, which means that Energy Transfer Partners needed no special permits from the federal government to construct it, even though a potential crude oil spill would negatively affect public health and safety.

However, because the pipeline plans called for over 200 river crossings, the US Army Corps of Engineers was entrusted to issue permits in compliance with the federal Rivers and Harbors Act and the Clean Water Act. The laws were put in place to protect the American people and environment from contamination and other threats to human and ecosystem health. Nationwide Permits are meant to fast track construction by pre-authorizing “small-scale activities” that pose minimal cumulative negative environmental effects.

National Permit 12 provided Energy Transfer Partners with a way to avoid environmental reviews required by the Environmental Protection Agency. The permitting process assessed each of the under-river crossings on an individual basis, considering environmental impacts on a small scale, per crossing,

instead of forcing the Army Corps of Engineers to consider the overall environmental impact of the 1,172 mile pipeline with over 200 water crossings.

The intent of Nationwide Permit 12 is to cut down governmental red tape put in place to protect people and the environment. By treating each river crossing as an individual activity, each one requiring Nationwide Permit 12, Energy Transfer Partners avoided investigation of the cumulative effect of potential environmental damages that can occur at any number of the 200 river crossings.

For more, see the video “What you need to know about Standing Rock” featuring tribal attorney, Tara Houska.



www.bioneers.org/standingrockviolations





AUGUST 2016: CONSTRUCTION NOTICE



SACRED STONE CAMP BLOG

Elders and youth in a prayer circle being arrested for standing on a public road.

THROUGHOUT THE SUMMER OF 2016, construction on the Dakota Access pipeline continued while demonstrators continued to grow in numbers. Demonstrations, rallies and prayer vigils were held all over the world in solidarity. The flags of 280 tribes flew at Standing Rock, and members of hundreds of tribes came in solidarity, making it the biggest act of Indigenous resistance against government-backed, corporate dispossession of ancestral territory in over 150 years, perhaps ever.

On August 8, the Standing Rock Sioux Tribe was given a 48-hour notice that construction would begin within a few miles of the camps and the planned under river crossing. Three days later, on August 11, 10 demonstrators were arrested for sitting on a gravel pathway blocking construction workers' access to the job site.

Despite arrests, more supporters and supplies flowed into the camps and surrounding demonstration sites. On August 17, law enforcement erected a roadblock on Highway 1806 connecting the camps to demonstration sites where the Dakota Access Pipeline was to be

drilled under the Cannonball River. The blockade redirected traffic headed south on the highway towards the Standing Rock Reservation, preventing supplies and people from reaching the camps.

When the demonstrations continued to grow despite the blockade, the Governor of North Dakota ordered a "state of emergency" on August 19, which allowed for additional police presence to be called in from across the country. To the protesters and their allies around the world, it appeared that Energy Transfer Partners was now being protected by taxpayer funded police and the US military. Meanwhile, the Standing Rock Sioux Tribe were gathering research and preparing to file another lawsuit to stop the pipeline.

On August 28, the Standing Rock Sioux Tribe also declared a State of Emergency, calling on other sovereign Tribal Nations and allies to call on their members of Congress to pressure the US Army Corps of Engineers to deny the easement to construct under the Cannonball River.





“Within our sovereign authority the Standing Rock Sioux Tribe declared a State of Emergency to address the serious nature of the situation [the impacts from the Dakota Access Pipeline]. The tribe will continue to protect our waters, sacred places, and most importantly our children.”

– STANDING ROCK TRIBAL CHAIRMAN DAVE ARCHAMBAULT II

EMAC: A LEGAL LOOPHOLE TO PROVIDE CORPORATIONS WITH PARAMILITARY PROTECTION



Police presence swelled at Standing Rock to protect the pipeline under a legal loophole meant to provide services during natural disasters

For legal purposes, corporations are people in America, and they can be protected by taxpayer funded military personnel. Police from departments across 10 states were called in to stop the demonstrators to facilitate the construction of the Dakota Access Pipeline. They were deployed to North Dakota under EMAC, or the “Emergency Management Systems Compact,” a law authorized in the aftermath of Hurricane Andrew to provide extra support during natural disasters. This law provides for all 50 states to coordinate emergency personnel in crisis situations, and has been invoked in response to 2011’s Hurricane Sandy and 2016’s Hurricane Matthew.

In August, 2016, North Dakota Governor Jack Darymple called upon a clause in the bill that allows police to be deployed to address “community disorders, insurgency or enemy attack.” The only other time this law has been invoked in the case of a **social movement** was in response to the 2015 Black Lives Matter protests against the shocking death of African American, Freddy Gray while under police custody in Baltimore, Maryland. In practice, this loophole seems to be invoked to intimidate minorities who speak out against human rights violations.





SEPTEMBER 2016: SACRED SITES BULLDOZED



Unauthorized Energy Transfer Partners guards unleash trained attack dogs on demonstrators

ON FRIDAY, SEPTEMBER 3RD, the Standing Rock Sioux Tribe filed evidence of sacred burial and other culturally important sites along the proposed pipeline route to a federal court in Washington, DC as part of their lawsuit against Energy Transfer Partners.

Armed with knowledge of the location of sacred sites, pipeline construction workers bulldozed sacred sites the next day. They deliberately destroyed “evidence” that would have been considered protected by the National Historic Preservation Act. Demonstrators who tried to prevent these sites from being bulldozed were attacked with pepper spray and guard dogs by private security forces working for Energy Transfer Partners. (It was later found in court that the security forces were not properly trained to responsibly handle the dogs.)

On September 8, the North Dakota National Guard was called in to “assist state and county police in notifying drivers on highway 1806 traveling south that there may be pedestrians in the road and cars may be parked on the side of the road. This is intended to keep all drivers and pedestrians safe.”

The National Guard were deployed in anticipation of an expected federal ruling the following day. On September 9th, a US District Judge ordered the US Army Corps of Engineers to halt construction until further environmental assessments are conducted. Construction

continued on other parts of the pipeline path, and water protectors continued to attempt to stop it by chaining themselves to equipment and blocking pathways in peaceful protest, as more arrests were issued. The US Army Corps of Engineers issued a statement that it would “not authorize constructing the Dakota Access pipeline . . . until it can determine whether it will need to reconsider any of its previous decisions regarding the Lake Oahe site under the National Environmental Policy Act (NEPA) or other federal laws.”¹

On September 20, David Archambault, the Chairman of the Standing Rock Sioux Tribe appealed to the United Nations Human Rights Council to help uphold and protect the tribe’s sovereign rights.

As water protectors continued to demonstrate through prayer and ceremony, Police and National Guard began using increasingly violent and torturous methods against demonstrators to persuade them to leave. Through social media, camp members reported being surrounded by officers who arrived in military vehicles and were armed with assault rifles as tear gas was dropped via helicopter on their ceremonial gathering September 28. 21 more demonstrators were arrested. As paramilitary and torture techniques escalated, water protectors used drones to capture the overtly militarized law enforcement activities, but law enforcement shot these down with rubber bullets.

¹ Joint Statement from the Department of Justice, the Department of the Army, and the Department of the Interior Regarding Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers, available at <https://www.justice.gov/opa/pr/joint-statement-department-justice-department-army-and-department-interior-regarding-standing> (Sept. 9, 2016).



OCTOBER 2016: MOVEMENT GROWS

OVER THE FALL, MORE AND MORE ALLIES—from celebrities to members of Congress, to archaeologists—joined the #noDAPL movement, petitioning the Obama administration to stop the construction of the pipeline. Meanwhile, the Standing Rock Sioux Tribe and Energy Transfer Partners volleyed their cases against each other in court, with each side gaining small victories. Sunday, October 10, the court ruled against the Tribe's request to permanently block Energy Transfer Partners from drilling under Lake Oahe, and asserted the company's right to move forward with construction on private land within 20 miles of the lake. This decision was met with massive protests the following day, and more arrests of water protectors.

The same day, on Monday October 11, the US Army Corps of Engineers stated that it wouldn't yet authorize the final easements for drilling under the Lake Oahe, and requested Energy Transfer Partners to voluntarily stop construction in the area in conflict.

Ten days later, on October 21, water protectors reported via social media that Energy Transfer Partners continued its violent desiccation of ancestral graves as the company delivered cranes, pipes and other equipment to the sacred sites they destroyed a month before in September.

Water protectors came out to protest, and the largest mass arrests to date, and over 100 more water protectors were arrested and jailed. Even more water protectors showed up the next day.

On Sunday, October 23, water protectors set up road-blocks, tipis and a new camp on private land directly in the proposed pipeline's path. This camp was 2.5 miles north of the Cannonball River, directly on the proposed path of the pipeline, directly across the road from where DAPL security dogs attacked water protectors fighting to preserve sacred sites a month and a half earlier. The demonstrators announced the occupation as a take-back of unceded lands under "**eminent domain**" citing the broken 1851 Treaty of Fort Laramie. More than 100 water protectors were arrested over the weekend.

The next day, Monday, October 24, law enforcement erected a new, "indefinite" blockade on a portion of Highway 1806 to prevent demonstrators from reaching the construction zone, and the Morton County Sheriff requested more emergency assistance to address what he called, increasingly "unlawful" tactics by demonstrators.[i] By "unlawful," the governor was referring to water protectors trespassing on unceded territory in the pipeline's pathway, now under private ownership.



October 27 armed raid of #noDAPL camp.

On Thursday, October 27, the Morton County Sheriff's Department coordinated 200 police officers in riot gear and soldiers with the National Guard in a mid-day raid of the #noDAPL encampment. Armed and in riot gear, officers and troops arrived with MRAPS, bulldozer, and armed truck and sound cannons. In a display of excessive force, police used pepper spray, rubber bullets, concussion grenades and tasers against unarmed water protectors to push them away from the construction zone. Tipis and a sweat lodge were bulldozed off the frontline camp established four days prior. Police arrested more than 140 people that day on charges for criminal trespassing, rioting and endangerment by fire, from the alleged burning of hay bales, and construction vehicles. Following the militarized sweep, officials closed the Backwater Bridge on Highway 1806 preventing all vehicular and foot traffic from reaching the encampments.

Standoffs continued between police and water protectors in the days to follow. Planes and helicopters circled over the camps keeping water protectors awake at night. Phones and communications equipment became scrambled, making it difficult for demonstrators to communicate what was happening on the ground to the outside world. Demonstrators speculated that planes and drones were surveilling camps and purposefully interfering with connectivity to outside communications networks. In response, over 1 million Facebook users "checked in" their status at Standing Rock to confuse policing agencies in response to a viral Facebook post alleging that the site was being used to identify and target water protectors.



NOVEMBER 2016: VIOLENCE ESCALATES



STILL LOW
RESOLUTION

IF I MAKE IT
SMALLER LIKE
THIS IT'LL BE
HIGH ENOUGH
RESOLUTION

CLAYTON THOMAS MULLER

Law enforcement shoot rubber bullets and spray water into camps in sub-freezing weather, November 20.

THROUGHOUT THE FALL MONTHS, police continued to escalate militarized tactics to get them to leave, while the #noDAPL movement continued to intensify and build allies around the world. Clergy, and members of other social movements (such as, Black Lives Matter), students, veterans, celebrities, and citizens around the world joined in many different kinds of protest actions, from prayer vigils, to rallies, to chaining themselves to construction equipment. Thousands of individuals made a difference by divesting, or taking their money out of the banks that were funding the pipeline. After hearing powerful testimony from Indigenous Sámi leaders who had been at Standing Rock, Norwegian underwriters sold off millions in assets invested in the Dakota Access Pipeline.

By November 8th, pipeline construction reached the border of Lake Oahe, and Energy Transfer Partners reaffirmed their commitment to finish the construction. Meanwhile, the US Department of the Interior and the US Army Corps of Engineers continued to delay the final decision on the permit that would allow the pipeline's underwater crossing of the lake at the Cannon Ball river. Both sides stood their ground.

In a November 14 letter to the Standing Rock Sioux Tribe, Energy Transfer Partners and Dakota Access LLC, the US Army Corps of Engineers announced it

was moving to a "second phase" of DAPL review. This review would evaluate the risk of an oil spill at the Lake Oahe pipeline crossing in relation to treaty rights, "warranted in light of the history of the Great Sioux Nation's dispossession of lands, the importance of Lake Oahe to the Tribe, the government-to-government relationship [between the Tribe and the US]."[i] The promising tone of this letter prioritized **consultation** with the Tribes regarding the crossing at Lake Oahe.

On November 20, demonstrators attempting to remove the "permanent" roadblock formed by burnt out trucks on Backwater Bridge connecting the camps to Bismark were met with police brutality. Frustrated that law enforcement had already taken over two weeks to remove it so that emergency vehicle could access the encampments, a clash between hundreds of water protectors and police began when police sprayed unarmed demonstrators with tear gas. As the day turned to night, and temperatures reached below freezing levels, police began exploding tear gas canisters and concussion grenades, shooting rubber bullets, and spraying demonstrators with water cannons in a violent display of police brutality that injured over 150. Five days later, on November 25, the US Army Corps of Engineers ordered water protectors to evacuate by December 5th.



DECEMBER 2016: PERMIT DENIED!

ABOUT 2,000 US VETERANS ARRIVED at Standing Rock December 3rd to support the movement. A day later, on December 4th, the US Army Corps of Engineers denied the permit allowing the pipeline to cross under Lake Oahe. The protesters had won! But they vowed to remain at the protest camp throughout the winter, as they anticipated a short lived victory, given the recent election of Donald Trump, who campaigned on a pro-oil stance, to the office of United States President.



CLAYTON THOMAS MULLER

Clayton Thomas Muller of 350.org, author Naomi Klein, and Tom Goldtooth of the Indigenous Environmental Network celebrate the December 4th US Army Corps Decision at Standing Rock.



JANUARY 2017: TRUMP ORDERS CONSTRUCTION

REMAINING WATER PROTECTORS CONTINUED to keep watch over Energy Transfer Partners' activities into the month of January, and police continued to arrest those who trespassed private property on unceded territory. Tribal citizens and residents of Cannonball, North Dakota had become concerned about campers misappropriating ceremonial songs, the mistreatment of elders and women, and increasing violence against the police among some who had come to the camps.



KEVIN LAMARQUE/REUTERS

Donald Trump signs executive order.

In a meeting with water protectors in the camps held January 5, Standing Rock Sioux Tribal Chairman, David Archambault, requested them to restrain from demonstrating or further actions on the bridge, which might interfere with coordinated efforts between the tribe and North Dakota officials to have the blockade that had been in place since October 28th removed. However, another standoff took place at the blockade on Backwater Bridge, the same site of November's violent clash, on January 16, when police moved in to take down a tipi that had been placed on the site. Police shot at water protectors with bean bag rounds and chemical gas, and demonstrators pushed back and punched against police shields. By mid-January, approximately 1000 water protectors remained in the camps after more than 10,000 departed following the US Army Corps of Engineers' December decision not to grant the pipeline river crossing. On January 20, the Standing Rock Tribal Council voted unanimously to disband all protest camps within 30 days. The same day, Donald Trump was inaugurated as the 45th President of the United States.

Four days later, on January 24, Donald Trump signed an executive order to make it easier for Energy Transfer Partners to complete the construction of the Dakota Access Pipeline.



FEBRUARY 2017: PIPELINE PERMIT RE-AUTHORIZED



ANGUS MORDANT FOR NPR

Ojé-Sakowin Camp structures burn in advance of evacuation of unceded territory under the jurisdiction of the federal US government.

THE MONTH BEGAN with continued demonstrations and 77 arrests of water protectors for trespassing on private land on February 2nd as they moved a new camp, the Last Child Camp, up river to avoid flooding. The Standing Rock Sioux cooperated with police to remove demonstrators. Tribal Chairman, Dave Archambault stated that the camp undermined efforts against the pipeline which were now being waged in court. On February 3rd, the US Army Corps of Engineers ordered those camping on federal property on unceded land out of concern over the area flooding as the Missouri River began to rise with increasing snowmelt.

The U.S. Army Corps of Engineers filed paperwork for the final easement to the federal district court in Washington DC and the US Congress on February 7th and the permit was authorized the next day. An environmental impact review was never completed. Under Trump administration orders, the normal two week waiting period after notification to Congress was waived and the easement was granted within 24 hours. Energy Transfer Partners planned to complete the final 1.5 miles of the Dakota Access Pipeline immediately.

In the days to follow, the Standing Rock, Cheyenne River Sioux, and Oglala Sioux tribes filed lawsuits to prevent the pipeline. The lawsuits invoked the tribes' treaty

rights and the actions of the US Army Corps of Engineers, which potentially threatened their religious use of the Missouri River, and access to safe drinking water.

In a February 9th filing, Standing Rock Sioux Tribal Chairman, David Archambault warns of harmful impacts if the court does not hear the cases filed against the US Government and Energy Transfer Partners until after the pipeline is completed, "If that happens, it would reinforce the deeply held understanding that the historic wrongs committed by the United States against us will continue and that our voices will not be heard in ways that matter by those who have the power to stop the harm to our people."

Meanwhile, water protectors remained at Standing Rock. On February 14, the Governor of North Dakota ordered an emergency evacuation of the campsites, citing dangers to human health and safety. Most of the remaining water protectors voluntarily left the camp on February 22, ahead of the 12 noon final deadline, drumming and singing on their way out, while a handful of holdouts who remained praying and singing were arrested after 4 pm. Private contractors came in to begin to clean up remaining waste before it was swept into the floodplain by rising river waters.





MARCH – MAY 2017: PIPELINE COMPLETED

IN A BLOW TO RELIGIOUS FREEDOM, a judge ruled against the Cheyenne River Sioux Tribe's request to halt construction on March 7 based on their concerns over the risk oil leaks would pose to their water supply and religious practices. The judge dismissed the tribe's religious freedom-based arguments, implying that tribal members did not follow their own religion, because they had not raised this issue during the two years of inadequate contact and **consultation** with the US Army Corps of Engineers regarding the pipeline. The tribe appealed the ruling, as they prepared to continue their legal battle around environmental law and treaty violations, yet to be tried in court.

The same day, water protectors took their fight from North Dakota to Washington DC with two days of lobbying followed by the "Native Nations Rise" on March 10

to fight for Native American rights and make demands for consultation, treaty and human rights to the Trump administration.

By April, Energy Transfer Partners completed construction of the pipeline, including the underwater crossing at Lake Oahe, and began filling it with oil, despite the Cheyenne River Sioux' pending legal cases. The Cheyenne River Sioux voluntarily dropped their appeal. News was released that the pipeline had already experienced two oil spills at a pipeline terminal March 3rd, and at a pump facility March 5th caused by a mechanical failure and not contained by a liner designed for this purpose. Dakota officials dismissed the spill as trivial, while the Standing Rock Sioux Tribal Chairman warned that this was the first of many spills to come. In April, a 3rd spill was reported at a South Dakota pump station.



JUNE 2017: LEGAL BATTLE CONTINUES

DESPITE THE CHEYENNE RIVER SIOUX Tribe's dropped appeal, the legal battle to stop the pipeline was far from over. On June 14, a federal judge made a summary judgment in favor of the Standing Rock Sioux Tribe and The Cheyenne River Sioux Tribe's lawsuit against the US Army Corps of Engineers. In the decision, US federal Judge, James Boasberg, ruled that the permits the US Army Corps of Engineers granted to finish the construction of the Dakota Access Pipeline without

completing the environmental impact statement were in violation of the National Environmental Protection Act (NEPA). This partial summary judgment did not require the pipeline to stop operating, however, a June 21 hearing set a schedule for continuation of the lawsuit, and hearing the Tribes' arguments to shut it down. The occupation may be over, but the legal battle has yet to be finished.



LAWS THE PIPELINE BREAKS

How DAPL violates treaties

The Dakota Access pipeline violates the Fort Laramie treaties signed between the US government and the Great Sioux Nation, ignoring tribes' historic rights to unceded territories.

How DAPL violates tribal sovereignty

According to the 1889 Act that set the Eastern Boundaries of the Standing Rock and Cheyenne River Reservations as "the center of the main channel" of the Missouri River, lands used to create Lake Oahe are on reservation, and under the sovereign authority of the Cheyenne River and Standing Rock Sioux Tribes.

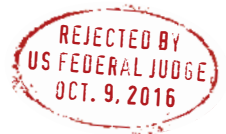
How DAPL violates religious freedom

By desecrating the sacred waters of Lake Oahe, the Dakota Access pipeline prevents Native peoples from exercising their religious beliefs, violating their rights to religious freedom.



How DAPL violates rights to heritage

The pipeline destroyed up to 380 sacred, historical and archaeological sites critical to the cultural perpetuation of Native peoples, and a part of all Americans' heritage in violation of the National Historic Preservation Act.



How DAPL violates rights to consultation

The US Army Corps of Engineers did not properly consult local tribes about the planned pipeline in violation of US law requiring the US federal government's responsibility to notify tribes of any developments that might negatively impact them.

How DAPL Violates International Human Rights

The Dakota Access pipeline threatens article 19 of the UN Declaration on the Rights of Indigenous Peoples, endorsed by the United States in 2010, that mandates consultation and cooperation "in good faith with the Indigenous people concerned in order to obtain their fair, prior and informed consent before adopting and implementing legislative or administrative measure that may affect them."

How DAPL violates environmental regulations

The US Army Corps of Engineers terminated the environmental review process leading to a full environmental impact statement, in violation of the National Environmental Policy Act (NEPA) and the Clean Water Act in place to protect all Americans.



To learn more, see the Bioneers Indigeneity Program videos:

"What You Need to Know about Standing Rock"
www.bioneers.org/standingrockviolations

"Indigenous Rising – Solutions to the Climate Crisis"
www.bioneers.org/indigenousrising



A QUESTION OF TERRORISM?

Terrorism Definition: “The unlawful use of force or violence against persons or property to intimidate, or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.”

Tactics used against the Dakota Access demonstrators:

- Attack dogs
- Pepper spray
- Light and sound torture
- Cold water cannons
- Rubber bullets
- Grenades
- Ongoing surveillance

THE NEWS TYPICALLY REPORTS TERRORISM AS SOMETHING THAT IS COMMITTED BY OUTSIDERS, such as foreign Muslims, against innocent American citizens. However, hired security and militarized US police and National Guard soldiers may have used terrorist tactics against water protectors on behalf of the interests of Energy Transfer Partners.

Take a look at the definition of terrorism put forth by the United States FBI: “the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.”

The security, police and military were documented using forms of violence. Through violence, they attempted to coerce water protectors to stop demonstrating. They used this violence to get the US Army Corps of Engineers to approve the construction of the Dakota Access Pipeline. The final decision maker on whether these were acts of terrorism done by Americans against Americans, or what is called “domestic terrorism,” is whether or not these acts were lawful or not. As of the time this is written, there are many pending court cases that will determine the legality of police force. We suspect the majority of violent actions used by security, police, and soldiers will be interpreted as lawful by judges sympathetic to the interests of Energy Transfer Partners.

Unfortunately, these kinds of acts of violence ordered by the US governmental officials against Native peoples and tribal governments is nothing new in American history. It is not shocking to Native peoples, as they have lived through it before.



GLOSSARY

Clean Air Act - a United States federal law designed to control air pollution on a national level.

Consultation - a US Executive Order mandating that the US federal government directly and collaboratively involve tribes in matters affecting them by informing them of policy decisions that will affect them and seeking their input.

Cultural Heritage - includes tangible artifacts (art, buildings, clothing, etc.) and intangible culture (songs, stories, etc.) that we inherit from the past and want to save for future generations.

Cultural Landscape - an area, including its natural features, flora and fauna, that has been affected, influenced or shaped by human involvement.

Domestic Dependent Nations - defines the relationship of US federally recognized Indian Tribes to the United States federal government. In the context of United States tribal relations, federally recognized tribes are considered distinct, independent political communities, but remain under the paternalistic powers of the United States.

Eminent Domain - the power of a national government to take private property for public use with payment or compensation. This power can be delegated to states, government subdivisions, or even to private persons or corporations.

Endangered Species Act - a US federal law designed to protect species that are endangered or threatened throughout all or a significant portion of their range, as well as the conservation of the ecosystems on which they depend.

Environmental Assessment - a preliminary report intended to help determine whether environmental effects will be significant enough to warrant an Environmental Impact Statement (EIS) under the National Environmental Policy Act.

Environmental Impact Statement - a researched report outlining what might happen to air quality, water quality and other potential environmental impacts as a result of proposed development. It is required under the National Environmental Policy Act to assist in a decision making process around a proposed development or action that may significantly affect the quality of the human environment.

Free Prior and Informed Consent - a process designed to maintain Indigenous human rights in which those responsible for potential development or resource extraction on Indigenous lands consult with the Indigenous stakeholders to gain their approval.

General Allotment Act - also known as the Dawes Act, was passed by the US Congress in 1887, and allowed tribal land to be subdivided and sold off into individual, privately-owned allotments. This act was designed to assimilate Native Americans and to divest them from their lands.

National Environmental Policy Act - a US environmental law that promotes the provides a framework for protecting the environment including the requirement of Environmental Assessments, and Environmental Impact Statements when federal development and other potentially damaging activities are proposed.



GLOSSARY

National Historic Preservation Act - a US law that protects places or buildings that make up America's history and what is called "cultural heritage."

Neoliberal - a person or a quality of something that forwards economic expansion supported by policies to forward free market capitalism (or private-sector, corporate free trade) without the interference of government.

Petition - a formal written request to an authority, and a way that citizens can get the attention of elected lawmakers to pay attention to their wishes on issues.

Prophecy - a message that predicts something that will happen in the future. Most religions have prophecies.

Reservation - an area of land "reserved" and managed by a tribe, as a sovereign nation, to live on and govern their own affairs, but managed under US Bureau of Indian affairs.

Settler Colonialism - the process in which foreign people move into a region that is already occupied and take over land under the direction and support of a larger government.

Social Movement - groups of people or organizations that focus on addressing or changing specific political, environmental or social issues. They carry out, resist, or cause a change in society.

Sovereign Nation - a nation that rules itself. From a legal perspective, the United States government has always treated (in theory) Native American tribes as sovereign nations, and maintained a government-to-government relationship with them.

Treaty - a written agreement managed and enforced under international law between two sovereign states, or nations, with regard to international relations. Treaties can regulate trade between two countries, set guidelines around how to fight war or maintain peace, and establish who owns what land.

Unceded Territory - indigenous land that was not transferred or surrendered by treaty.

US Army Corps of Engineers - a US federal agency under the Department of Defense that oversees engineering projects on federal land. This includes managing waterways, creating infrastructure (like roads), providing recreation facilities like campgrounds, and even restoring lands for sustainability.