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Siege

To us, as caretakers of the heart of Mother Earth, falls the special responsibility of turning back the powers of destruction . . . Did you think the Creator would create unnecessary people in a time of such terrible danger?

—Chief Arvol Looking Horse,
Keeper of the Sacred Buffalo Calf Pipe¹

“We’re going to declare war on the Keystone XL Pipeline,” announced Oglala Sioux Tribal President Bryan Brewer, before a throng of cameras and microphones.² It was late March 2014, at an opening ceremony for a spirit camp on the Rosebud Indian Reservation in South Dakota. A crowd erupted into bursts of akisas and liliis—Lakota war cries and the high-pitched tremolos of assent. Keystone XL (KXL), or any oil pipeline, would not pass through Oceti Sakowin territory without a fight. This is a war story. But it is not always with weapons that warriors wage their struggle.

A dozen tribal national flags fluttered behind Brewer in the prairie wind, a sign of growing unity among Indigenous nations. His speech marked the beginning of a historic resistance that was to coalesce against the Dakota Access Pipeline at Standing Rock in 2016. It was not orchestrated behind closed doors by wealthy think tanks or big environmental NGOs. Rather, like its people, it grew from the earth and this humble landscape, often viewed as flyover country. It also grew from a deep history of struggles over land and water, and a fight for a livable future on a planet so thoroughly devastated by climate change.



Two-Spirit Nation leads a march to the police line.
October 2016. Photo by author.

Earlier in March, the Rosebud Sioux Tribe, under the direction of its president, Cyril "Whitey" Scott, abruptly ended a lease with a white farmer renting reservation land adjacent to the KXL pipeline's path. The pipeline snaked carefully through a complex checkerboard of private and tribal land ownership, a legacy of the 1887 Dawes General Allotment Act that broke up large chunks of reservation land by selling it off to white settlers. With yellow cornstalks still jutting through the snow from last year's harvest, workers from the Wica Agli men's health initiative, citizens of Rosebud, and supporting Native people erected tipis on reclaimed earth—directly in the path of the pipeline. They called the camp Oyate Wahacanka Wocun, meaning "shield the people." Large, round hay bales were taken from another plot leased by a white rancher and stacked to surround the camp, forming a barrier against harsh winds. The thick straw walls, it was said, may have also stopped bullets fired in the cover of darkness by vengeful white farmers.

It didn't matter if this was private property. It was still treaty territory, territory that generations of Lakotas and Dakotas had died defending and lived to care for. If not stopped, 800,000 barrels of tar sands oil would be transported each day across 1,200 miles of land—from Hardisty, Alberta, to Steele City, Nebraska—traversing 357 streams and rivers (all tributaries of the Missouri River), and crossing the Ogallala Aquifer, North America's largest aquifer. Because everyone depended on the water, whether for drinking or agriculture, Mni Wiconi (Water is life) trumped the sacredness of private property. "It's not an Indian thing, it's not a white thing," Rosebud Sioux Council Representative Wayne Frederick explained. "It's everybody's issue."³

White landowners from Nebraska were also at the camp's opening, standing at the edge of the crowd holding signs that read "PIPELINE FIGHTER." They had joined the Cowboy-Indian Alliance, a campaign led by a progressive group of

white farmers and ranchers from Bold Nebraska and Dakota Rural Action. Some of the landowners, however, were libertarians who were more concerned with the sanctity of private property and the evils of "big government" than with Indian treaties and climate change. And while they captured much of the media attention around KXL resistance, they represented a minority of the affected white landowners from Montana, South Dakota, and Nebraska.⁴ On the plains, solidarity with Indigenous nations is a hard sell that often comes down to land and money. By this time, TransCanada, the company building the KXL, reported at least 92 percent of the 302 South Dakotan landowners in the pipeline's path had agreed to sell their lands voluntarily.⁵ The situation was similar in Nebraska and Montana. The holdouts had filed lawsuits to stop eminent domain proceedings, the seizure of private land for "public use," the definition of which includes privately owned oil pipelines. But these were a mere handful of individuals, as compared to the many Indigenous nations who, for the most part, wholly opposed KXL.

This leg of KXL crossed through the permanent reservation boundaries of the Great Sioux Nation and unceded lands of the 1868 Fort Laramie Treaty, which forbids white settlement without Indigenous consent. The irony, Lakota historian Edward Valandra observed, was that any condemned private land would be "twice stolen"—land white squatters first stole from Natives would then be taken by a Canadian oil company.⁶ Settlers and private property have always been the vanguards of invasion, and the sanctity of private property never applied to Indigenous peoples. But instead of turning their backs, like the first settlers did to them, Native nations—such as Rosebud, Pine Ridge, Yankton, Cheyenne River, and Standing Rock—welcomed the potential allies. After all, "Lakota" (or "Nakota" or "Dakota") translates to "ally." To turn away, on account of differences, those with shared enemies or mutual interests goes against the very being of Lakota culture.

Much as it has been for centuries, this conflict was about the land: who stole it, who owned it, and who claimed it. On the High Plains, land is a matter of race, class, and colonialism. KXL was possible only because Indigenous genocide and removal had cleared the way for private ownership of land. Federal laws such as the Dawes Act and the 1862 Homestead Act, which opened up 270 million acres of Native land, subsidized white settlement to supplant entire Native nations, and eventually concentrated it in the hands of a few. According to a 2002 report by the United States Department of Agriculture (USDA), white settlers own 96 percent of all private agricultural lands in the United States, and 98 percent of private lands overall.⁷ According to a 2012 USDA report, in Lakota and Dakota reservations, non-Natives collect 84.5 percent of all agricultural income, controlling nearly 60 percent of the agricultural lands and 65 percent of all reservation-based farms.⁸ This includes the white billionaire and media tycoon Ted Turner, who owns more than 2 million acres of ranchland across the globe and more than 200,000 acres of Oceti Sakowin treaty land in western South Dakota.⁹ The radical scholar Cedric Robinson identified this system, in which a single white man owns more wealth and land than entire Indigenous nations, as racial capitalism.¹⁰ Capitalism arose under a racist European feudal system. It used “race” as a form of rule—to subordinate, to kill, and to enslave others—and used that difference for profit-making. Racial capitalism was exported globally as imperialism, including to North America in the form of settler colonialism. As a result, the colonized and racialized poor are still burdened with the most harmful effects of capitalism and climate change, and this is why they are at the forefront of resistance. The legacy of racial capitalism and ongoing settler colonialism were why the Oceti Sakowin had gathered to oppose KXL in 2014, and why they would gather again to oppose DAPL.

KXL resistance emerged six years after the US housing market collapsed and the nation’s first Black president, Barack Obama, inherited the mantle of a white supremacist empire. As global temperatures continued rising, Obama committed to curbing carbon emissions, but as part of his “all-of-the-above energy strategy,” he also embraced the oil industry as it opened new markets and lands to exploit. US domestic crude oil production skyrocketed from 2008 to 2016—an 88 percent increase, thanks to the shale oil boom in the United States and the tar sands boom in Canada. With this acceleration came new oil pipelines and new sites of extraction. As 9.3 million US families—many of them poor, Black, and Latinx—faced home foreclosures, Indigenous lives, lands, waters, and air were once again sacrificed to help pull settler economies out of the gutter.

In response to the economic crisis, revolutionary flowers had blossomed in public squares around the world, offering for a brief moment a vision for a different world. In 2010, young people of the Arab Spring toppled dictators, and tragedy and betrayal soon followed. In 2011, disenchanted millennials of the Occupy Wall Street movement put anti-capitalism back on the agenda to challenge the rule of the 1 percent, the wealthy elite. In response, police bludgeoned, tear gassed, and jailed the 99 percent. Out of this chaos, a mass Indigenous movement reawakened, the seeds of which were planted generations before. While the movements of public squares arose in the cities, the Indigenous uprising mobilized city and country alike, everywhere Indigenous peoples and their allies were found.

During the winter of 2012 to 2013, Indigenous rebellion was afoot on Turtle Island. Its heartbeat was a drum, its voice a song. In what is currently Canada, Indigenous women of Idle No More led a mass movement of round dances (traditional healing and celebratory dancing and singing) in shopping malls and blockades of rail lines transporting oil. They protested Stephen Harper’s Conservative government’s abuse

of Indigenous rights, privatization of Indigenous lands, and rollback of environmental protections to intensify fossil fuel extraction. As Cree Idle No More cofounder Sylvia McAdam noted, it was out of necessity that the movement linked Indigenous and environmental struggles to protest a system that, if not stopped, will continue to “devastate the very things needed to sustain humanity—our lands and waters—for the generations to come.”¹¹ It was more than a battle for the present; it was a battle for the future. The growing alliances resonated across the Medicine Line, the US–Canada divide. In February 2013, one of the largest actions in the history of the US climate movement descended on Washington, DC. More than 40,000 people gathered outside the White House to protest the Keystone XL Pipeline, bringing together Indigenous and non-Indigenous movements committed to halting the extraction and transportation of highly toxic and volatile tar sands.

That summer, Métis and Cree women and elders led hundreds in a two-day journey through the Alberta tar sands during an annual Healing Walk. Jesse Cardinal, a Métis cofounder of the walk, described how “participants [saw] tailings ponds and desert-like areas of ‘reclaimed land’ that was once the boreal forest and now grows almost nothing.”¹² It’s a stark and immense landscape, encompassing an area larger than the state of Florida. In Treaty 6 and Treaty 8 territories, tar sands extraction—by companies such as Suncor Energy, ConocoPhillips, ExxonMobil, and Shell Canada—has poisoned water, land, air, plants, animals, and people. Duck and moose—staple foods of many Indigenous communities—have become contaminated with toxins, and harvests of wild berries and plants have been decimated. According to Cardinal, in this modern-day gold rush, “many ‘outsiders’ are driven here by their own economic desperation.”¹³

Like the land itself, the bodies of Indigenous women, girls, trans, and Two-Spirit people are also seen as open for violence

and violation. Resource extraction intensifies a murderous heteropatriarchy, meaning that grounding resistance in Indigenous feminist interventions has become all the more urgent. An influx of men has also flooded the region’s “man camps,” which house migrant oil laborers.¹⁴ Men outnumber women two to one in the tar sands boomtown of Fort McMurray, Alberta. While a movement has existed since the 1970s to honor the lives of the thousands of missing and murdered Indigenous women across Canada, the Two-Spirit Métis activist Sâkhitowin Awâsis has noted the “links between presence of the tar sands industry and heightened rates of missing and murdered Indigenous Two-Spirits, women, and girls.”¹⁵ It’s no coincidence that Indigenous women led the movement against the tar sands.

Put another way, settler states like Canada and the United States continue to settle the land, raping and killing Native women and Two-Spirit people in order to do so. From the 1970s onward, communities and activists have documented thousands of cases where Indigenous women, girls, trans, and Two-Spirited people who have been murdered, disappeared, and targeted by all forms of violence in Canada. The movement, operating under the hashtag #MMIWG (Missing and Murdered Indigenous Women and Girls), holds rallies around Canada every February 14, honoring the lives of the disappeared and demanding answers—a call that has been partially answered by the creation of the National Inquiry into Murdered and Missing Indigenous Women. Canada’s death culture, however, is little different than its southern neighbor. In the United States, May 5 has been declared the National Day of Awareness for Missing and Murdered Native Women and Girls. In a 2016 report, there were 5,712 cases of missing Indigenous women nationwide; experts and activists, however, believe the number to be considerably higher.¹⁶

And Canadian prosperity is gained not just at the expense of First Nations. More than half the world’s mining companies are headquartered in Canada, with properties in more

than one hundred countries. Canadian extractive industries target Indigenous and colonized people throughout the world, and some have been linked to egregious human rights abuses, especially against Indigenous peoples. For example, beginning in 2007, Hudbay Minerals, a Canadian company with investments in the Fenix nickel mine, was linked to assassinations, beatings, gang rapes of women and girls, and arsons in Mayan communities in Guatemala.¹⁷

The links between the extractive industry and violence against Indigenous peoples also turn up in the United States. The Bakken shale oil boom that began in 2007, and would eventually prompt the construction of the Dakota Access pipeline, made North Dakota the second-largest oil producing state, after Texas. Much of this occurred on the Fort Berthold Reservation, the Mandan, Hidatsa, and Arikara (MHA) Nation, which sits atop some of the region's deepest oil reserves. In 2011, Tex Hall, the tribal chairman, adopted the mantra "sovereignty by the barrel," expressing a belief that oil wealth can strengthen economic self-determination and autonomy. Oil revenues, Hall hoped, would bring his nation out of crushing poverty and relieve the enduring devastation caused by the federal government's construction of the Garrison Dam in the heart of the reservation in the 1950s, which forced the reservation's residents from the fertile Missouri River valley onto the open, less productive plains. In short order, the MHA Nation became one of the wealthiest in Indian Country, and with this ascent came political corruption and high rates of violence, especially against women and girls.¹⁸

"We found a crying, naked, four-year-old girl running down one of the roads right outside of the Man Camp. She had been sexually assaulted," Grace Her Many Horses recalled. It was just one of many horrific incidents of rape, abuse, and sex trafficking during Her Many Horses' time at Fort Berthold in 2013 as a tribal cop. Most of her calls were related to man camps or the oil and gas industry they served.¹⁹ Towns of

thousands literally sprang up overnight, made up of mobile homes and FEMA trailers, as hotels overflowed. Existing towns doubled and quadrupled in population, taxing already overstretched or nonexistent social infrastructure, including reservation emergency services. Nearly all the new arrivals were men, leading to some of the highest concentrations of men, outside of prisons, in North America. While emergency calls and violent assaults were frequent, prosecutions were not. Non-Native oil workers exploited a complex patchwork of federal, state, and tribal jurisdictions in which tribal law enforcement has little or no jurisdiction over non-Natives, allowing perpetrators to escape tribal justice.²⁰

Since the Bakken boom, the rolling prairies and lush river valleys that had survived Army Corps flooding in 1953 have been replaced by miles of metal fracking rigs and heavy construction equipment. Clustered constellations of oil flares burning off methane are visible from space at night. "What we're dealing with is a death by a thousand cuts," said Kandi Mossett, an organizer with the Indigenous Environmental Network and citizen of the MHA Nation.²¹ She explained that cancer, asthma, and respiratory diseases have increased among the children and elders because of the toxic environment. Mossett herself is a cancer survivor. But this toxic landscape is connected to another. "You would never see this in Houston's most affluent neighborhoods," said Yudith Neito, a resident of Houston's mostly Latinx community Manchester, where the air smells of burnt plastic and diesel from the oil refineries along the Houston Ship Channel next door.²² These are the refineries that process oil from the Canadian tar sands and the Bakken shale.

Nevertheless, in 2012, despite massive opposition, Obama fast-tracked the construction of KXL's southern leg from Cushing, Oklahoma, to the Gulf Coast. "As long as I'm president," he boasted in 2012, "we're going to keep on encouraging oil development and infrastructure, and we're going to do

it in a way that protects the health and safety of American people.”²³ But those protections didn’t extend to communities like Neito’s or Mossett’s—nor would they be extended, with the Dakota Access Pipeline, to Standing Rock and the millions who depend on the Missouri River for fresh water.

In response to Obama’s order, that same year the Tar Sands Blockade sprang into action, a coalition that reflected the diversity of communities affected: conservative landowners, green anarchists and leftists, Latinx and Mexican-American communities, and Indigenous organizations from Canada and the United States. At an eighty-day sit-in action obstructing KXL construction on its southern route, local authorities and private security crushed the opposition with beatings, Tasers, and pepper spray—a prelude of what was to come.²⁴ It was also part of what Canadian author and activist Naomi Klein calls “Blockadia,” a “roving transnational conflict zone” of grassroots resistance to the fossil fuel developments—whether “open-pit mines, or gas fracking, or tar sands pipelines”—that are not simply causing climate change, but threatening the very livelihoods of communities.²⁵

But some communities remained disunited, especially among the Oceti Sakowin. Despite pulling together a historic alliance with non-Natives, one small nation remained an outlier—my own. TransCanada had carefully avoided crossing reservation lands to avoid provoking Indigenous resistance, except at one key location: the Lower Brule Indian Reservation, a place that received little media attention, despite its central role.

TransCanada needed to build a seventy-one-mile electric transmission line that connected hydroelectricity generated at the Big Bend Dam to one of seventeen pipeline pump stations at Written, South Dakota. Because the power line crossed sixteen acres of Lower Brule land, it required tribal consent. Although a crucial detail, the power line project was easy to miss, buried in the thousand-page technical manuals

TransCanada produced. It was also easy to miss the name of the Lower Brule Sioux tribal chairman, Michael B. Jandreau, listed among the “Consulting Tribes’ Points of Contact.” Jandreau was the longest-serving tribal chairman in US history, in office for more than three decades before dying in office in 2015. As his health declined during his last term, so too did faith in his administration.

After months of denying negotiating with the company, in March 2014 suspicions surrounding the Lower Brule Tribal Council’s collaboration with TransCanada had been confirmed. A November 12, 2013, Lower Brule Sioux Tribal Council resolution had been leaked to the public in which the council spelled out plans to pursue “prospective benefits and working relationships” with TransCanada and to inform President Obama and Vice President Joe Biden of its support for the Canadian oil company.²⁶ Lower Brule’s actions directly violated the spirit of the Mother Earth Accord, which its leaders signed in September 2011 at a historic summit held in Rosebud with Alberta First Nations, Indigenous governments, grassroots treaty councils, human rights NGOs, and the Cheyenne River, Crow Creek, Fort Peck, Pine Ridge, Rosebud, Standing Rock, and Santee Reservations. By signing the accord, the Lower Brule Sioux Tribe committed to end the extraction, transportation, and refinement of Alberta tar sands by asking President Obama to reject the presidential permit required for KXL.²⁷ Now, Lower Brule had crossed a picket line, betraying not only their relatives in the Oceti Sakowin but also frontline communities around the world being devastated by climate change and extractivism.

The label “sellouts” stung, spurring the small nation into action. The Kul Wicasa, the people of Lower Brule, called an emergency town hall meeting, inviting tribal leaders and organizations from other reservations as well as the entire Lower Brule Tribal Council. Members of Owe Aku (Bring Back the Way), led by renowned Oglala environmentalist

Debra White Plume, facilitated the meeting in a show of solidarity.²⁸ From Lower Brule, the brother-and-sister twins Loreta and Lewis Grassrope, Kevin Wright, and Marlo Langdeau, among others, organized a town hall meeting calling on their nation to end its relationship with TransCanada, to uphold the Mother Earth Accord, and to join the growing alliance against KXL. More than a hundred attended, including the presidents of Pine Ridge and Rosebud. But the Lower Brule council boycotted the entire gathering.

"I used to be proud to be from here," said Langdeau, with tears in her eyes, after Standing Rock, Cheyenne River, and Rosebud had booted TransCanada officials off the reservation. Now, their leaders refused to face their own people. "It's embarrassing to be called a 'sellout' when you don't even know what's going on."

When there was no response from their elected officials, the organizers took matters into their own hands. Lewis Grassrope and Kevin Wright attempted to occupy land in front of the proposed transmission line, but before they could establish a camp, Bureau of Indian Affairs police (a federal police agency that operates without tribal oversight) stopped them. Undeterred, they set up on Grassrope's mother's homestead, several miles north of Medicine Butte on reservation land. They called the camp "Wiconi Un Tipi," which loosely translates to "the way we live when we live in community." As the name suggests, this was about more than stopping a pipeline. It was about restoring dignity to a little nation of people that had earned the reputation as "the forgotten Sioux."²⁹

For Grassrope, a former tribal cop, it was Indigenous people at the grass roots who made the movement. The *ikce wicasa*, the *ikce winyan*, (the common men and women, the humble people of the earth), were the ones who changed history, not "great men" or tribal councils. When humble people moved, the earth moved with them. "We don't have a voice. We don't have a standing. We don't have influence. But as you can see

here," Grassrope said in November 2016, gesturing to seven tipis embodying the reunification of the Oceti Sakowin Camp at the confluence of the Cannonball and Missouri Rivers, "we are the tip of the spear. We're saying, 'mni wiconi.' We're saying, 'treaty.'"

Wright, a firefighter, was a Water Protector from a different generation and a long-time dissident of his own government. In 1999 Wright joined members of the Lakota Student Alliance in a yearlong occupation of LaFramboise Island, a nature reserve in the middle of the Missouri River and, to the Oceti Sakowin, unceded earth. At the time, he also stood against the Lower Brule council's support of federal legislation known as the "Mitigation Bill," in which South Dakota lawmakers had proposed transferring jurisdiction over more than 200,000 acres of Missouri shoreline from the Army Corps of Engineers to the state of South Dakota. All Missouri River Indigenous nations objected to it except for Cheyenne River and Lower Brule, who chose to support it.³⁰

This history of bad faith on the part of both state politicians and their own tribal council was fresh in the minds of the Lower Brule opposition in 2014. To Wright and Grassrope, the primary conflict boiled down to governance. The reservation system and the imposition of the elected tribal councils had all but dissolved traditional governance. In its place, a winner-takes-all electoral system turned relatives against each other, and harsh political divisions broke down the family kinship unit, the *tiospaye*—an extended network of relatives that was fundamental to decision making and caretaking. The arrangement that replaced it instead fomented division and rivalry over scant resources, catering to outside corporate and state interests; it was a type of neocolonialism.

The divisions were a result of a sordid history of colonial land grabs. In 1889, in advance of North and South Dakota statehood and to encourage white settlement, Congress passed the so-called "Sioux Agreement" that broke up the Great Sioux

Reservation into five separate reservations—Cheyenne River, Standing Rock, Pine Ridge, Rosebud, and Lower Brule. For traditionalists and treaty councils, it was hardly an agreement; the 1889 partition didn't get the required three-fourths approval from adult Native men, as stipulated by the 1868 Fort Laramie Treaty. In their eyes the creation, under the 1934 Indian Reorganization Act (IRA), of modern reservations, which later became separate governments, fractured national unity and undermined customary government and treaty law. This was the primary dispute in 1973 when American Indian Movement members, at the request of Oglala elders, took over Wounded Knee in protest of Pine Ridge's IRA government, which was under the authoritarian leadership of Chairman Dick Wilson, who was criminalizing dissent. In short, AIM and their supporters opposed colonial administration. While AIM promoted traditional governance, it never achieved the reunification of the Oceti Sakowin on the scale realized at Standing Rock in 2016. But AIM's militancy a generation earlier paved the way for the historic movement. While Indigenous nations rallied to support Standing Rock and the Oceti Sakowin, two years earlier Lower Brule was thrown into turmoil as grassroots councils called for overturning the status quo.

The so-called "Lower Brule constitutional crisis" of 2014 to 2016 was not an armed takeover like the one that took place at Wounded Knee in 1973. Nevertheless, it was without hesitation that supporters of the old order called it "an attempted overthrow of the tribal government."³¹ And they weren't entirely wrong. In the fall of 2014, a grassroots reform movement had galvanized under the slogan Mni Wiconi, electing three anti-KXL candidates to the six-person council: Sonny Zeigler and Desiree LaRoche as council members, and Kevin Wright as vice-chair. Michael Jandreau defeated Lewis Grassrope for the position of chairman by a slim margin. The new council members quickly set to work pushing for reform and transparency, and they met a strident opposition.

A November council meeting escalated to a shouting match, nearly ending in a fistfight between opposing sides, when Wright called for Jandreau's removal for corruption and financial malfeasance, among other charges. In December, the opposition council members attempted to circumvent Jandreau and his supporters by appointing an entirely new council. This back-and-forth led to a flurry of lawsuits and countersuits, and day-to-day operations ground to a halt. After Jandreau passed away in April 2015, Grassrope was named his successor, but due to opposition from other council members, he never fully assumed the role. In May, in response to the unfolding political chaos, the Kul Wicasa Ospiye, a grassroots treaty organization, gathered signatures from the leadership of the traditional tiospayes of the Kul Wicasa to assert their right to be "self-governing" and that the people, not the federally recognized IRA council, were "the sole source for the Lower Brule Sioux Tribe's existence."³² The move underscored the gravity of the vicious power struggle that was unfolding, and the profound desire for an accountable government based on Lakota values, including kinship.

In Jandreau's absence, and with the backing of the grassroots movement, Wright called for the removal of TransCanada from 1868 Treaty lands. "We see [TransCanada] as 'bad men' as defined by our treaties with the United States," Wright said in a statement. He cited a treaty clause that allows for the removal of "bad men among the whites" who "commit any wrong upon the person or property of the Indians." It was a bold move: the question of whether or not a corporation, which has personhood under US law, can be removed from treaty lands has yet to be tested in court. But for Wright and his supporters, the existential threat posed by KXL and climate change justified the risk. "This land is all we have," Wright explained, "and we are obligated to preserve it for our future generations."³³ However, the action went nowhere, as the council had failed to form a consensus—or even to convene.

The Lower Brule opposition, even with support from the grassroots community, was unable to dramatically improve conditions on the reservation or to significantly change the structure of the IRA council during their brief two-year tenure. Nevertheless, their advocacy would have a resonating impact. After Obama denied the required presidential permit for KXL's northern leg in December of 2015, the newly elected Lower Brule council changed course. One of its first actions was the passage of a resolution supporting Standing Rock's battle against the Dakota Access Pipeline. And in December 2016, preempting Donald Trump's incoming administration, which was expected to reapprove KXL's northern leg, the council passed a resolution opposing construction of the Big Bend–Witten line that would power KXL, stating that they opposed oil pipeline development and the construction of any infrastructure related to it.³⁴ Those two major victories would not have occurred without the tumultuous grassroots struggle against KXL, a movement that fed into the DAPL fight.

In November 2016 at Oceti Sakowin Camp, Lewis Grassrope was sitting in his tipi. It was one of seven that were arranged in the shape of a buffalo horn, with a large fire pit in the middle. The entire camp was arranged in a half circle facing Mni Sose and Wiyohiyapata (meaning “where the sun rises”). About half the size of a football field, the camp horn at the confluence of the Missouri and Cannonball rivers was surrounded by Indigenous national camps—such as Ihanktonwan Camp, Oglala Camp, and Kul Wicasa Camp—and organizations’ camps—such as Indigenous People’s Power Project and Red Warrior Camp. The Seven Council Fires of the seven nations—the Mdewakantonwan, Sissintowan, Wahpetonwan, Wahpekute, Ihanktonwan, Ihanktonwanna, and Tintonwan—had been lit, and a nation reunited. It was a dream come true. On the horizon, on a hill, shadowy figures of cops in riot gear idled under floodlights and behind tangled razor wire. But the constant drone of the surveillance aircraft

circling above was hardly noticeable over the sounds of children playing and the boisterous chuckles around campfires. Young boys and girls sang round dance songs and raced horses along the shoreline. Men and women cleaned and sliced up tripe for menudo. This was Wiconi Un Tipi, Lower Brule’s national camp and one of the first camps to set up at Oceti Sakowin after Standing Rock put out the call in August.

“A lot of people didn’t believe, they didn’t have faith,” Grassrope said, reflecting on the adversity he and his small nation faced over the years. He looked outside his tipi to the life, breath, prayer, and song around him. “When KXL happened, the belief came back. When DAPL happened, the belief came back.”

The harbingers of the Dakota Access Pipeline arrived on an early fall morning, September 30, 2014, to Fort Yates, the headquarters of the Standing Rock tribe. A special meeting had been scheduled between the Standing Rock Sioux Tribal Council, and representatives of the Dakota Access Pipeline (DAPL) and Energy Transfer Partners (ETP), the Texas-based firm financing the project).

Earlier in 2014, the Army Corps had rerouted the pipeline from upriver of North Dakota’s white-dominated capital, Bismarck, to upriver of the poorest county in North Dakota, Sioux County—the Standing Rock Reservation. In its environmental analysis, the Army Corps had concluded that the Bismarck path crossed a “high consequence area,” which meant that a spill would have an adverse effect.³⁵ Not once did it mention Standing Rock, for which a spill half a mile upriver was of no consequence to the Army Corps. The new route also saved on time, construction costs, and the unwanted headache of contaminating the drinking water of white settlers in the state’s capital.

In an audio recording of the September meeting in Fort Yates released by the tribe, Chairman David Archambault II can be heard whispering off mic, “What is the name of the

company?" He then asks, "Dakota Access Pipeline, are they here?"³⁶ No answer. DAPL was late. It seemed fitting. Amid the historic resistance unfolding against tar sands and KXL across the continent, DAPL seemed like an afterthought, arriving late and under the radar. At this time, a year ahead of the pipeline permitting process, hardly anyone had heard of DAPL. But those who saw it coming knew it was dangerous.

When DAPL representatives finally arrived, Archambault made Standing Rock's position clear: "We oppose the pipeline," he stated. Archambault cited a 2012 resolution that forbade any oil pipeline within the boundaries of the Fort Laramie Treaties of 1851 and 1868. Where federal and state governments have historically chosen to ignore them, Standing Rock has recognized and enforced its original treaty boundaries. In their report, DAPL representatives Tammy Ibach, Chuck Frey, and Joe Malucci mentioned that the pipeline crossed less than a mile north of the reservation boundaries, but they never mentioned treaty lands. They also never asked whether Standing Rock wanted the pipeline in the first place. DAPL was looking for "consultation," not consent.

"It's not consultation, because the plan's already done," Councilman Randy White rebuked the representatives. "And to me, that's really wrong."

Wasté Win Young, the Standing Rock Tribal Historic Preservation Officer, agreed. After studying the company's initial reports, what concerned her most was the Army Corps' intention to fast-track the project. (Despite their central role planning DAPL's route, the Army Corps did not attend the September 30 meeting.) Unlike KXL, which crossed an international border and therefore required State Department review and presidential approval, DAPL was a domestic project. This allowed the Army Corps to assess the pipeline according to a Nationwide Permit 12, which only considers individual construction sites, rather than cumulative negative impacts on entire nations of people, ecosystems, or the climate.

As Young pointed out, fast-tracking the project under Permit 12 regulations bypassed environmental reviews under the Clean Water Act and the National Environmental Policy Act. It also skirted the type of public scrutiny received by KXL and significantly undermined the ability of impacted communities to mobilize, protect, and defend themselves.

Moreover, DAPL cut through about 380 archeological sites, such as burials, with at least 60 at the confluence of the Cannonball and Missouri Rivers alone. Though not recognized as reservation land, under the National Historic Preservation Act's Section 106, the presence of these culturally sensitive sites made the area "ancestral territory." Any potential disturbance required the Army Corps to consult with Standing Rock in order to proceed, a procedure Young claimed the Army Corps had failed to do in the past. The place where the pipeline crossed the river also held deep historical and cultural significance. Many Horses Heads Bottom, where DAPL crossed the Missouri River, Young explained, was where Dakotas fled generals Sibley and Sully's 1863 "columns of vengeance." After the 1862 Dakota Uprising, the United States punished survivors of that war at the Whitestone Hill Massacre, where they gunned down more than 400 Lakotas and Dakotas on a buffalo hunt. It was a massacre nearly forgotten by settlers, but no less horrific than Sand Creek and Wounded Knee. The soldiers led a manhunt up and down the river, capturing or killing survivors. Mothers plugged their babies' noses to silence their cries as they swam to safety across the river in the cover of darkness.

"I struggled with this last night," said Young at the meeting. "Do we want to tell something so important and sacred to us to a pipeline company?" Descendants of those who survived that genocidal campaign were sitting in the room, face to face with the very people who would two years later bring a whole new wave of chaos and violence.

What concerned Councilwoman Avis Little Eagle was the

water. “Every oil pipeline leaks,” she said, “and it’s going to ruin the water we consume and that future generations are going to consume.” Her fears were warranted: from 2010 to 2016, Sunoco Logistics, the operators of DAPL, had more than 200 of their pipelines leak;³⁷ indeed, DAPL would leak five times within six months of beginning operation.³⁸ Little Eagle also sat on the Standing Rock water control board, which, having reviewed DAPL’s route the previous day, passed a resolution opposing it on the grounds that it threatened the reservation’s source of drinking water, the Missouri River. This action fell in line with Standing Rock’s Constitution, which was drafted with the water in mind. Article 1 of the Constitution reserves jurisdiction over “all rights-of-way, waterways, watercourses[,] and streams running through any part of the Reservation.”³⁹ A threat to its drinking water was thus a threat to Standing Rock’s sovereignty, as well.

“Our water is our single last property that we have for our people, and water is life—Mni Wiconi,” remarked Phyllis Young to the DAPL representatives. Young was a councilwoman, a longtime AIM member, and Wasté Win Young’s mother. The elder stateswoman described her homelands as a “national sacrifice area.” In order to generate hydroelectricity to power homes in far-off cities like Minneapolis and Chicago, the Army Corps had flooded her home in the middle of a cold winter. “I know what it is to be homeless,” Young said. “I know what it is to be hungry in this great land of plenty, where we lived in the richest riverbed in the world.”

The dams, which I describe in chapter 5, were the reason why the Army Corps had final say over DAPL’s route: claiming sole jurisdiction over the river and shoreline, they had inundated the land in the 1950s and 1960s, usurping Indigenous jurisdiction, kicking people out of their homes, destroying the river that nurtured them, and shrinking reservation boundaries in the process. The Army Corps never sought the consent of Missouri River Indigenous nations for

these incursions, nor did Congress ever authorize them to extinguish Indigenous jurisdiction over the river.⁴⁰ Now, it was also without their consent that the Army Corps sought to route the Dakota Access Pipeline through their homelands.

“We are not stupid people. We are not ignorant people,” Young chided the DAPL spokespeople. “Do not underestimate the people of Standing Rock. We know what’s going on, and we know what belongs to us, and we know what we have to keep for our children and our grandchildren.”

This was a history she had lived through, and it was an intergenerational struggle her children had inherited. In 1974, Phyllis Young and Standing Rock council representatives, including David Archambault Sr. (David Archambault II’s father), organized the first International Indian Treaty Council at Standing Rock (detailed in chapter 6). Standing Rock gave AIM the mandate to pursue, at the United Nations, all legal means available to enforce the 1868 Treaty. The historic meeting brought together 5,000 people from ninety-seven Indigenous nations from around the world, and it was the beginning of a movement that culminated in a touchstone document on Indigenous rights: the 2007 UN Declaration on the Rights of Indigenous Peoples. Unlike other federally recognized IRA governments at the time, Standing Rock had maintained amiable relations with treaty councils, grassroots movements, and even militants such as AIM. On occasions when, as in Lower Brule in 2014, the antagonisms between these bodies turned destructive or violent, the Standing Rock’s capacity to bridge these divides set it apart from other IRA governments. This history was decisive in the creation of the #NoDAPL movement, which began with the coalescence of tribal councils and Indigenous grassroots movements.

“It’s nothing for you to come and say, ‘We want to do this [build a pipeline]. We want to be friends with you,’” Young said to DAPL. To her, naming a pipeline, Dakota Access, and a state, North Dakota, after the very people they intended to

swindle, and about whom they knew nothing, was an insult. “North Dakota?” she asked. “Miye ma Dakota! I am Dakota! Dakota means ‘friend’ and ‘ally.’” By trespassing, the pipeline company and the state didn’t behave as “friends” or “allies.” Quite the opposite.

“This is Dakota territory. This is treaty territory. This is where you agreed not to come into my territory,” she continued. It was a reminder that treaties are not an “Indian problem”; they are everyone’s problem. Signed between settler government and Indigenous nations, they are also the responsibility of non-Natives: an even older document, the US Constitution, regards treaties as “the supreme law of the land.”

If DAPL didn’t respect Standing Rock’s sovereignty or the Oceti Sakowin’s ancestral and treaty territory, then, Young warned, “We will put our best warriors in the front. We are the vanguard. We are Hunkpapa Lakota. That means the ‘horn of the buffalo.’ That’s who we are. We are the protectors of our nation, of Oceti Sakowin, the Seven Council Fires. *Know who we are.*” She left them with this final message: “We understand the forked tongue that our grandfathers talked about. We know about talking [out of] both sides of your mouth, smiling with one side of your face. We know all the tricks of the wasicu world [the colonizer’s world]. Our young people have mastered it. I have mastered your language. I can speak eloquently in the English language. My grandmother taught me. But I also know the genetic psyche. And I also have the collective memory of the damages that have occurred to my people. And I will never submit to any pipeline to go through my homeland. Mitakuye Oyasin!”

DAPL seemed to have forgotten the lessons imparted that day. “I really wish for the Standing Rock Sioux that they had engaged in discussions way before they did,” Kelsey Warren, a billionaire Texas oilman and CEO of ETP, told the *Wall Street Journal* in November 2016. “We could have changed the route. It could have been done, but it’s too late.”⁴¹ Apparently, Warren

didn’t consider the initial 2014 meeting a “discussion,” nor did he accept Standing Rock’s flat-out refusal. In a 2016 statement to a federal judge, however, DAPL Vice-President Joey Mahmoud did confirm his company had received Standing Rock’s message loud and clear. He admitted the company was told “to stop the project” and to avoid Oceti Sakowin territory altogether. But Mahmoud found it “an impossible request to accommodate,” and he and his employees could hardly hide their contempt.⁴² In March 2016, an Army Corps archeologist warned in an email: “Someone needs to tell Joey [Mahmoud] the next RACIST comment will shut down the entire project.”⁴³ The email concerned Mahmoud and his employees’ treatment of Native cultural resource workers who had identified culturally sensitive sites, such as graves and sacred sites, along the pipeline route. This wasn’t a “clash of cultures” or a lack of “cultural sensitivity” towards those they saw as different; this was full-blown settler colonialism—a struggle over the land and water in which a people were fighting for their lives.

#NoDAPL was also a struggle over the meaning of land. For the Oceti Sakowin, history is the land itself: the earth cradles the bones of the ancestors. As Tasunka Witko, Crazy Horse, once said, “My land is where my dead lie buried.” For others, however, the earth had to be tamed and dominated by a plow or drilled for profit. Because Native people remain barriers to capitalist development, their bodies needed to be removed—both from *beneath* and *atop* the soil—therefore eliminating their rightful relationship *with* the land.

Recognizing this, Standing Rock chose a legal route to stop the pipeline, filing a complaint in federal court against the Army Corps on July 27, 2016, the day after the Army Corps approved DAPL’s route across the Missouri River and through culturally sensitive sites. In late August 2016, as pipeline construction approached Highway 1806, Standing Rock grew desperate. Legal mechanisms weren’t working; more drastic measures had to be taken. Sensing what was coming, on

August 15, DAPL filed a lawsuit seeking an injunction against a number of individuals, including Chairman Archambault, from interfering with pipeline construction (a suit dismissed on September 19). Four days later, the governor, Jack Dalrymple, a legacy Yale man, declared a state of emergency, asking for assistance from the federal government, DAPL, “and any entity we can think of.”⁴⁴

“Perhaps only in North Dakota, where oil tycoons wine and dine elected officials, and where the governor, Jack Dalrymple, serves as an adviser to the Trump campaign, would state and county governments act as the armed enforcement for corporate interests,” penned Archambault in a *New York Times* op-ed, days before police arrested him. “In recent weeks, the state has militarized my reservation, with road blocks and license-plate checks, low-flying aircraft and racial profiling of Indians.”⁴⁵

Standing Rock, the nation of the great Tatanka Iyotake, Sitting Bull, was facing down county, state, federal, and corporate powers. His people—some of the poorest in North America, and armed only with sage, prayer bundles, Canupas (sacred pipes), and the spirit of their ancestors—were facing down a mounting legion of police and private security backed by some of the most powerful people in the world.

On Friday, August 26, Chairman Dave Archambault II gave tribal employees the day off. He joined a prayer action at the location where DAPL crossed the highway and was arrested trying to break through a police line, along with eighteen others, during a two-day blockade of a construction site. Tribal cultural resource management experts, among them Tim Mentz Sr., an elder and citizen of Standing Rock, had identified at least twenty-seven burials west of the highway—on private land, and directly in the pipeline’s path. The immense historical importance of the discoveries, in other circumstances, would have given pause to tribal historians and scholars. Mentz characterized one finding—a rock structure arranged in the shape of the

Dakota constellation Iyokaptan Tanka (the “Big Dipper”)—as “one of the most significant archeological finds in North Dakota in many years.”⁴⁶ He notified a federal court of the discovery on Friday, September 2, and requested immediate action to protect the site. What happened the next day, Mentz and others believed, was no accident.

In the early morning hours of Saturday, September 3, 2016, blood was spilled in the struggle over hallowed ground. Caterpillar earthmovers came barreling across the prairie. A small army of attack dogs and their handlers, private security hired by DAPL, guarded the site, followed closely by a spotter helicopter whirling above; all of them were ready for a fight. It was Saturday of Labor Day weekend, a holiday celebrating the working poor who had picketed and protested (and were beaten and shot) to win an eight-hour workday. But this holiday weekend, it was unionized pipeline workers who clocked in while Indigenous people formed a picket line. The Indigenous marchers who showed up that day were *working* to protect their lands and waters—they were Land Defenders and Water Protectors.⁴⁷ Workers who cross picket lines, on the other hand, are called “scabs” because they undermine working-class solidarity. The pipeline workers met a march of Water Protectors coming down Highway 1806, which had begun with the Canupa, a pipe ceremony (as had nearly all actions), to grant strength and protection for the ancestors who might be unearthed. When the Water Protectors saw the heavy machinery that morning turning soil, it was human remains—their relatives—that were unearthed. Native people quickly formed a blockade. The Water Protectors pushed down fences, throwing themselves in front of bulldozers. A white man jumped from a truck, spraying a line of women and children with CS gas, a chemical that burns skin, eyes, and throats and can cause blindness. The handlers—the people who train animals to hunt human beings: manhunters—sicked attack dogs on the picket line. Blood dripped from the dogs’ maws.

“In that moment, everything changed,” recalled LaDonna BraveBull Allard, Tamakawastewin, Her Good Earth Woman. That morning *Democracy Now!*’s Amy Goodman was interviewing BraveBull Allard when the phone rang. “The bulldozers are here!” They rushed to film the scene. BraveBull Allard had been in the middle of telling the story of Nape Hota Winyan, her great-grandmother, a survivor of the Whitestone Hill Massacre, which occurred September 3, 1863; the same day 155 years later, Caterpillar earthmovers desecrated her ancestors’ graves. At Whitestone Hill, women tied their babies to dogs in hopes that they would escape the soldiers. As soldiers finished off the wounded, the order came to shoot the dogs. These terrible histories, separated by time, were eerily similar.

“They took our footprint out of the ground,” said BraveBull Allard of the havoc wreaked upon the land. “And who has the right to do that?” Before DAPL, LaDonna BraveBull Allard considered herself a tribal historian, but never an activist. That changed when DAPL released its plans showing the proposed pipeline crossing near the confluence of Mni Sose (the Missouri River) and Inyan Wakanagapi Wakpa (the Cannonball River), threatening the land and water. Once, shallow waters made it a place of passage, trade, and commerce. Large villages of the Mandan, Arikara, and Dakota peoples hugged the lush riverfront, and the Cheyennes and Pawnees were known to frequent the area, too. Many came to fast and hold ceremony; and because of its deep spiritual significance, the landscape was also considered neutral territory where, out of reverence, warring factions laid down their arms and camped within sight of each other without incident. Lewis and Clark misnamed it “Cannonball”—to their minds, the spherical sandstones resembled tools of war—but for the Dakota people, it was a place of life. They called it “Inyan Wakangapi Wakpa” (River that Makes the Sacred Stones). BraveBull Allard’s grandfather, Tatanka Ohitika (Brave Bull)

held sun dances here, continuing to maintain relations with the landscape by putting medicine and prayer into the earth while also harvesting food from it.

It was here that water shaped earth—making sacred stones. It was also here that state institutions used water and earth to shape and destroy a people’s history. After the Army Corps dredged the mouth of the Cannonball River, the swirling waters stopped creating the sacred stones. In the 1950s, the Army Corps built the Oahe Dam, flooding the sun dance grounds and the most fertile, arable land. When land and water are taken and destroyed, so too is the possibility of a livable future.

“Our people are in that water,” recalled BraveBull Allard who, as a little girl, saw the floodwaters take her land. “This river holds the story of my entire life.” To honor this history, “Inyan Wakanagapi Oti,” the name for the Cannon Ball area, became the name for the prayer camp that BraveBull Allard helped found in April 2016. She was in Long Soldier District at a meeting on the KXL fight with Joye Braun, Jasilyn Charger, and Joseph White Eyes from Cheyenne River, and Wiyaka Eagleman from Standing Rock. Together they decided to start a #NoDAPL camp. BraveBull Allard approached Braun afterward and offered up her land.

On April 1, they attended a meeting with the Army Corps to give testimony against DAPL. The Oceti Sakowin, Lakota, Dakota, and Nakota nations arrived in caravans by horse, motorcycle, and car to show support. Indigenous youth organized a run. Elders came to offer their Canupas and prayers, and tipis went up; they called it “Sacred Stone.”

BraveBull Allard remembers one day coming down to camp after work: “They were roasting deer meat on the grill. The women were cutting meat on the side to dry it. Kids were running and screaming. All of these people sitting around the fire were telling stories and what it was like to live on the river. Here was the catch: nobody was speaking English. They were

all speaking Dakota. I looked at them and I thought, ‘This is how we’re supposed to live. This makes sense to me.’ Every day I came down to the camp and saw such blessings. I saw our culture and our way of life come alive. Nobody can take that away from me.”

Between the first meeting with DAPL in 2014 and the founding of Sacred Stone in 2016, Standing Rock ran grassroots awareness campaigns about Mni Wiconi and #NoDAPL. Chairman Dave Archambault II traveled tirelessly from district to district, informing the reservation that DAPL was coming. The youth organized a water campaign called “Respect Our Water,” crafting the media message to the outside world and demonstrating this was a youth-led movement. But as construction began in April 2016, a sense of urgency grew. Given that Obama denied the permit for KXL, would he do the same for DAPL? Did he care about Native sovereignty and lives?

Archambault once had a connection to, and admiration for, President Obama. His sister, Jodi Archambault Gillette, had served as the president’s special assistant for Native American affairs from 2009 to 2015. On June 13, 2014, Obama gave the opening remarks at Cannon Ball’s annual Flag Day Powwow, accompanied by Archambault and his family. Obama’s visit was historic. Only eight sitting US presidents had ever visited Indian reservations, the last being Bill Clinton.

During his speech, Obama focused on Native youth and played off the oft-quoted line by Sirtling Bull: “Let’s put our minds together to see what life we can build for our children.” “Let’s put our minds together to advance justice—because like every American, you deserve to be safe in your communities and treated equally under the law,” Obama told a crowd of thousands of cheering Lakotas and Dakotas.

Shortly after Obama’s visit, Archambault issued a statement assuring Native youth across the nation “that the President and First Lady are truly listening to them.”⁴⁸ But were they

really? Beginning in July 2016, thirty-eight Indigenous youth ran a grueling 2,000 mile relay from their homes in North Dakota to Washington, DC and hand-delivered to the White House and the Army Corps a petition with 160,000 signatures opposing DAPL’s construction. Tariq Brownnotter, a sixteen-year-old Standing Rock youth runner and organizer with Respect Our Water, wrote to Obama: “After your visit to Standing Rock you said you felt we were like your own children. Mr. President and First Lady we have no doubt you meant every word you said and we know you have not forgotten us.”⁴⁹ There was no public response from Obama to the youth’s demands to stop DAPL.

Not until November 2—months after DAPL began construction, and hundreds of arrests later—did Obama speak publicly about the pipeline, simply saying he wanted to respect Native sacred lands, was open to a possible reroute (by then the pipeline was less than a half mile from the river), and would take cues from the Army Corps of Engineers. He would “let it play out for several more weeks.”⁵⁰ This stance angered both North Dakota politicians like governor Jack Dalrymple, who demanded federal intervention to crush the protests, and Indigenous people, who were being mercilessly brutalized by cops. Obama’s statement came five days after live video showed a militarized police force, acting on orders from the state of North Dakota, violently evict the short-lived 1851 Treaty Camp that blockaded DAPL construction crews on Highway 1806. Cops in riot gear conducted tipi-by-tipi raids, slashing tents and tipi canvases. They dragged half-naked elders from ceremonial sweat lodges, tasered a man in the face, doused people with CS gas and tear gas, and blasted adults and youth with deafening LRAD sound cannons. The 142 arrested were marked with a number in black permanent marker on their forearm, led onto buses, and kept overnight in dog kennels. To add insult to injury, personal belongings—including ceremonial items like pipes and eagle feathers, as

well as jackets and tents—confiscated by the police during the raid were returned soaked in urine.

When asked what Obama thought about this level of brutality and dehumanization, the Nobel laureate admonished “both sides,” the unarmed protestors defending Indigenous land and the heavily-militarized, small army of police who ritualistically beat the Water Protectors, all the while extolling the virtues of civility: “There’s an obligation for protestors to be peaceful and there’s and obligation for authorities to show restraint.”⁵¹

Three days before the 1851 Treaty Camp raid, Archambault wrote to US Attorney General Lorretta Lynch, urgently requesting a civil rights investigation into the escalating police violence. After declaring a state of emergency, Governor Dalrymple immediately went to work soliciting aid and personnel under the Emergency Management Assistance Compact. It was the largest mobilization of cops and military in the state’s history since 1890, when nearly half the standing military was deployed to crush the horseless and starving Ghost Dancers in Standing Rock. Seventy-six law enforcement jurisdictions responded to Dalrymple’s call and were deployed alongside the National Guard and private security firms hired by DAPL such as TigerSwan. The agencies that arrived were among the largest recipients of the Department of Defense’s 1033 Program that ships surplus military equipment to law enforcement agencies nationwide. For example, between 2006 and 2015 the South Dakota Highway Patrol, which sent troopers to police Water Protectors, obtained \$2 million worth of military equipment, including dozens of assault rifles and five armored vehicles. The Lake County Sheriff’s Office in northwestern Indiana, which sent four deputies, had collected \$1.5 million in military gear, including one hundred assault rifles and two armored trucks. (Demonstrating incompetence with this military-grade weaponry, one deputy shot himself in the foot with one of the assault rifles while

deployed at the protests.) The fifteen-ton, tank-like MRAP vehicles, which were visible at nearly all the major police actions, were also Department of Defense military surplus placed at the disposal of county sheriff’s offices.⁵² Because of the large influx of equipment and personnel, police saw it “as a sort of law enforcement laboratory.” Tom Butler, a colonel with Montana Highway Patrol, called the multi-agency police response “enlightening and educational,” encouraging police agencies in western states like Montana to attend on account that they share “all those same issues” with states like North Dakota. To Butler, those “same issues” were the large, land-based Indigenous nations protesting extractive industries.⁵³ In other words, these states had a lot to learn from North Dakota about how better to police their own “Indian problem.”

Despite the intimidating display of force, it was the standard-issue weapons of police—chemical weapons like tear gas and pepper spray—that inflicted the most pain and violence. As Paiute anthropologist Kristen Simmons points out, because these weapons were the dominant means of crowd control, rather than military combat gear, they inflicted more injuries upon Water Protectors. While the Geneva Protocol prohibits such chemical weapons in warfare, they are, paradoxically, permitted for domestic policing. For example, on November 20, a day known as “Backwater Sunday,” police sprayed Water Protectors with water laced with pepper spray from a water cannon mounted to an MRAP and shot with tear gas canisters, used as projectile weapons. Temperatures dropped below freezing. Police also used beanbag rounds, rubber bullets, and flashbang grenades to pummel the young, the old, the unarmed. More than 200 people suffered injuries—one Navajo woman lost an eye, becoming permanently disabled, and one white woman had her arm nearly blown off by an exploding crowd-control agent lobbed at her by police. Most, however, suffered from hypothermia and chemical exposure. Camp medics saved many lives that night by treating hypothermia with heat

blankets and by applying an antacid mixture to chemical burns in the eyes, nose, and mouth to prevent suffocation.⁵⁴

In a *Democracy Now!* interview, Archambault also pointed out how police humiliated Water Protectors by strip-searching them upon arrest (he was also strip-searched in late August).⁵⁵ According to Laguna Pueblo journalist Jenni Monet, strip searches were common and primarily reserved for Native people and people of color, while white inmates were often exempt. Monet also reported that some Native transgender people were separated from the general population and placed in solitary confinement as a “policy.”⁵⁶ The police also targeted journalists covering the protests, arresting Amy Goodman in September 2016, Monet in January 2017, and several reporters from the media collective *Unicorn Riot*.

In his letter to Lynch, Archambault compared the policing tactics used against Water Protectors as “reminiscent of the tactics used against protesters during the civil rights movement some 50 years ago.” In an 2018 Netflix interview, Obama spoke of being inspired by the courage of Black civil rights activists and freedom riders, who faced dog attacks, fire hoses, and police brutality, and “who risked everything to advance democracy.”⁵⁷ Yet under his watch, private security working on behalf of DAPL unleashed attack dogs on unarmed Water Protectors who were attempting to stop bulldozers from destroying a burial ground; Morton County sheriff’s deputies sprayed Water Protectors with water cannons in freezing temperatures, injuring hundreds; and police officers and private security guards brutalized hundreds of unarmed protesters. All of this violence was part of an effort to put a pipeline through Indigenous lands. In the twilight of his presidency, on December 4, 2016, the Army Corps denied the permit for DAPL to cross the Missouri River. But the move was too little, too late, and it was quickly reversed by President Trump within two weeks of taking office. (Trump also reversed

KXL’s presidential permit, bringing back to life the all-but-dead pipeline project.)

Even though Obama had thus far turned his back on Indigenous youth and written off the violence inflicted upon them by police, their courage, demonstrated in the thousand-mile relay across the country, had won the hearts and minds of conscientious people, regardless of political affiliation. Following the historic run, the ranks of Sacred Stone swelled. By late August there were more than 90 Indigenous nations present, as well as allies from across the globe; by November that number had grown to nearly 400. Oceti Sakowin Camp was created partially to capture the growing influx of people, who came pouring in from all corners of the globe.

The media also arrived in droves, often covering the violent clashes between Water Protectors and the police that, while frequent, also gave a distorted view of both everyday camp life and the actions themselves. From August to October, marches and rallies occurred almost daily, and without incident. At first, they started from Oceti Sakowin Camp and headed several miles north, where the pipeline crossed Highway 1806. The keeper of the White Buffalo Calf Pipe, Chief Arvol Looking Horse, frequently led these early marches, beginning with a pipe ceremony. Later on, marches branched out to target construction sites or to provide a distraction for those brave enough to chain themselves to heavy machinery.

“Men have come up to me, young men who said they were ready to lay down their lives,” Archambault said to a crowd in late August. From the beginning, he had feared someone would be killed (fortunately, no one was), and his message was one of life: “But I told them, no! We do not want that! We want you to live and prosper and be good fathers and grandfathers.”

Indeed, Mni Wiconi and the spirit of #NoDAPL, enacted daily in camp life, embodied a brief vision of what Native life could be.

“I think it’s a rebirth of a nation,” Faith Spotted Eagle said. “And I think that all of these young people here dreamed that one day they would live in a camp like this, because they heard the old people tell them stories of living along the river. They heard them talking about the campfires and the Horse Nation, and they’re actually living it. They’re living the dream.”⁵⁸

All one had to do was walk through camp to witness that dream. Flag Row—a half-mile procession of more than 300 Indigenous national flags that lined each side of the road—cut through the heart of camp. Starting at the north gate, where new arrivals checked in with camp security, it was the “main drag” of the “Indian city”—the tenth-largest city in North Dakota at its peak. Alcohol and drugs were strictly prohibited. Media were required to report to the media tent. No photographs of children, or of anyone, were permitted without consent. Nor was the recording of prayers or ceremonies. Facebook Hill rose beyond the main camp kitchen; a grassy knoll with the only decent cellphone reception in the entire camp, it was where people reconnected with loved ones. (Someone jokingly called it “little Brooklyn,” for all the white filmmakers from Brooklyn who congregated there.)

The main camp was a fully functioning city. There was no running water, but the Cannon Ball Community Center opened its doors for showers. There was no electricity, but Prairie Knights Casino, the tribal casino two miles up the road, had Wi-Fi. And there were no flushable toilets, but Standing Rock paid for porta potties. Where physical infrastructure lacked, an infrastructure of Indigenous resistance and caretaking of relations proliferated—of living and being in community according to Indigenous values—which for the most part kept people safe and warm.

If you brought donations, you checked in at the main council fire. Supervised by Standing Rock elders, the council fire remained lit twenty-four hours a day. A steady rotation of young Native men, the firekeepers, fed logs to the fire at all

hours, a humble but important duty. An Eyapaha (a town crier or emcee) handled the mic, announcing grand entries of visiting delegations, mealtimes, activities for children, missing or lost items, and guest speakers. At sunup and sundown, elders of Standing Rock and the Oceti Sakowin sang grandmother’s lullabies for the children and gave words of encouragement to Water Protectors. Next to the PA system stood several large fire pits with industrial-grade cooking pots, always boiling corn and soup. The main kitchen served three hot meals a day. (At its height, there were about thirteen free camp kitchens and a half dozen medic tents.) Elders and children ate first, following a meal prayer. If there were guests (and there were often delegations from around the world), they ate first. The donations tent was well stocked with sleeping bags, blankets, tents, socks, gloves, hats, boots, and so forth. Native families frequently arrived by the carload, sometimes wearing only T-shirts and gym shorts. Everyone was fed and clothed. Everyone had a place. At camp check-in, bodies were needed to cook, dig compost holes, chop wood, take care of children, give rides to Walmart, among other tasks. Many quit their jobs, instead making it their full-time work to cook and to keep others warm and safe. After all, one ceases to be Lakota if relatives or travelers from afar are not nurtured and welcomed. Generosity, Wowacantognake, is a fundamental Lakota virtue. And it was this Indigenous generosity—so often exploited as a weakness—that held the camp together.

It was an all-ages affair in which youth played a major role, and there was a fully functioning day school. The camp was an unprecedented concentration of Indigenous knowledge keepers. Standing Rock Lakota language specialist Alayna Eagle Shield saw this. She went to every camp asking if they could share their knowledge with the children families brought with them. “From there,” Eagle Shield recalled, “I was told that we need a school and a place for children to be.”⁵⁹ So she founded the Mní Wíchóni Nakíčžin Owáyawa, the Defenders

of the Water School, a name chosen by the students. Education centered treaties, language, culture, and land and water defense. The curriculum of Indigenous song, dance, math, history, and science was less about indoctrinating youth to be good citizens of settler society. As Indigenous educator Sandy Grande points out, the Defenders of the Water School provided anticolonial education for liberation—how to live and be free and in good relation with others and the land and water.⁶⁰

If one was willing and able, there were nonviolent direct action trainings hosted daily. Mark Tilsen, an Oglala poet and teacher from Pine Ridge, led most of the direct action trainings. He possessed a biting but magnetic humor that added a playfulness to otherwise-serious trainings on nonviolent resistance. Dallas Goldtooth, comedian and organizer with Indigenous Environmental Network, lightheartedly referred to Tilsen as the camp's "spirit animal" because nearly everyone knew him and turned to him for advice on actions. Almost every day, Tilsen read aloud and explained the Oceti Sakowin Camp principles to new arrivals, whose numbers typically ranged from a handful to several dozen. The rules, which applied to everyone, were scrawled on whiteboards and hand-painted signs:

We are protectors.

We are peaceful and prayerful.

"Isms" have no place here.

Here we all stand together.

We are non-violent. We are proud to stand, no masks.

Respect locals.

No weapons or what could be construed as a weapon.

Property damage does not get us closer to our goal.

All campers must get an orientation.

Direct action training is required for everyone taking action.

We keep each other accountable to these principles.

This is a ceremony—act accordingly.

Campers were also directed to the legal tent, where they wrote a phone number in permanent marker on their forearms to call in case they were arrested. Volunteer lawyers from the National Lawyers Guild and elsewhere provided free legal aid and kept in touch with arrestees.

Prayer actions generally started with the call "Kikta po! Kikta po! Wake up! Wake up!"—a voice blaring over a megaphone as the sun rose. When there was an action planned for the day, an Eyapaha rode through the camp on a bicycle, a horse, or in the back of a pickup rousing people from slumber. "You didn't come here to sleep. This ain't a vacation. We came here to stop a pipeline!"

At one action in mid October, the Two-Spirit Nation led the prayer and march. Police intercepted the caravan of cars and barred vehicle travel on a gravel road. Only foot traffic, they said. By the time the march arrived at the construction site, more than a hundred police officers with riot gear and sniper rifles, a dozen SUVs, and an armored personnel carrier had formed a police line. The Two-Spirit Nation offered tobacco and water to the land and marched toward the police line. The officers rebuffed them, telling the entire crowd to disperse over a megaphone. But where? It was surreal, but soon it became a normal experience. Unlike protest marches in the cities where there are bystanders, buildings, and plenty of media, the majority of #NoDAPL marches happened on backcountry roads where there was no CNN, just independent media like *Democracy Now!*, *Unicorn Riot*, and *Indian Country Today*. Sometimes the police outnumbered protestors—in the middle of nowhere! Because it was private property, Water Protectors couldn't go as far as the ditch on the road; the fields were off limits. And there were certainly no bathrooms or water fountains to be found in the midday heat. That day, the march was a grueling eight miles, and an elder fainted from exhaustion.

"What you're doing here is wrong," Brandon Sazue, the Crow Creek tribal chairman, approached the line of masked

police as Water Protectors retreated once the action ended. “What we’re doing here is right, because we are not the ones [who are] trespassing. You are trespassing for big money. But we pray for you, we pray for your children.”

Sazue was a man of his people. In 2009, the IRS attempted to seize 7,100 acres of Crow Creek land—in Buffalo County, the poorest in the United States—for purported back payroll taxes. During the brutal South Dakota winter of 2009 to 2010, Sazue camped out on a portion of the land in protest of the sale. He joined the DAPL protests in August, providing tribal resources to the Crow Creek Riders, a group of youth horse riders. On October 27, Sazue was arrested during the police raid of the 1851 Treaty Camp.

While the media foregrounded images of the camp’s leadership, often donning headresses, and frequently men, it was common for Two-Spirited people and women to hold leadership roles in all aspects of camp life—from sitting on the general camp council (composed of elders and traditional leadership), to leading direct actions. Candi Brings Plenty, an Oglala trans and queer healthcare specialist, was the leader of Two-Spirit Nation at Oceti Sakowin camp. For Brings Plenty, “Two-Spirit” is “an umbrella term for Indigenous people who identify as LGBTQA+.” Colonization imposed a gender binary that largely destroyed historically plural Indigenous gender formations and fluid Indigenous sexualities, which are much more dynamic and expansive than those of the heteronuclear family introduced by white Christian society. Prior to colonization, Two-Spirited people also held social and cultural significance among Indigenous societies, from performing naming ceremonies to adopting the roles and responsibilities of male-, female-, or nonbinary-gendered people. Two-Spirit Nation played a central role in camp life, and one that went far beyond merely calling out heteropatriarchy. “We have Two-Spirit folk in security, at the school, at the medics, at the kitchen, and I sit on the Council,” Brings Plenty explained. In

other words, Two-Spirit Nation was represented in all aspects of everyday life at camp.⁶¹

The vision of an anticolonial Indigenous world coexisting with non-Indigenous people has been overshadowed by violent police crackdowns. There were important political victories, but they were short lived, too late, and not enough to stop DAPL. On November 25, 2016, the Army Corps issued an evacuation order for Oceti Sakowin Camp, setting December 5 as the deadline. On December 4, the Army Corps announced that they would not grant DAPL the easement to cross the Missouri River, pending a more thorough environmental assessment. This temporary win coincided with the arrival of more than 4,000 veterans, who braved a whiteout blizzard to march to the barricade where police were mercilessly dousing Water Protectors with chemical weapons and water in freezing temperatures. Veterans also staged a forgiveness ceremony, asking Indigenous elders—Arvol Looking Horse, Faith Spotted Eagle, Phyllis Young, Paula Horne, Jon Eagle Sr., and Leonard Crow Dog—for forgiveness for the horrors the US military inflicted upon Indigenous peoples that continued with the police and military violence against unarmed protesters. It was vindication for the months of brutality. But it didn’t last long.

While the punishment was collective, it proved effective at fomenting divisions. For months police blockaded Highway 1806, cutting off Standing Rock from the state of North Dakota and creating a strain between the camps and local community. Chairman Archambault asked Water Protectors to go home in December, in hopes of relieving the burden of the police checkpoints and constant influx of outsiders to the reservation. When Trump took office in January 2017, he expedited the environmental review process, giving the go-ahead for DAPL to drill under the Missouri River. With the camps largely evacuated, Standing Rock activist Chase Iron Eyes led a group called “Last Child Camp” to reclaim treaty land in response to Trump’s decision. Police quickly raided the camp, which was on private

land, and arrested seventy-six, including Iron Eyes. In February, the Cannon Ball District and the Standing Rock Council passed resolutions calling for the evacuation of remaining campers at Sacred Stone and the defunct Oceti Sakowin Camp. It was a controversial move that pitted factions against each other at a critical juncture when unity was needed most.

On February 22, 2017, the Army Corps, Morton County deputies, and North Dakota Highway Patrol forcefully evicted the remaining campers at Oceti Sakowin. The same day, the Bureau of Indian Affairs raided and evicted campers at Sacred Stone—the only police action to take place on reservation land, and one that contributed to mounting divisions between grassroots organizers and Standing Rock. Those divisions came to a head at a March 10 Native Nations Rise march in Washington, DC, when Water Protectors booed Archambault during his speech and confronted him as he left the rally. The march garnered 5,000 attendees and arrived on the heels of the larger Women’s March. Despite the smaller turnout, it was a unified showing of support for Standing Rock, even if some didn’t agree with its political leadership. There was also mounting disillusionment with the established political order, both Democrat and Republican, for selling out the movement under Obama, and now under Trump.

“There’s only one resolution,” said Lewis Grassrope reflecting on the camp eviction and the march in Washington, DC. “Let us be who we are. Let us live. Let us be free.”

By the time that the last Water Protector was led off the land in handcuffs, 832 had been arrested. Four Water Protectors face years in prison. Red Fawn Fallis faced charges for discharging a firearm (later dropped) when she was arrested during the October 27, 2016, Treaty Camp raid. The gun belonged to Heath Harmon, an FBI informant, who had infiltrated the camp and had a relationship with Fallis. As it has for all political struggles, the state created a new generation of political prisoners to discourage other potential movements. Fallis’s family was

active in AIM and had been also surveilled by the FBI. In their day, Dakota political prisoner Leonard Peltier, who is currently serving two life sentences, represented the suppression of the Red Power movement. During the #NoDAPL movement, Obama once again turned his back on Indigenous peoples. Because he had already issued so many pardons (including, for example, Puerto Rican political prisoner Oscar López Rivera), and with so much pressure mounting from the horrific police violence against Water Protectors, many through Indian Country thought Obama would grant clemency to Peltier. But Obama denied his clemency application. And after #NoDAPL, there are even more Native political prisoners, more Leonard Peltiers: Redfawn Fallis was sentenced to 57 months in federal prison; Michael “Little Feather” Giron was sentenced to 36 months in federal prison; and Michael “Rattler” Markus and Dion Ortiz face years in federal prison.⁶²

Though not without its faults, the reunification of the Oceti Sakowin reawakened an Indigenous movement intent on making, and remaking, a world premised on Indigenous values, rather than on private ownership and heteropatriarchy. While Indigenous peoples committed themselves to caretaking relations, the police had also taken up their familiar role as caretakers of violence, attempting to snuff out the fires of resistance before they burned too hot or spread too far. But the fire of the prophesied Seventh Generation had been lit, and although the Oceti Sakowin campfire was ceremonially extinguished to mark the end of one form of resistance (and the beginning of another), its warm coals went on to rekindle the fires of Water Protectors’ home communities.

For Lakotas, fire is also a gateway to the past, because it is around fires that histories are shared and ceremonies held. Now, the long tradition of Indigenous resistance also includes the story of #NoDAPL. But to understand it, we have to look further into the past: to the history of the land, the water, and its people, the Oceti Sakowin.

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