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## Contextualizing Native Resistance: Precedents for the Movement Against the Dakota Access Pipeline

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## College of Liberal Arts

Department of Anthropology



# Contextualizing Native Resistance: Precedents for the Movement Against the Dakota Access Pipeline

by Grace Dietz

May, 2017

*This essay was developed and written during an independent study (ANTH 797: Reading and Research) with Prof. Robin Sheriff (Spring 2017).*

Still, someday, I hope we look back to Standing Rock as the place where we came to our senses. Where new coalitions formed. Where we became powerful together as we realized that we have to preserve land, water, the precious democracy that is our pride, the freedoms that make up our joy. I hope we look back at the images—the blurred feature behind the riot-gear-clad men looming over a praying woman, the costumes of intimidation, the armored Humvees confronting young people on horseback, and see how close we came to losing the republic. But we didn't. We woke up. We understood that the people who had persevered through everything, including Wounded Knee, knew how easily the world could end. So they were fighting for the water of life, for everyone (Erdrich 2016).

Standing Rock is a Native American reservation in North Dakota. The Standing Rock are part of the Great Sioux Nation, also known as the Ojibwe, or the Seven Council Fires, who traditionally inhabited the American plains. From the spring of 2016 until the winter of 2017, thousands of Indigenous peoples and their allies camped on the edge of the Standing Rock reservation. From their camp, they opposed the construction of the Dakota Access pipeline, or DAPL, a 1,127-mile long oil pipeline intended to go from Northern North Dakota to Southern Illinois. The \$3.7 billion pipeline, owned by Energy Transfer Partners, would cross the Missouri River, consequently threatening the drinking water of the Standing Rock Sioux and millions of other Americans. The Dakota Access pipeline would also threaten the tribe's ancestral burial grounds (Archambault II 2016).

On December 10, 2016, acclaimed Ojibwe author, Louise Erdrich published an op-ed in the New York Times. Erdrich had been at the Ojibwe camp a few days earlier, when the U.S. Army Corps of Engineers denied an easement that would allow Energy Transfer Partners, the company behind the Dakota Access pipeline, to cross the Missouri River. Erdrich described the joy that permeated the air after the announcement—people embracing, dancing, singing, and weeping. As of December, the people who called themselves “water protectors,” (not “protesters”) had engaged in unwavering opposition to the pipeline for eight months. However, in a public response to the Army Corps's easement denial, Energy Transfer Partners vowed to see the project through (Healy 2016). Under the Obama Administration, it appeared as if the water protectors would succeed in stopping the pipeline, or at least rerouting it. But then, on January 24, 2017, just four days after Donald Trump took office, he directed the Army to expedite review and approval of the Dakota Access pipeline. Perhaps Trump took immediate action to move the pipeline forward because of economic interests, as he owned stock in the company behind the pipeline, Energy Transfer Partners. Although one of Donald

Trump's spokesmen said he sold his stock in the company months earlier, the sale has never been verified (Baker & Davenport 2016).

The water protectors actively and fervently opposed the pipeline from their encampments near Lake Oahe, from April 2016 until February 2017, when the Army Corps of Engineers approved construction of the pipeline under the Missouri River (Turkewitz 2017). At the camps, water protectors (at times more than 10,000), set-up their teepees, tents, and wooden structures on the vast windy plains. Throughout the season babies were born, marriages took place, people were healed, and fry bread was shared, as people practiced their traditional communal ways of living (Oceti Sakowin Camp 2017). During those ten months, law enforcement officials and private security firms hired by Energy Transfer Partners intermittently assaulted the water protectors with pepper spray, guard dogs, tear gas, rubber bullets, concussion grenades, and water cannons (in below freezing conditions) (Donnella 2016; Hawkins 2016). Such a response was unwarranted given the peaceful nature of the protest. United Nations human rights expert, Maina Kiai, accused law enforcement officials and private security firms of using "excessive" and "unjustified" force (United Nations Human Rights, Office of the High Commissioner 2017). As Kiai elaborated, "This is a troubling response to people who are taking action to protect natural resources and ancestral territory in the face of profit-seeking activity. The excessive use of State security apparatus to suppress protest against corporate activities that are alleged to violate human rights is wrong and contrary to the UN Guiding Principles on Business and Human Rights" (United Nations Human Rights, Office of the High Commissioner 2017).

The goal of the resistance was to protect the drinking water from the probability of an oil spill, to preserve the ecosystems that would be impacted by the pipeline's construction, to save the cultural heritage sites, including burial sites, that the pipeline threatened, and to defend the sovereignty of the Standing Rock Sioux as a nation. The tribe maintained that an adequate environmental impact statement was not made, and that their sovereignty was ignored, as they were never properly consulted on the project (Archambault II 2016). Through social media, the Standing Rock Sioux voiced their concerns, and gained support in their opposition from a global audience. Many supporters congregated at several camps that were established by tribal members along Lake Oahe, the most notable of which was the Oceti Sakowin camp. Thousands visited and resided at the camp before February 2017, when it was evacuated and bulldozed, as ordered by the state of North Dakota. Members of over 300 federally recognized tribes traveled to the camp to offer their support, and left their tribal flags at the camp's entrance. Some estimated there were between 10,000 and 12,000 people, both Indigenous and allies, in the camp at its peak (Banks 2016; Oceti Sakowin Camp 2017). The magnitude to which the camp grew, and its ability to function effectively for months, was awe inspiring.

I first became aware of resistance against the Dakota Access pipeline from a Facebook post. The post, written in September 2016 was by a friend of mine, a white female poet in her early 40s. The friend shared a short video of an Indigenous man dancing in elaborate costume around a campfire at the Oceti Sakowin camp. The video was originally recorded and posted on Facebook on September 18, 2016, by First Nations photographer/cinematographer Josué Rivas, along with the description, "These are the moments mainstream media won't cover. At night the camp comes alive, tonight the fancy dancers from Standing Rock came and honored the people protecting their water. #nodapl #waterislife #josuefoto" (Josué Rivas Foto).

The fact that I first learned of the Indigenous-led resistance against the 1,772-mile long oil pipeline on social media indicates that it has now become one of the primary news sources for contemporary college students. It also reflects the channel of communication used in the resistance, which initially gained support and momentum through social media.

Social media was a platform that water protectors readily embraced, as it allowed them to keep a global audience engaged and updated in their fight. Unlike the mainstream

media, social media outlets allow for the publishing of unfiltered information. This was essential to the resistance because it began as a battle between marginalized Indigenous peoples and a corporation whose scope of power and influence were immense. In fact, it was not until the end of August 2016 that mainstream media sources started to acknowledge the thousands of Indigenous peoples who were engaged in physical resistance against the pipeline (Ahtone 2016).

In my early understandings of the resistance to the Dakota Access pipeline, or DAPL, I believed the movement to be profound. While the amount of media coverage and international recognition the movement ultimately gained is in some ways unique, I later discovered that the essence of the situation is not. For hundreds of years, the US government and/or corporations have encroached upon, and stolen Indigenous land in order to extract natural resources for the purpose of monetary gain. The resistance to DAPL was but one of many instances in which Indigenous peoples resisted the exploitation of their land and the trampling of their rights and sovereignty as nations (Dunbar-Ortiz 2014, 10). To gain a deeper understanding of the implications and the importance of the resistance against the pipeline, we must situate it within its broader historical context.

Focusing on Indigenous resistance in international, or even domestic contexts can be difficult because of their breadth. However the Sioux, who initiated the DAPL resistance, come from a nation of people famous for their involvement in resistance movement in the 19<sup>th</sup> and 20<sup>th</sup> centuries. Resistance comes in many forms, and as scholar Roxanne Dunbar-Ortiz has noted, the fact that Indigenous peoples live on today, despite countless attempts by the US government to eradicate them as peoples, is in itself an act of resistance (Dunbar Ortiz 2014, 7). I will examine the struggle to retain “ownership” of the Black Hills and the two major events associated with Wounded Knee, which are only two of numerous examples of Sioux resistance. There are many other instances of Sioux resistance, both big and small, which have laid precedent for the resistance to the Dakota Access pipeline. The situations described below live on in the oral histories of the Sioux people, thus informing and contextualizing the resistance of the Standing Rock Sioux to DAPL (Ortiz 1977, 14).

## The Black Hills

During the mid to late 1800s, the federal government either blatantly disregarded the desires and concerns of Indigenous nations or formally acknowledged them in treaties which they later broke (Deloria 1977, 16). Thus, for years, war raged between the US government and the Indigenous peoples of the Plains. In an attempt to end the war that devastated all sides, the Fort Laramie Treaty of 1868 was signed by the Sioux, the Northern Cheyenne, the Arapahos, and the United States government (Deloria 1977, 16). The treaty stated, “No white person or persons shall be permitted to settle upon or occupy any portion of the territory, or without the consent of the Indians to pass through the same” (Brown 1970, 273). Included in the Fort Laramie Treaty of 1868, were the Black Hills. As Dee Brown explained, “*Paha Sapa*, the Black Hills, was the center of the world, the place of gods and holy mountains, where warriors went to speak with the Great Spirit and await visions” (1970, 276). By the early 1870s, white miners had violated the treaty as they entered the Black Hills in search of gold, without permission from the land’s Indigenous stewards. In response to the influx of gold-crazy miners, in 1874, the Army sent General Custer on an expedition to the Black Hills for

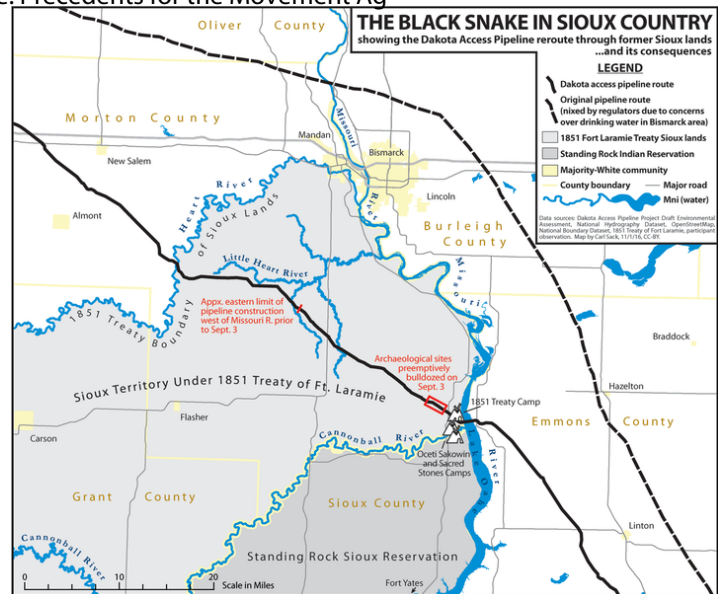


Fig. 1 Carl Sack, "A #NoDAPL Map," *The Huffington Post*. 02 Nov. 2016. (Used with permission of author).

reconnaissance, again without Indigenous consent. Many Sioux were furious over the unwarranted invasion of their sacred land (Brown 1970, 276).

In 1875, commissioners came to negotiate with the Sioux about the Black Hills. The federal government hoped money could persuade the Sioux to at least give up mineral rights to the Black Hills, but the Sioux were fervent in their desire to keep their sacred land (Brown 1970, 279). When the commissioners reported back to Washington, they were told to disregard the wishes of the Sioux (Brown 1970, 284). The government feared the Sioux would relentlessly resist a forced sale of the Black Hills, and kill the white miners who invaded the land. Thus, they ordered all Indigenous peoples who were free to immediately report to their agencies on the reservations (Brown 1970, 284). On March 17, 1876, a peaceful camp of Northern Cheyenne and Oglala Sioux, who left the agency in search of food, were attacked by the US military (Brown 1970, 286).

Food on the reservations was scarce, so after hearing of abundant antelope near the valley of Greasy Grass, also known as Little Bighorn, roughly 10,000 Indigenous people (including three to four thousand warriors) set up their camps (Brown 1970, 290). When Custer and his force charged the camp, the warriors killed Custer and defeated his army. The federal government responded to the great defeat by treating those in Sioux country as prisoners of war (Brown 1970, 297). In 1876, commissioners threatened and manipulated the Sioux until they had no choice but to sign away the Black Hills (Brown 1970, 300). However the Fort Laramie Treaty of 1868 was never annulled, and Sioux today still maintain that the Black Hills were stolen (Deloria 1977, 16).

Consequently, since 1923, the Lakota have engaged in a continuous legal battle to recover the Black Hills, making it the longest legal battle pursued by any group of Indigenous peoples (Churchill 2010, 12). In 1975, the court offered the Sioux \$17.5 million for the theft of the Black Hills, but they refused the compensation, as the Sioux still maintained they wanted the Black Hills, not money—even though, in 1975, the Sioux were considered one of the most impoverished populations on the entire continent, and still live in comparable poverty. By 1980, the court offered the Sioux \$122.5 million, but they again asserted that the Black Hills were not for sale. Still today, the money waits in an interest-bearing account. Despite their poverty, the Sioux refuse to accept compensation for their sacred land that was never for sale. The Black Hills situation is yet another instance where the US government stole Indigenous land to profit from its natural resources. Even a century later, the government was only willing to offer monetary compensation, as opposed to returning the sacred land to its rightful owners. The land claim is arguably one of the most sincere and awe-inspiring demonstrations of resistance in Native history (Churchill 2010, 13).

## Wounded Knee: 1890 and 1973

By 1890, the Standing Rock Sioux reservation had been fragmented by the implementation of the Dawes Act. As part of an assimilation effort, the Dawes Act abolished communal land ownership and allocated portions of the reservation to individual families. This contradicted Indigenous understandings of the land, and proved a major blow to Native culture (Brown 1970, 431). That year, a Minneconjou man, Kicking Bear, brought news to the reservation of a phenomenon known as the Ghost Dance. Kicking Bear told Sitting Bull about a Paiute man named Wovoka, who identified himself as a messiah, and said he would return things to the way they were before the arrival of the white man (Brown 1970, 432). According to Kicking Bear, those who danced the Ghost Dance would be suspended above the earth as it was renewed, and would then live among the ghosts of



Fig. 2 "Sioux Ghost Shirts from Wounded Knee Battlefield." 1892. *Annual Report of the Bureau of Ethnology, The*

their ancestors, or their dead would return to the earth. In *Smithsonian Institution (Note use of "battlefield" in this image's titling).*

were promised to be restored. While Sitting Bull was skeptical of the Ghost Dance's powers, he allowed Kicking Bear to stay among his people and teach them the dance. The dancers' strong conviction in the powers of the Ghost Dance was a poignant reflection of how much they had lost in a few short decades. The dance itself was form of symbolic resistance against the military and cultural dominance that spread with westward expansion (Brown 1970, 434).

Quickly, the Ghost Dance spread among Indigenous communities and bewildered and frightened the government, which consequently sent in troops to stop the dance. But Kicking Bear told Sitting Bull's people that if they wore sacred garments, no one could harm them, as the Ghost shirts were believed to be bullet-proof (Brown 1970, 435). Sitting Bull's people held firmly to the hope the Ghost Dance provided, as it promised to soon eradicate the white men and return the peoples' lost freedom and wa of life. Thus, they continued to dance. In an attempt to stop the dancing, the US government decided to go after Sitting Bull, as he held great influence over the Standing Rock Sioux. On December 15, 1890, Sitting Bull was shot and killed (Brown 1970, 437).

The Pauite messiah instructed his Indigenous followers to take no action but to dance and sing. After Sitting Bull's murder, the Sioux were so consumed by the force of the Ghost Dance that they did not retaliate against the soldiers. Left without a leader, hundreds of Standing Rock Sioux looked for refuge in other Ghost Dance camps. Roughly a hundred of the leaderless Sioux joined Big Foot's Minneconjou camp (Brown 1970, 439). When Big Foot discovered that Sitting Bull had been killed, he and his people began the trek to Pine Ridge, where Big Foot hoped Red Cloud's band could help protect them from the soldiers (Brown 1970, 440). But on December 17, 1890 soldiers were ordered to arrest Big Foot for his role in the Ghost Dance "disturbance" (Brown 1970, 439).

On their way to Pine Ridge, the ailing chief (who had caught pneumonia), and his people encountered four troops of cavalry. The cavalry insisted Big Foot and his people go to a camp at Wounded Knee Creek. So together the cavalry and Big Foot's Minneconjou, and many of Sitting Bull's Hunkpapa headed towards Wounded Knee (Brown 1970, 440). That night, as the Indigenous people set up camp, the cavalries surrounded them. In the morning, on December 29, 1890, the military told the Minneconjou and the Sioux that they would be disarmed. Just moments after disarming the warriors, the military began to shoo. As most of the people were unarmed, men, women, and children fled. As they ran, they were indiscriminately shot down. Between 153 and 300 innocent people were massacred (Brown 1970, 444). (Yet, in many contexts, such as the state museum in Bismarck, the event continues to be referred to as a "battle," rather than a massacre—Robin Sheriff, personal communication). The massacre at Wounded Knee, along with genocidal acts against Indigenous peoples are preserved in tribal memories, and become part of their resistant identities (Ortiz 1977, 14). As Louise Erdrich wrote about the DAPL resistance, "We understood that the people who had persevered through everything, including Wounded Knee, knew how easily the world could end. So they were fighting for the water of life, for everyone" (2016).

A century later, in 1973, the Sioux faced a different crisis. After many unsuccessful attempts to impeach corrupt Tribal Chair Dick Wilson, the Pine Ridge Sioux chose Wounded Knee village to stage an occupation and public protest, with the intention of attracting the nation's attention. The tribe accused Wilson of "hiring friends and relatives, managing the tribe without a budget, misuse of tribal funds, use of tribal vehicles for private needs, failure to call the tribal council into session, ignoring of the eight-member tribal housing authority board, and false arrest of a councilman" (Mohawk Nation at Akwesasne Early Spring 1973, 11). In addition to protesting the leadership of Tribal Chair Dick Wilson, the Pine Ridge Sioux wanted to draw attention to the abominable poverty in which they lived, and the federal government's neglect of treaty rights. They strategically chose Woundec Knee for their occupation, as a symbolic reference to the past, and because they knew the government could not justify two massacres in the same spot, less than a hundred years apart (Bancroft & Wittstock 2013, 71).

To help plan and carry out the occupation, the Pine Ridge Sioux called in members of the American Indian Movement (Bancroft & Wittstock 2013, 71). Just three months before, the American Indian Movement, or AIM, had occupied the Bureau of Indian Affairs building in Washington D.C. From the BIA building occupation, AIM and their allies got their voices heard, and promoted change on a national platform, which was a revolutionary accomplishment for Indigenous peoples in the United States (Bancroft & Wittstock 2013, 58-61).

The American Indian Movement was founded by Clyde Bellecourt, Dennis Banks, and George Mitchell in 1968 (Bancroft & Wittstock 2013, 4). Bellecourt, Banks, and Mitchell realized that no government program would alleviate the impoverishment, alcoholism, or the recurrent arrests and incarcerations that characterized Native life, both on and off the reservation. They decided that if they wanted things to change, they would have to take matters into their own hands (Mohawk Nation at Akwesasne Early Winter 1973, 15). Thus, they formed a movement to help Indigenous people across the world. Their confrontational, yet nonviolent tactics made change possible, and so the Pine Ridge Sioux solicited AIM in 1973, to help impeach Tribal Chair Dick Wilson (Bancroft & Wittstock 2013, 71).

According to Akwesasne Notes, a week or so before the occupation, nearly a hundred federal marshals and BIA police congregated at the Pine Ridge reservation. As AIM leader Clyde Bellecourt suggested, “the real reason for massing police forces on the reservation is to cause fear and division in the Oglala tribe and to keep them from exercising their sovereign right to determine their own leadership” (Mohawk Nation at Akwesasne Early Spring 1973, 11). Although AIM believed the federal police forces were trying to lure prominent members onto the reservation in order to assassinate or arrest them, nevertheless, just days later AIM went to Pine Ridge to defend the tribe’s sovereignty (Mohawk Nation at Akwesasne Early Spring 1973, 11).

On February 27, 1973, 250 Indigenous people seized the village of Wounded Knee in South Dakota, in an occupation that lasted 7 days. On the second day of the village occupation, South Dakota senators George McGovern and James Abourezk arrived with the goal of releasing the 11 hostages that the occupation was allegedly holding. Senator Abourezk told the hostages they could leave but according to AIM leader Russell Means, one of the female hostages replied, “We’re not hostages, we’re gonna remain here! It’s your fault that these Indians are here! Have you listened to them? We’re not leaving because you’ll kill them if we leave!” (We Shall Remain). As AIM was part of the occupation, coverage of the occupation was aired on news networks across the globe. The international coverage brought sympathy from wide audiences, despite the government’s militarized response (We Shall Remain

Several days before the occupation, AIM leader Vern Bellecourt said, “I understand there is an armed camp awaiting us. AIM has always responded to a request from the Indian people and we are going” (Mohawk Nation at Akwesasne Early Spring 1973, 11). Bellecourt was right. FBI agents and US marshals had been called in to protect the reservation’s BIA facility and its documents from the anticipated threat invoked by AIM’s presence. At Pine Ridge, like at Standing Rock, the government established roadblocks surrounding the site (We Shall Remain). Photographs of the occupation show armored vehicles surrounding the Indigenous activists, as if to denounce the legitimacy of their concerns, and instead vilify them as reckless militants (Bancroft & Wittstock 2013, 71-76). The photographs, which suggest a war zone, look eerily like many taken during the resistance to DAPL in 2016-2017. The resistance to the Dakota Access pipeline and the occupation of Wounded Knee, were both situations where Indigenous peoples stood up for their rights and tried to stimulate political change, without inciting violence. Yet in both situations, as well as in others, they were met by excessive force by the federal government.

## The Problem with the US Historical Narrative

The Standing Rock Sioux resistance to the Dakota Access pipeline may seem historically unparalleled, in part, because of how American children are taught US history. It is but a partial history, which is systematically reproduced, and which offers overgeneralized notions of Indigenous cultures and their roles in history (Shear et al. 2015, 73). This biased narrative reinforces stereotypes and contributes to the continued marginalization of Indigenous peoples in the United States (Shear et al. 2015, 90).



In 2015, social studies education professor, Sarah B. Shear, led a study that looked at how Indigenous peoples were presented in the US history curriculum standards for grades K-12. Shear and her collaborators analyzed standards from all 50 states and the District of Columbia. They focused on how Indigenous peoples were depicted in the curricula, and the frequency with which Indigenous “content” was covered (Shear et al. 2015). The researchers found that nearly 87 percent of US history standards mandated the teaching of Indigenous peoples as they existed before 1900 (Shear et al. 2015, 82). As the overwhelming majority of the Indigenous “content” taught in schools depicted their cultures pre-1900, it practically suggested that Indigenous peoples disappeared after that date. Moreover, in a pre-1900 context, Native peoples were depicted as barriers to the development of the United States, whose removal was inevitable to American progress (Shear et al. 2015, 87).

These discursive processes silence the voices and experiences of Native people, who are thus made invisible (Shear et al. 2015, 83). If we, as American students, are not taught the complexities of Indigenous cultures and their histories, it becomes easier to marginalize and dehumanize Indigenous peoples. Furthermore, if we are not taught the profound oppression Indigenous people have faced historically, and continue to face today, then we cannot begin to recognize their trauma. Nor can we understand, or even fully recognize, their ongoing resistance against oppression. In order to understand the opposition to the Dakota Access pipeline, it is essential to acknowledge that the Indigenous peoples living today are descendants of those who have survived genocide.

## Conclusion

Before this year, I knew very little about the people who have inhabited this land for over 10,000 years. Most Americans’ ignorance of Indigenous peoples and their cultures, which I shared, is heartbreaking. I began to research the resistance to the Dakota Access pipeline in September, and have since engaged in several projects looking at it from different angles. For the past eight months, I have spent hours crying in front of the computer screen as I watch videos of the water protectors. I cry not only because the battle they were fighting is the same one they have been fighting for 500 years, but because I am in awe of their strength. Although the Standing Rock Sioux did not ultimately win their battle against the Dakota Access pipeline, they achieved something remarkable.

The Black Hills, Wounded Knee, and Standing Rock are only three examples in a much larger pattern of Native resistance throughout the Americas. While white America may not know of the resistance movements throughout history that enabled the opposition to the Dakota Access Pipeline, Native people do, and they continue to take action in response to that history. In a 201 article, acclaimed Indigenous environmentalist, activist, and writer, Winona LaDuke wrote,

The great Lakota leader Mathew King once said, “the only thing sadder than an Indian who is not free, is an Indian who does not remember what it is to be free.’ The Standing Rock protest camp represents that struggle for freedom, and the future of a people All of us. If I ask the question ‘What would Sitting Bull do?’ —the answer is pretty clear. He would remind me what he said 150 years ago: ‘Let us put our minds together to see what kind of future we can make for our children’ (LaDuke 2016).

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