On The Way To Standing Rock:

History and Context of the NoDAPL Movement

*(Part 1 of a 3-part essay)*

by Nathan Albright



*Photo from the National Archives*

*General Sherman and representatives of the Lakota and Dakota tribes meet at Fort Laramie, Wyoming to sign the treaty of 1868*

By the time we made it through Chicago everyone else had fallen asleep. Seven of us, loosely connected through a number of Catholic Worker houses of hospitality on the East Coast, had set out from Manhattan earlier that day for the Standing Rock Sioux reservation in North Dakota. We traveled along the Rust Belt, driving through counties that, less than a week ago, had played a pivotal role in the presidential election. All day long our conversations had found their way back to this topic, to our shared sense of dread and uncertainty for the immediate future. Nothing really felt real, we agreed, but this felt right: traveling across the country together to support the Lakota in their fight for environmental justice. I was driving the night shift and could see the glowing Chicago skyline shrinking in the rearview mirror. Ahead of us, guiding us westward, was a full moon low on the horizon. From here on out we would be tracing the route planned for the Dakota Access Pipeline (DAPL).  
        Energy Transfer Partners (ETP), the company responsible for the pipeline, had planned it to function as a 1,168 mile conduit delivering crude oil fracked from North Dakota’s Bakken Oil Fields to Illinois. Along the route it would cross four states and hundreds of bodies of water including the Missouri River. The pipeline’s original route crossed the Missouri upriver from the city of Bismarck, but after complains from the predominantly white residents of the city, a new route was announced, crossing the Missouri just above the Standing Rock Sioux Reservation.  
        On July 27, 2016, the Standing Rock Sioux Tribe filed a complaint against the Army Corps of Engineers, the governing body responsible for granting permits at the river crossing. In the meticulous, 48-page document, the Tribe’s case against the pipeline is made explicit: “the construction and operation of the pipeline, as authorized by the Corps, threatens the Tribe’s environmental and economic well-being, and would damage and destroy sites of great historic, religious, and cultural significance to the Tribe.” Not only is the pipeline in clear violation of the Fort Laramie Treaty of 1868, it also disregards the National Historical Preservation Act, the National Environmental Policy Act and the Clean Water Act. A leak in the pipeline is not just likely, the document warns, but nearly inevitable given that North Dakota’s existing pipelines experienced “over 300 leaks [from 2012-2013], most of which were unreported to the public.”  
        And this is all particularly concerning given the location of the river crossing: “The public water supply for the Tribe, which provides drinking water for thousands of people, is located a few miles downstream of the proposed pipeline crossing.” The Tribe argues that “destruction or damage to any one cultural resource, site, or landscape contributes to destruction of the Tribe’s culture, history, and religion,” and therefore “clearing and grading a 100-150 foot access pathway nearly 1200 miles long, digging a trench as deep as 10 feet, and building and burying the pipeline” through these sites is unacceptable. “The cultural and religious significance of these waters,” it warns, “cannot be overstated.”

        The document goes on to address the lack of legally mandated direct consultation with the Tribe on these issues. While “DAPL claims to have completed cultural resource surveys along the entire pipeline length,”  “the out-of-state, non-Tribal consultants hired by DAPL to do cultural surveys are unable to assess the potential cultural significance of sites in this area to the Tribes.” Construction planned “would destroy burial grounds, sacred sites, and historically significant areas in its path … few of which have been fully evaluated by Tribal archaeologists.” In one site visit by the Army Corps in March of 2016, a Tribal archeologist “pointed out places where moles had pushed dirt to the surface, carrying prehistoric pottery shards, pieces of bone, flint, and tools,” emphasizing the Tribe’s “repeatedly expressed belief that the site generally was rich in unassessed sites of historic and cultural significance,” and that “the sites shown to the Corps staff had never been previously assessed or recorded.” The Tribe itself “has never had the opportunity to discuss protocols for cultural surveys, or participate in the surveys that were conducted. Instead, it was provided copies of partial surveys after they were completed.” “There can be no meaningful consultation” Tribal Chairman David Archambault II wrote in a letter to the Army Corps, “with respect to decisions that have already been made.”  
        The document focuses on contemporary legal arguments and only hints at a deeper context of betrayal, brutalization, and deception on behalf of the US Government. But the history of US transgressions and Native resistance specific to the region inhabited by the Sioux, including exact sites where the DAPL conflict is now taking place, is truly remarkable and stretches back to the expedition of Lewis and Clark in 1804.

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        Thomas Jefferson, who said of the Sioux “on that nation, we wish most particularly to make a friendly impression, because of their immense power,” sent Lewis and Clark to explore and map Sioux territory. After offending the Sioux and taking hostages to avoid having to pay tribute, Lewis and Clark narrowly escaped their encounter and referred to the Sioux as “the vilest miscreants of the savage race.” This was only the first of many hostile encounters the Sioux would have with representatives of the US government.  
        By the 1850’s, in the years leading up to the American Civil War, white settlers began moving into Sioux territory in overwhelming numbers. In 1851, the Dakota Sioux signed the first Ft. Laramie treaty, agreeing to an exchange of certain lands for rations from the US Government. By 1862, seeing that the US had failed to uphold the treaty in both respecting land rights and delivering rations, the Dakota began the great Sioux Uprising, attacking settlements and military outposts. The military was called in to quell the uprising and ultimately sentenced 38 Dakota men to death in the largest penal execution in US history. Soon after, the Dakota reservation was disbanded and relocated to South Dakota and Nebraska.  
        In 1868, after one of the most stinging military defeats in US history at the hands of the Teton Sioux, Plains Nations had the upper hand in negotiating the second Fort Laramie Treaty. The Black Hills, sacred to the Lakota and other Sioux tribes but worthless to the US Government, were recognized in the Treaty as Sioux territory. The Treaty reads “no white person or persons shall be permitted to settle upon or occupy any portion of the territory, or without the consent of the Indians to pass through the same.”

        However, by the mid 1870’s, after gold had been discovered in the Black Hills, many settlers began to move in. The Sioux, furious at the US Government’s failure to uphold the Ft. Laramie treaty, demanded that settlers be removed from their territory and refused a government offer to purchase the Black Hills for six million dollars. Armed conflict soon broke out and two young Sioux warriors, Crazy Horse and Sitting Bull rose to power, leading efforts to defend the Black Hills. General Custer who had been sent in to deal with these two and their bands of warriors, was famously killed in one of the greatest military defeats in US history. Immediately following this loss, a humiliated US military quickly redoubled its efforts to force Sioux warriors into submission. Crazy Horse was captured and ultimately killed in a scuffle with prison guards. Sitting Bull on the other hand, managed to escape with a small band of warriors to Canada.

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        Four years later, the US government, considering Sitting Bull a “standing menace to the peace of [their] Indian territories,” offered him and his band of warriors a complete pardon and space to live at the Standing Rock reservation if he would return peacefully. Starving and cold on the Canadian tundra, Sitting Bull and his band warily accepted the offer. Upon crossing the boarder and surrendering his arms, however, he was captured and held as a military prisoner. Nearly two years later, around the same time that Senator Henry L. Dawes was making the rounds on plains reservations, persuading Sioux leaders to sign away land, Sitting Bull was finally released and returned to Standing Rock. In a bitter exchange, Sitting Bull challenged Dawes’ authority, declaring, “I am here by the will of the Great Spirit, and by his will I am a chief. My heart is red and sweet, and I know it is sweet because whatever passes near me puts out its tongue to me…I want to tell you that if the Great Spirit has chosen anyone to be the chief of this country it is myself… you have conducted yourselves like men who have been drinking whisky.” The Dawes commission left Standing Rock empty handed.

        In 1885, trying to find ways to occupy himself in his new post-warrior life, Sitting Bull spent time touring North America with Buffalo Bill’s Wild West Show along with Annie Oakley, a dancing horse, and a few other notable figures of the West turned sideshow performers. But he soon returned—with the dancing horse—to Standing Rock, concerned that white settlers would make another attempt at Sioux lands. His fears were realized in 1889 when Congress, without even a pretense of adherence to the Ft. Laramie Treaties, broke up the Great Sioux Reservation into nine reservations a fraction of the size, including Standing Rock, leaving the remaining 9 million acres up for settlement.  
        This unilateral decision from the United States on top of decades of loss and mistreatment left the Sioux with an overwhelming sense of powerlessness.Over the preceding century, the Sioux had watched their territory shrink, were moved from their ancestral lands, had seen government troops deliberately exterminate the plains buffalo, watched treaties disregarded and sovereignty discounted, and had their most sacred lands, the Black Hills, taken away. These were the conditions under which the Ghost Dance, a charismatic movement that held the promise of power and restoration, swept through the Sioux nation. A Paiute prophet by the name of Wovoka founded this new religion with simple instructions: to dance a jubilant dance until the land was restored to Native hands. “You must not hurt anybody or do harm to anyone,” Wovoka proclaimed, “you must not fight.” “Do right always,” and soon, he prophesied, a great flood would wash over the lands, washing away all the white settlers and resurrecting those they had killed and displaced. All those who participated in the dance would be safe, and would float, suspended above the flood as it revitalized the landscape, but those who failed to believe would disappear with the white settlers. Within a year, the US Indian Bureau had outlawed Ghost Dancing as people on some reservations had begun to neglect all other daily activities in favor of the dance, believing the great restoration was immanent.  
        On December 15, 1890 in an attempt to target Native leaders of the Ghost Dance, over 40 Indian Reservation police surrounded Sitting Bull’s home. An even larger crowd of Ghost Dancers intent on preventing Sitting Bull’s arrest surrounded the police. In the ensuing scuffle, Sitting Bull, unarmed and non-combative, was shot and killed. The dancing horse he had traveled with responded to the gunfire, as he had been trained, with his dance steps. To some, it almost seemed like he was joining those who had come to protect Sitting Bull with a performance of the Ghost Dance.  
        At the news of Sitting Bull’s assassination, hundreds of Lakota fled Standing Rock to continue the Ghost Dance and avoid further persecution. One band of about 350 refugees ran into a group of US Cavalry who then detained them and forced them to camp at Wounded Knee Creek. The following day, Colenel James W. Forsyth, leading General Custer’s old regiment, disarmed the group with the intention of transporting them to a military prison in Nebraska. In the confusion as one last Lakota held on to his rifle, a shot rang out and the regiment opened fire on the almost entirely unarmed group, raking the crowd with machine gun rounds as people fled for their lives. Nearly three hundred Lakota-Sioux, mostly women and children, were killed in the massacre.

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        The massacre at Wounded Knee was a turning point in US-Sioux relations in that it made clear the lengths that the government was willing to go to ensure complete submission. With this clarity, the government could now more liberally disregard native land and water rights when they conflicted with US interests. In 1948, such a conflict presented itself in the construction of the Lake Oahe dam, part of the Pick-Sloan Missiouri Basin Project. Without consulting the Tribe, the project flooded 56,000 acres of land on the Standing Rock reservation, including roughly 90% of the reservation’s timberland, and forced relocation of entire communities which had lived along the banks of the Missouri river for generations.

        In the 1960’s and 70’s, young Native activists demanded change. Organizing sit-ins and caravans as part of the American Indian Movement (AIM), they called for respect for native treaties and sovereignty for native peoples. In 1973, Lakota and AIM members invoked the memory of the Wounded Knee massacre by occupying the town of Wounded Knee at the Pine Ridge reservation, demanding reform and autonomy for native reservation governance. The occupation ended tragically with the death of two FBI agents and a dubious murder conviction for AIM member Leonard Peltier that has been contested by civil rights lawyers. Despite a tragic end to the occupation, its coverage in international media resulted in a shift in public opinion on Native rights.  
       Less than a decade later, the Supreme Court ruled in favor of the Lakota in a case against the United States for the illegal seizure of the Black Hills, declaring “a more ripe and rank case of dishonorable dealings will never, in all probability, be found in our history.” When the government offered over $120 million in reparations, the Lakota refused the money and demanded the return of the Black Hills.

Over the next three decades, several US Presidents signed executive orders and memorandums and visited Sioux reservations, vowing improved relations with Native populations, more thorough consultation with Native Nations on matters affecting their communities, and improved standards of living for those on reservations. Most recently President Obama visited the Standing Rock Reservation in 2014. “I know that throughout history, The United States often didn’t give the nation-to-nation relationship the respect that it deserved,” Obama said in a speech to the community, “so I promised when I ran to be a President… who respects your sovereignty, and upholds treaty obligations… and today, I’m proud that the government-to-government relationship between Washington and tribal nations is stronger than ever… we’ve got a long way to go. But if we do our part, I believe that we… can break old cycles.” In 2015, construction began on the Dakota Access Pipeline.

In 2016, construction neared the proposed river crossing at Lake Oahe, the body of water created by the Pick-Sloan Missouri Basin Project and the primary source of drinking water for the Standing Rock Reservation. In April, the first DAPL resistance camp, Sacred Stone Camp was formed. In an original homemade leaflet for the camp, Lakota/Dakota founder LaDonna Bravebull Allard offered a quote from Sitting Bull in her mission statement: “They claim this mother of ours, the Earth, for their own use, and fence their neighbors away from her, and deface her with their buildings and their refuse.” Allard later wrote of the DAPL, “Our young people have a right to know who they are. They have a right to language, to culture, to tradition. The way they learn these things is through connection to our lands and our history. If we allow an oil company to dig through and destroy our histories, our ancestors, our hearts and souls as a people, is that not genocide?”

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        After a night of driving across the plains, others in the car woke up one by one. The morning was still dark but the moon was now high in the sky. As we neared our destination, someone read aloud from a speech by Lakota Chief Arvol Looking Horse. “In our prophesies it is told that we are now at the crossroads: Either unite spiritually as a global nation, or be faced with chaos, disasters, and tears from our relatives’ eyes... I ask you to join me…to pray and meditate and commune with one another… This new millennium will usher in an age of harmony or it will bring the end of life as we know it. … To us, as caretakers of the heart of Mother Earth, falls the responsibility of turning back the powers of destruction. You yourself are the one who must decide.”

As we rounded the final curve we saw hundreds of flags from different Native Nations surrounding a camp dozens of times larger than I had expected. Some sources later estimated that as many as 10,000 people were present. This was the first time in 140 years that all the Sioux tribes had gathered to light the Seven Councils Fire and thousands of representatives from dozens of other nations had responded to the call. Teepees gathered in clusters, smoke billowing from campfires, grinning teenagers riding horses bareback, signs of support and messages of hope hanging over tents and bails of hay, all nestled into the valley at the confluence of the Cannonball and Missiouri rivers. Above it all a bright yellow surveillance helicopter circled the scene. We had arrived at Oceti Sakowin camp.

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