

# Standing Rock: Victory Celebrated, Struggle to Continue

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## Victory....for now

After eight months, starting with a few hundred young Native Americans and swelling to up to 15,000 people in the sprawling encampments of Standing Rock, North Dakota, a victory was celebrated. President Obama's US Army Corps of Engineers denied the request for an easement to allow Energy Transfer Partners (ETP)\* and their "family" of logistics corporations to build the Dakota Access Pipeline (DAPL) under Lake Oahe and the Missouri River. that could threaten the water supply and sacred burial sites of the Standing Rock Sioux. The Army Corps of Engineers further required a full Environmental Impact Statement (EIS), which usually takes months and sometimes years, to reconsider granting the easement.

DAPL is a \$3.7 billion project that would link 1,700 miles of pipeline carrying over 500,000 barrels of crude oil every day from North Dakota through the mid-west and eventually to the east coast and south of the US. The sunny and wind-swept prairie of Standing Rock reveals the absurdity of building fossil fuel infrastructure that will further harm the planet when renewable energy is everywhere, waiting to be developed.

The December 4<sup>th</sup> decision came immediately after 2,500 US military veterans joined the "water protectors", as they are called, at Standing Rock. The vets formed a human shield protecting the water protectors from the myriad local law enforcement officers who work on behalf of the interests of the private oil and gas industries. Several of the vets said that, after serving in Iraq and Afghanistan, their effort to protect Standing Rock was the first time they actually felt they were protecting the American people.

After almost 500 years of white settlers and the US government stealing land from Native American tribes and forging divisions between them, over 200 Native tribes have coalesced to protect Standing Rock. The history of government-sanctioned genocide and colonialism are recurring themes in this struggle.

The main "road" in the encampment is Flag Row, a long dirt path lined with hundreds of colorful tribal flags from all over the Americas, signaling their unity. Strict rules of decorum prevail—no drugs, alcohol, or weapons of any kinds, total non-violence, respect for decision-making by the tribal

council and for elders, and dedicating the encampment to non-violent prayer. Their slogan is “Water is Life”. Thousands of indigenous peoples from all over the world and tens of thousands of non-indigenous peoples have come to Standing Rock to defend indigenous rights and to protect Mother Earth. They want to kill the “black snake”: DAPL. There lie the seeds of unity and dissent.

### **Mother Earth and/or Indigenous Rights**

Indigenous activists such as Tara Houska, Anishinaabe lawyer for Honor the Earth and Tom Goldtooth, Navajo leader of the Indigenous Environmental Network, see fighting the pipeline as more than defending the tribes; they see it as defending Mother Earth. They see fossil fuel infrastructure as dangerous to the future of humans on earth. They want to see the development of renewable energy and the end of fossil fuels.

Dave Archambault, II, Chairman of the Standing Rock Sioux tribe and primary spokesperson for the coalition of tribes, will be satisfied if the pipeline is re-routed away from the Sioux orbit. He has told the water protectors camping on the grounds, to go home to their families for the winter: their jobs are done. He has repeatedly stated that he is not opposed to infrastructure projects or to “energy independence” but rather is opposed when indigenous peoples are not consulted and when the pipelines go through their lands and waters. Many Native Americans, many desperately poor and denied opportunities, have sold mineral rights to their parcels of land to fossil fuel developers. This is a basic contradiction within indigenous peoples: those who see Mother Earth as their responsibility to protect for the next seven generations (an indigenous mantra), versus those who want to address their own poverty which seems much more immediate. This is a global phenomenon.

Months of battles with brutal local law enforcement have left hundreds of water protectors facing arrests, rubber bullets, tear gas, concussion grenades, water cannons used in sub-freezing temperatures, serious injuries and brutal treatment when incarcerated. Images of this police brutality against indigenous peoples and their supporters have galvanized support for the protests and brought thousands of people to the 5-6 camps that make up the sprawling Standing Rock encampment. Tribal elders often look askance at many of the “unofficial” actions advanced by the “Red Warrior Camp” and their allies because they have drawn so much violence against them. Nonetheless, the tribal leaders decry the violence and partisan nature of the “law enforcement” savage response. Red Warriors see these direct action confrontations as the reason that Standing Rock has gotten any publicity at all and has attracted the attention and won the hearts of radicals and human rights advocates across the world.

### **Life at Standing Rock: Building Liberated Spaces**

Standing Rock has developed massive camps, replete with many cooking tents each serving hundreds at every meal, large-scale donation operation, legal, medical and psychological counseling services, schools, orientation sessions and direct action trainings. Each morning and evening people gather around sacred fires and hear information, speeches, music and dance and feel the power of unity. Comparisons with Occupy Wall Street and its spin-offs reveal a much larger, more on-going and much more disciplined space in Standing Rock. It has captured the imagination and support of hundreds of thousands of people across the planet, from the indigenous Sami peoples of Norway to workers from all over the US who are angry at the lack of support from organized labor, specifically the AFL-CIO.

The presence of youth is immediately noticeable at the camps though there are plenty of elders and children as well. Supporters mostly camp out and help to winterize the teepee, yurts, army tents, recreational vehicles, camping tents, vans and school buses that create a small city of protest. They

are creating a liberated space, a space where progressive people can come together to protect their ideas and their cultures together. The utopian feel of the place is immediately apparent. The pull of such a liberated space is all the more meaningful in the face of US President-elect, Donald Trump. The encampment is simultaneously an historic throwback and a futuristic village of care and commitment to a more egalitarian and caring world.

The parallels with Occupy Wall Street are many—both aiming to build a new way with progressive and humanistic values, addressing the oppression of our people. Both captured the hearts of progressive folks and engaged mostly young people but Standing Rock's supporters include many more people of color of all backgrounds. The history of indigenous tribes welcoming people of African descent, especially during slavery, is not forgotten in this solidarity. Standing Rock's success is grounded in indigenous cultural values of respect, formal representative decision-making, discipline and work that is further expressed through a deep spirituality that connects our human activity to the earth. Standing Rock is orderly and behavioral norms are clearly articulated and encouraged, if not enforced.

### **What Lies Ahead?**

On December 4 and 5, over 15,000 people celebrated the Army Corps of Engineers decision to deny the permit to complete DAPL as planned, but the struggle is nowhere over. Several factors make for a complex web of possibilities that underscore the necessity of the encampment and wide support to continue.

First, Trump can overturn Obama's US Army Corps of Engineers' decision and force them to grant an easement to ETP. That will be challenged in court as the US Ninth Circuit Court of Appeals has ruled that federal agencies cannot change a settled ruling of a federal agency that is based on facts when a new administration takes over. The US Supreme Court declined to take up this ruling, leaving the Ninth Circuit decision to prevail. If Trump tried to get the permit without an environmental impact statement he would have an immediate lawsuit on his hands that would prevent the easement from taking effect, at least immediately. Additionally, Trump's reported investments in DAPL of \$500,000 to \$1 million may create a conflict of interest he cannot navigate. Other lawsuits against ETP are already in the courts and proceeding, further slowing down the process.

Further, Trump has talked about privatizing over 56 million acres of Native American reservations in order to facilitate exploitation of the natural resources of those lands. According to the Indigenous Environmental Network, indigenous reservations cover 2% of US land but contain an estimate 20% of its oil and gas plus vast coal reserves as well. That fight will ignite much more organizing and fight back.

Second, and perhaps most important, are the specifics of the contracts between ETP and Sunoco Logistics, their partner organization in this project, and the dozens of major financial institutions that have invested in DAPL. These contracts can be negated and/or open to re-negotiation if the pipeline is not completed by January 1, 2017. At that point the financial institutions will have the legal right to back out of or diminish their investments. There are dozens, perhaps hundreds, of groups in the US that are pressuring these very financial institutions to drop their investments in DAPL. Many of the pension funds of public workers and others are invested in these financial institutions and supporters are mounting campaigns to uncover them and demand divestment.

Supporters have been cutting up their credit cards and closing their accounts from banks investing in DAPL. The Sightline Institute did a study of DAPL financing and found them to be "rickety". They found that the value of crude oil has declined by about 50% since these contracts were signed,

making the windfall profits from this venture much less likely. They found a sharp decline in oil production that may signal no further need for the pipeline. For some of the investors, DAPL is looking risky on many levels.

Third, ETP has a way to sneak out of the job as well. Their contract indicates that they are not liable for project completion if “rioting” takes place. ETP along with their allies in local North Dakota law enforcement have been calling the direct action by water protectors “rioting”, setting the stage for a possible exit from liability. The demonstrators have been peaceful if sometimes provocative and a great deal of video evidence indicates that the violence has emanated from the law enforcement officers, not the protesters. But “rioting” is the language ETP and the cops use for specific purpose.

Fourth, the popular support for Standing Rock seems to grow with each day and each report of violence against the water protectors. There are similar challenges of fossil fuel pipelines in many parts of the US and they are gathering people to protest in those places as well. The model of encampments, of creating liberated spaces that protect the activists, land, water and movement, has taken hold. No force will hold that back. From the AIM Spectra Pipeline, slated to go under the Hudson River and immediately past the Indian Point Nuclear Power Station 10 miles from New York City, to the Black Mesa Water Coalition of the US southwest, the struggles to reject fossil fuel infrastructure and to build a sustainable energy economy is everywhere in the US as it is across the planet.

A new solidarity is emerging. One that has a great deal of potential to unite the left under the joint banners of the oppression of people, particularly people of color, and the oppression of the earth itself. The hope lies in navigating that unity with a vision of solving both oppressions simultaneously. A new world is conceived. Its home is everywhere, its people are many. While its opponents are on the ascent, the struggle continues. Compassion, respect, clear demands and decision-making and solidarity can guide the way.

\*The “Energy Transfer Family” of corporations involved in the logistics behind building the Dakota Access Pipeline are: Enbridge, Inc., Energy Transfer Partners, Energy Equity Partners, Marathon Petroleum Corp., Sunoco LP and Phillips 66

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