

Obama administration buys time to defuse Native American protests

Our reporter
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In a sudden and unexpected action Friday, three major agencies of the US federal government, the Army Corps of Engineers, the Department of Justice and the Department of the Interior announced a temporary halt in pipeline construction near the Standing Rock Sioux reservation in North Dakota.

The Dakota Access Pipe Line (DAPL), built to ship oil from the Bakken Shale field in North Dakota across four states to connect to existing pipelines in Illinois, would cross the Missouri River just above the reservation, threatening its water supply in the event of a leak.

Besides the environmental concerns, Native American tribes and their supporters have criticized the pipeline for traversing burial grounds and other sacred sites just outside the reservation, land that was taken from the Standing Rock tribe decades ago, but had been used by their ancestors for centuries.

More than 2,000 protesters have settled in an impromptu camp blocking the construction project, and both pipeline and construction officials and the North Dakota state government have sought to disperse them.

On September 3, construction crews began using bulldozers to dig up earth on one of the sacred sites. When protesters tried to block them, they were attacked by security guards using dogs and pepper spray. At least 37 people have been arrested in the North Dakota protests, along with another 30 environmental protesters arrested when they sought to block pipeline operations in Boone, Iowa.

Last week North Dakota Governor Jack Dalrymple, a Republican, put the National Guard on notice and assigned a dozen soldiers to reinforce state police barricades set up on roads between Bismarck, the state capital, and the encampment in Cannon Ball, in the southern part of the state. The purpose was apparently

twofold: to prevent reinforcements from reaching the protest camp, and to stop the Native Americans from carrying their protest to the state capital.

The Standing Rock tribe, which numbers 8,000, had filed a lawsuit against the pipeline project, charging that the Army Corps of Engineers had failed to properly consult with tribal officials before granting permits to the consortium of companies involved in the project, which includes Marathon and Phillips. The suit charged that the pipeline “crosses areas of great historical and cultural significance to the tribe, the potential damage or destruction of which greatly injures the tribe and its members.”

US District Judge James Boasberg in Washington DC granted a partial stay of construction while he heard the case, but on Friday he issued a 56-page ruling backing the Army Corps of Engineers and removing any legal barrier to the completion of the pipeline project.

Shortly thereafter, in a move that was clearly prearranged, the Corps of Engineers, the Department of the Interior (which manages federal lands and runs the Bureau of Indian Affairs) and the Department of Justice issued their joint statement.

The Corps delayed issuing permits to dig on federal land near the Standing Rock reservation or the Missouri River crossing point near Lake Oahe, where the Cannonball River flows into the Missouri. The Department of the Interior agreed to further discussions with tribal officials “to better ensure meaningful tribal input into infrastructure-related reviews and decisions and the protection of tribal lands, resources, and treaty rights ...”

While Standing Rock tribal chairman David Archambault hailed the reversal as a “an historic day for the Standing Rock Sioux Tribe and for tribes across the nation,” it is clear that the Obama administration

calculated that the escalating protests by Native Americans and their supporters could become an embarrassment in the eight weeks leading to the November 8 elections, and sought to postpone any confrontation until afterwards.

In particular, dispersing the protest encampment at Cannon Ball, the largest mobilization of Native American activists since the American Indian Movement protests of the early 1970s, will allow the federal government and the oil companies to resume the effort later in the year, when the weather will be more onerous for outdoor protests (although more difficult for construction as well).

The tribal leadership is closely tied to the Democratic Party and the Obama administration, with Archambault hosting Barack and Michelle Obama for a visit in 2014, where he proclaimed the Obama administration the best thing that ever happened to Native Americans. This dismisses the real conditions facing Native Americans, who suffer the highest poverty and unemployment rates and the worst health conditions of any section of the US working class.

Archambault also downplayed the significance of the Republican governor calling out the National Guard, saying the troops would only be used for traffic management and not to clear out the protest camp. At least one observer, however, wrote that the roadblocks set up by National Guard troops looked like similar outposts in Afghanistan.

The federal agencies asked the pipeline consortium to “voluntarily pause all construction activity” within 20 miles of Lake Oahe. There was no indication that Energy Transfer Partners, the joint venture managing the project, would agree to this request.

A spokesman for the Midwest Alliance for Infrastructure Now, which represents construction and oil industry companies and the Laborers International Union, said the surprise announcement by the Obama administration was “deeply troubling and could have a long-lasting chilling effect on private infrastructure development in the United States.”

Craig Stevens, a spokesman for the group, declared, “No sane American company would dare expend years of effort and billions of dollars weaving through an onerous regulatory process receiving all necessary permits and agreements, only to be faced with additional regulatory impediments and be shut down

halfway through completion of its project.”



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