

Construction of Dakota Access Pipeline continues amid growing protests

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On Monday, a US federal judge rejected an emergency request made by the Standing Rock Sioux and Cheyenne River tribes seeking to halt construction on the Dakota Access Pipeline. Energy Transfer Partners (ETP), which is managing the pipeline's construction, resumed construction on the project last Thursday after the Army Corps of Engineers granted an easement that allowed them to tunnel under the Lake Oahe reservoir on the Missouri River.

The request represented a desperate, eleventh-hour attempt by the Standing Rock Sioux in the face of the pipeline's completion. They argued that the project endangers their drinking water and impedes the practice of their religion, which requires clean water. Nicole Ducheneaux, lawyer for the Cheyenne River Sioux, stated, "The mere presence of oil in the pipeline renders the water spiritually impure."

In a ridiculous example of legal hairsplitting, Judge James Boasberg of the US District Court in Washington, DC ruled "that as long as oil isn't flowing through the pipeline, there is no imminent harm to the Cheyenne River and Standing Rock Sioux Tribes." Of course, the project in question serves no other purpose but to ensure the flow of oil under the reservoir. He ordered ETP to update the court weekly on the status of the construction and the estimated date by which oil would flow under Lake Oahe. ETP is hoping that the pipeline will be operational by May.

In the face of narrowing legal options for the Standing Rock Sioux tribe, protests against the project have heightened. Military veterans from several states have begun to travel back to Standing Rock, both to protest the construction on Lake Oahe and to defend protesters against the actions of law enforcement.

Law enforcement agencies have responded to this renewed surge of determination by singling out the

veterans. At least four veterans have reported that they were targeted by law enforcement in both North and South Dakota as they traveled to Standing Rock in recent days.

In South Dakota, police stopped a vehicle with Michigan license plates, although they did not note any reason to stop the vehicle aside from the out-of-state plates. They vaguely reported that an officer "recognized signs of criminal activity," whereupon police searched the vehicle. They confiscated what the report alludes to as "protest gear," which appears to have been nothing but camping supplies, as well as the car, after finding medical cannabis oil in one of the men's suitcases. The two men were put in jail in Selby, South Dakota.

One of the men, Travis Biolette, spent four nights in jail. A 41-year-old former Marine, he has a prescription for cannabis oil—legal in his home state of Michigan—for the treatment of PTSD. He stated to the *Guardian* that he was pulled over for going six miles over the speed limit, but that when he informed officers that he was en route to Standing Rock, they made him exit his car and escorted him into the police cruiser. They then searched the vehicle, finding his prescription. He now faces a felony charge and up to five years in prison for possession of the oil, which South Dakota still regards as an illegal substance.

Police have refused to release Biolette's car or other possessions, including cold weather clothing. He has stated that he intends to continue on to Standing Rock. In his comments to the *Guardian*, he expressed hope that police would "somehow understand... that they might not be on the right side of history."

Protests have not been limited to Standing Rock. On February 13, 75 people in Minneapolis marched to the home of Richard Davis, the CEO of US Bank, to

protest the bank's funding of the Dakota Access Pipeline. Demonstrators have also gathered at multiple branches of Wells Fargo to speak out against that bank's funding of the project.

On February 15, protests broke out throughout the US as part of a "Day of Action" against the pipeline. In San Francisco, thousands of protesters blocked access to Market Street and then held a sit-in outside the Army Corps of Engineers office there. In New York protests continued even after some demonstrators were arrested. Among other cities, demonstrations were also held in Minneapolis and Washington, DC.

As the Morton County Sheriff's Department doubled down on protesters near Standing Rock, North Dakota Governor Doug Burgum issued an order for the immediate evacuation of the main protest camp. He claimed that the Army Corps' initial deadline of February 22 was no longer viable, and with no hint of irony, he stated, "One of the biggest environmental threats to clean water in the Missouri right now is the camp itself."

On February 27, Judge Boasberg will adjudicate another hearing at which the Standing Rock Sioux tribe will seek a legal injunction to rescind the easement granted to ETP by the Army Corps. In the meantime, both the Standing Rock Sioux tribe and their most adamant supporters have vowed continued resistance.

Dave Archambault II, chairman of the Standing Rock Sioux tribe, stated, "Our fight is no longer at the North Dakota site itself. Our fight is with Congress and the Trump administration." He encouraged supporters to join a march of indigenous people in Washington, DC on March 10.



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