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## **Native American Water Protectors**

### **Unraveling the past while trying to grasp the future**

#### Summary

This thesis unravels the different aspects of the discourses associated with the Natives, in regards to the construction by the Colonizers. In examining these perspectives, the case of The Dakota Access pipeline will be used to unravel and focus on the situations, which connect the past with the future in the imbedded discourses and the method of decolonizing history. The different aspects of settler colonialism, Manifest Destiny, Decolonizing history and doctrine of discovery will be discussed in relation to legislations and rhetoric of colonizers and their belief that the Natives are uncivilized. The rebranding as Water Protectors serves to create a new opportunity to create a new discursive path for the Natives.

## **Introduction**

In June 2016 in North Dakota numerous Native peoples gathered at the reservation of the Standing Rock Sioux. The Natives were present to support the local activists in their efforts to stop The North Dakota Access Pipeline, which was proposed to run near their homes. The ways the Indigenous activists and supporters of standing Rock, branded themselves 'Water Protectors'. Created a possibility for the Standing Rock Sioux to challenge the colonial logics in regards to land and use of resources. The decision was made to relocate the North Dakota Access Pipeline (DAPL) from Bismarck 170 km away, to the area of the reservation. Despite massive protests and objections against the construction, the Standing Rock Sioux were ignored and the Pipeline proceeded. An important aspect to consider is that like the Natives, the citizens of Bismarck objected the proximity of the North Dakota access pipeline, as they feared it would contaminate their drinking water. Which consequently led to the relocation of the pipeline to the Standing Rock reservation. Moreover it is imperative to explain that the dominating population of Bismarck is white (92 %). Hence the white population was heard and the Natives ignored which is an indication of institutional/environmental racism. Therefore past legislative interactions between the Standing Rock Sioux and the Government, are key to point out the imbedded discourses of Racism and dehumanization of the Natives. My main focus is on the period from 2014 up till 2016, where the fight against the North Dakota Access Pipeline was ongoing. I will outline the selected cultural and historical concepts, which has affected the Natives identity and culture. Moreover I will discuss the implications that the Settlers have had on the Sioux and their lands, by looking at treaties and the colonial myth of the Natives and the doctrine of discovery. The environmental repercussions are important in regards to the Water Protectors and Sioux, but also to the World in general. I will consider the different methods of promoting and demonstrating at the #NoDAPL.

In the Analysis past legislative decisions made against the Sioux are key to underlining the discourses. Here including the Pick-Sloan act, the Constitution of the US and the Indian Removal act alongside a speech by President Andrew Jackson to Congress concerning the Indian Removal Act. These acts are untainted in regards to modern rhetoric and give a clear view of the sentiments towards the Natives. In

addition there will be several text accounts from various sources, concerning the treatment of Water protectors during the #NoDAPL demonstration, thus connecting and analyzing the past and the present.

In the wake of the lost battle of the pipeline construction the repercussion and effects of the future are hopeful. The Water Protectors have succeeded in rebranding themselves and have reunited the Seven Council fires, which is a union of the Dakota Sioux that brings them together in a united front. The new perceptions of the Sioux are scores away from the conception of the victimized and passive Native. The focus has shifted in the rebranding process of the NoDAPL protest. The empowerment and support of the Natives have emerged and created hope for at future where actualizing decolonization is the norm. The whole protest will be an important historical step for the Natives and in extension for indigenous communities everywhere.

Past quarrels between Natives and Colonizers are also essential to understand the basis of the Water Protectors and the demonstration that this signifies by using the concept of the *Indigenous (cultural) geography*. The concept of Indigenous geography demonstrates, a pattern of how parts of indigenous land can be “taken” by a government, without Indigenous intervention, if it is deemed necessary in order to prevent natural disasters or something of similar consequence (Coombs et al).

I will examine these different aspects of the demonstration and the concepts mentioned, in regards to the following thesis

- *To understand how and on what grounds the Natives have succeeded, in creating more awareness on their fight against the North Dakota Access Pipeline, it is paramount to look at their methods of branding themselves, through the media and social media, but also in regards to their resurgence as Water Protectors.*
- *It is undeniable that the colonization of the Euro-Americans has had a significant negative impact, on the environmental and cultural ways in which the Natives live, and on their living standards. In regards to this I find it vital to assess, the impacts that legislations and the language of such has had on, in particular the (Standing Rock) Sioux of North Dakota.*
- *In regards to the encampment against the DAPL at the Standing Rock Sioux reservation, I find it interesting to examine the altercations that have been*

*present between law enforcements, the privately hired pipeline security personnel and the Water Protectors, and to tie these altercations into a historical perspective.*

### **Method and key authors**

In the following paragraph the focus will be on explaining the methods I utilize to examine the thesis statements and to support my train of thought in regards to the different discourses.

#### **Decolonizing Methodology**

The method of Decolonization is a crucial aspect in the examination of the validity of the posed thesis statements. The method contains a rewriting of historical literature, not just a revisit. To examine the history of indigenous peoples and colonization, without the Eurocentric colonial imbedded values and culture, is a game changer. The author of the book *Decolonizing Methodologies*, Linda Tuhiwai Smith who is an indigenous New Zealander (Maori) whom is an associate professor in Education and Director of the International Research Institute for Maori and Indigenous Education at the University of Auckland. Tuhiwai Smith defines the term decolonization as

Decolonization is a process, which engages with imperialism and colonialism at multiple levels. For researchers, one of those levels is concerned with having a more critical understanding of the underlying assumptions, motivations and values which inform research practices (Hall and Smith 20).

Tuhiwai Smith explains that Indigenous Peoples have loathed the aspect of being “researched” as they have often viewed it as an encroachment, which is disrespectful and to no avail for themselves. Thus Tuhiwai Smith argues, in the above quote, that in order to perform the research one has to take the imbedded European epistemology into consideration, and be critical of this western colonial method of researching to further unravel and uncover where the colonial perceptions intervene with the analysis of the research of indigenous communities. Tuhiwai Smith further clarifies that the

people who made history, on the grounds they believed were important, consisted of the best and brightest men and groups who created the foundations of the state. This included “economists, scientists, bureaucrats and philosophers”(Tuhiwai Smith 32). It was considered that the ability to change society and in extension make history was the natural cultural norm, that it was these self-actualizing men that undertook such a task. It was only those deemed worthy that could make history, which meant that the general public of ordinary men and all classes of women were excluded from history (Tuhiwai Smith 32). Hence there is a big part of history, which has not been told, as so many differentiated views have been excluded, which is at the core of the Decolonizing process. However, there is more to it and Tuhiwai Smith further clarifies that merely exposing the truth does not change the fact that Indigenous people are marginalized. The reason for this lies beyond telling the true story of colonization, for as she emphasizes it is not enough to understand history to gain justice. For what lies at the core is power; history is power, the people who created the unjust history of colonization did so to gain power, keep power and thereby exclude and portray the Indigenous populations as the “other”, often defined as uncivilized savage. Tuhiwai Smith consequently rationalizes that in their power the groups and people, continue to dominate, as the Indigenous populations are marginalized and thereby do not possess the power to change history so that it becomes just. Tuhiwai Smith considers decolonization as a process of settling unfinished business and also the possibility to tell the stories of their indigenous past and thus recuperate this lost part of history. The rewriting of colonial perceptions becomes part of a resistance that empowers the Natives (Hall and Smith 34–35).

### **Critical Discourse Analysis**

The Critical Discourse Analysis represented by Norman Fairclough gives an understanding of the discourses, which are present both in language and social constructions concerning the Natives and in the configuration of the discourse the Colonizers created of themselves. More specifically the rhetoric and language used to identify and shape the colonizers perception of the identity of the Natives.

Norman Fairclough is a Professor Emeritus in linguistics and English language at Lancaster University in the United Kingdom. Fairclough has continually reinterpreted his definition of Critical Discourse Analysis, which he began working on in the 1980's. By his own account<sup>1</sup> he has divided his research into three periods of Critical

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<sup>1</sup> In his about author introduction of himself at <https://lancaster.academia.edu/NormanFairclough>

Discourse Analysis (CDA). As the ever-changing discourses that surround us continually creates new question to be critical about. As CDA is more than just a method of analysis, but moreover a tool in critiquing and pushing unfair ideological discourses to change, so that a more just world becomes possible. Fairclough further stresses that despite the change in the discourses tackled in his different periods of CDA, they do not replace each other, the concerns regarding ideology for example is still relevant in every edition, the ways in which these are addressed shifts, according to the social period and relevant discourses political or otherwise (Fairclough, *CDA as Dialectical Reasoning: Critique, Explanation and Action*). As the texts that I will examine range from the eighteenth century to the twenty-first century, the more modern time periods are not as relevant. However there will be an added focus on how Fairclough describes the change in the political discourse, and in his opinion responsibility, later in the thesis (Fairclough, *CDA as Dialectical Reasoning: Critique, Explanation and Action* 6-7). In his definition of CDA from 2004 he defines that;

Critical discourse analysis is concerned with continuity and change at this more abstract, more structural, level, as well as with what happens in particular texts. The link between these two concerns is made through the way in which texts are analysed in critical discourse analysis. Text analysis is seen as not only linguistic analysis; it also includes what I have called ‘interdiscursive analysis’, that is, seeing texts in terms of the different discourses, genres and styles they draw upon and articulate together (Fairclough, “Analyzing Discourse: Textual Analysis for Social Research” 3).

Fairclough explains how there are two purposes of Critical Discourse Analysis, which entails combining the textual analysis with the social discourse. Whilst also keeping in mind the underlying influences of the more fluent change in notion that continually occurs in discourse analysis, combined with the textual interpretation of a specific text.

In addition Marianne Jørgensen and Louise Phillips refer in their book *Discourse analysis as theory and method* (2003) to the centrality, in Faircloughs early work of 1992, concerning the social practice and its impact and possibility in changing various discourses.

”It is central to Fairclough’s approach that discourse is an important form of social practice which both reproduces and changes knowledge, identities and social relations including power relations, and at the same time is also shaped by other social practices and structures. Thus discourse is in a dialectical relationship with other social dimensions... (Fairclough 1992b: 64 ”

(Jørgensen and Phillips, *Discourse Analysis as Theory and Method* 65)

Herein Jørgensen et al. describes that discourse does not follow one track it is influenced by many outside factors. In fact Jørgensen et al. reveal that Fairclough considers that CDA is capable of shifting and creating power relations. Thereby they argue that the theory effects and involves an array of dialectical relationship and it is herein that there is the possibility of creating a change in the power structures and discourses. Which is further emphasized in the following:

Critical discourse analysis is ‘critical’ in the sense that it aims to reveal the role of discursive practice in the maintenance of the social world, including those social relations that involve unequal relations of power. Its aim is to contribute to social change along the lines of more equal power relations in communication processes and society in general (Jørgensen and Phillips, *Discourse Analysis as Theory and Method* 63–64).

The inclination of the CDA to uncover the uneven power relations in communicative relations and moreover in society at large, connects the critical aspect which is crucial in regards to the Water Protectors and Natives. It is seen how it was an essential part of the NoDAPL protest, where the reinterpretation and rebranding of the Native Water Protestors aided them in creating awareness despite their eventual defeat. The essence of the depiction of the Natives is further parallel to the CDA, whereas there has consistently been several different discourses of the Natives depicted by the colonists, such as savage, unintelligent subhuman, and charity cases and also as a mythical warrior, to name but a few. Some have occurred simultaneously and others have replaced one another to fit the time period. Hereby we see how the inequality of power is manifested by amongst other things creating a negative discourse of the Native population. It becomes an innate way of which the colonist population of the US, define the Natives. It is in this that the CDA aims to reveal what lies at the core of this, to expose the social injustices and h in unraveling the pretense of the colonialist portrayal of Natives and thus contributing to a more equal society(Jørgensen and



Phillips, *Discourse Analysis as Theory and Method* 63–64). In respect to the thesis it is interesting to examine how these inequalities come to pass and by using the CDA and the different theoretical concepts, clarify the linguistic methods that indicate the hidden social constructs that lies embedded therein.

Furthermore the critical research, which Jørgensen et al. articulate in their analysis, is at the core of the examination of the posed thesis statements. Which is to reveal how the discursive practices contribute to maintaining unequal power relations, between the Water Protectors and the US Government and representatives hereof. Jørgensen et al. additionally explain how the CDA it is not politically neutral as it takes the side of the “oppressed social group”(Jørgensen and Phillips, *Discourse Analysis as Theory and Method* 64). Which also entails, the critical discourse to enable and contribute in the struggle for the ultimate goal of “radical social change” (Jørgensen and Phillips, *Discourse Analysis as Theory and Method* 64). Hence it is a very loaded theory that takes sides, but in fact that facilitates the thesis statements I seek to support. Hence it will serve as an illustration of the recurrent tie to the past, in regards to the treatments of Natives at Standing Rock Sioux. In addition the CDA will aid in critically revealing the discourses of the implied social constructs onwards in the thesis.

## **Terminology**

I will briefly explain the terminology and how I use it in this Thesis.

In this thesis I have chosen to use the terms ”Native”, ”Native American” and ”Indigenous” interchangeably. In regards to the European settlers and their descendants I use ”settlers”, ”Colonizers” interchangeably as well. When referring to the country of The United States, I use the expression ”US”. I try as much as possible to refrain from using the term ”tribe” to describe the vast amount of different ”Native nations” and ”Native communities”, the two latter descriptions will be utilized instead. In addition I would like to clarify that I am generalizing Natives and Settlers into two large groups, hence the differences and details of each individual community and nation will mostly be avoided. This serves to create a cohesive text for the reader as opposed to naming every group and nation, and thereby muddling the focus and

clarity of the thesis. My main focus is on the Sioux of the Standing Rock Sioux, but also here there are a score of different communities and thereby also differences in both perceptions and ideologies. My main concern is not to focus on all the differences, but rather to see the similarities in regards to the cultural and historical implications of the Natives.

### **Linda Tuhiwai Smith**

Tuhiwai Smith is an indigenous academic from New Zealand, whom I have mentioned earlier in regards to my methods. She has written the book *Decolonizing Methodologies*, wherein she gives a view of the Indigenous struggle worldwide and argues that colonialism is full of commonalities in whichever country you examine. Furthermore she gives insight into the difficulties of being an indigenous scholar in an academic world where the Western methods of writing and researching is basically imbedded in the discourse, which creates hurdles to overcome as an indigenous scholar but also indigenous communities are effected.

### **Theoretical framework and Key Concepts**

#### **Water Protectors**

*“It is from everyday life  
That the collective confidence  
To change reality grows,  
Giving rise to extraordinary events.”*

The term Water protectors is newly coined, but in reality the fight has been ongoing for centuries. The Natives in particular have strong ties to Nature, and see it as an enormous part of their identity and spirituality (Estes).

The Natives formed CERT, the Council of Energy Resource in 1975 after once again gaining social and economic control after the Indian Self-Determination Act was introduced ((Tolley 209). The Native nations wished to renegotiate mineral leases, as these while under the administration of the BIA<sup>2</sup> were given to the Energy companies for barely anything(Tolley 210). However there were disagreement on how the natural resources were to be managed, some Natives wished to use the resources for economic development, while others were more concerned of the ecological destruction that this caused ((Tolley 210).

### **Settler Colonialism**

Patrick Wolfe, an Australian Anthropologist and ethnographer, introduced the definition of settler colonialism into the academic world. Wolfe chose to study the settler community rather than the traditional option of looking at the indigenous community. In doing so he opened up to a brand new discussion on how colonialism was seen and its impact of the story of the indigenous people. <sup>3</sup>

Wolfe paints a picture in his article “settler colonialism and the elimination of the native” of how settler colonialism works, by comparing the Native Americans and African Americans. He enlightens with the fact that it is not based on purely race, as race is not always shown on the skin, in which he means blacks passing as whites, but also the way that Natives who are “half breeds” are classified. Wolfe explains that the distinction lies in how they were targeted. In the African Americans they were slaves, which constituted their blackness, through their legacy and blood. The settlers wanted more able workforce guaranteed. Whereas, Wolfe explains, this would be counterproductive in the case of The Native Americans, as they wished to diminish

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<sup>2</sup> Bureau of Indian Affairs-explain

<sup>3</sup> <https://globalsocialtheory.org/thinkers/patrick-wolfe-2/>

their numbers, so the settlers could overtake more land. Therefore they were labeled as Indians, not as the original inhabitants, but as a dangerous and savage myth. Despite all the focus of race, Wolfe depicts territory as always being the core of settler colonialism. It is the ultimate goal.(Wolfe) The definition of settler colonialism according to Oxford bibliographies reads:

”Settler colonialism is an ongoing system of power that perpetuates the genocide and repression of indigenous peoples and cultures. Essentially hegemonic in scope, settler colonialism normalizes the continuous settler occupation, exploiting lands and resources to which indigenous peoples have genealogical relationships. Settler colonialism includes interlocking forms of oppression, including racism, white supremacy, heteropatriarchy, and capitalism. This is because settler colonizers are Eurocentric and assume that European values with respect to ethnic, and therefore moral, superiority are inevitable and natural. However, these intersecting dimensions of settler colonialism coalesce around the dispossession of indigenous peoples’ lands, resources, and cultures...”<sup>4</sup>

Thus we see how the Indigenous people have been treated worldwide. In regards to the Native American the above quote is case in point. Genocide has occurred continuously, through constant removal from homelands, wars and more systematically through Boarding schools. On these off reservation Boarding schools, the Native kids were forbidden to speak their own language and were torn from their family and culture for years. The monetary gains in form of the seizure of land, albeit treaties were engaged to protect the Natives, are also at the core of the Native Americans struggles. The definition fits the mold of the Natives; they were never, in the eyes of the colonizers, quite civilized enough.(source in bac) Despite negotiations and contracts entered, the Natives were never viewed as equals, but as a nuisance. The cultural genocide didn’t make them disappear; it just ruined so many lives and their cultural heritage. Assimilation failed. The cultural gap of the Eurocentric values of Manifest destiny and race, looks as if it is insurmountable in regards to understanding and respecting the Natives and their values and beliefs, as the above quote mentions.

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<sup>4</sup> <http://www.oxfordbibliographies.com/view/document/obo-9780190221911/obo-9780190221911-0029.xml#obo-9780190221911-0029-bibItem-0004>

However with settler colonialism in mind, it is possible to, in a sense, rewrite history. Seeing it all with fresh eyes, from the view of the Indigenous population and keeping in mind that the concept of settler colonialism is infused in the texts and in how history has been told. The CDA is excellent to combine with the settler colonialism theory, as the CDA focuses on being critical, in this thesis through past and current texts and events, to help create a new more equal distribution of social power. This is achieved by revealing the role, and impact of the discursive path, in relation to the Natives and the historical and present treatment of them.

Roxanne Dunbar-Ortiz is an author and historian whose main focus is on International Human Rights and History in the Western Hemisphere. Her book *An Indigenous Peoples' History of The United States* (2014) is an essential companion in investigating the social and cultural aspects from the perspective of the Natives. Furthermore Dunbar-Ortiz reframes US history and reveals how the colonizing myth was a cover for past atrocities, while also clarifying that the suppression of Natives and their rights is not a thing of the past, but prevails in our modern times. Dunbar-Ortiz informs us on the current illustrative image of the Natives and how they should look in American history, while incorporating the explanation of settler colonialism and its ties with the myth that has been told continuously. The myth of how The United States, was settled and on which terms. Hereby referring to the view of the romanticized settler and the savage Indian, as the commonly viewed origin story.

Writing US history from an Indigenous peoples' perspective requires rethinking the consensual national narrative. That narrative is wrong and deficient, not in facts, dates, or details but rather in its essence. Inherent in the myth we've been taught is an embrace of settler colonialism and genocide (Dunbar-Ortiz, 2).

Dunbar-Ortiz highlights and unearths the problem of a racist and completely bias history of the US. The thought never occurred to me before, that Columbus day is a mockery of the Natives and even 4<sup>th</sup> of July, Thanksgiving and school curriculum as well. The oppression of the losing sides story, also becomes a suppressive way to in a sense keep the Natives in check. Thereby it is a constant injustice being inflicted again and again. I believe that few people are aware of the mentally and physical repercussions that the Natives suffer from, by being disregarded concerning their

legal rights as sovereign nations, but also the racial discrimination they face because of this unforgiving myth of the Native in the past and present. The myth will be examined further later on in the paper.

## **Indigenous Geography**

### **Environmental Racism/institutional racism**

The definition of institutional racism is "when racism is built into the institutions that make up a government or society, it is called institutional or structural racism" (Bradford 48–49). Bradford explains in her book *The Dakota Access Pipeline*, how it may be considered as an example of institutional racism as the Pipeline was moved from Bismarck to The Standing Rock Sioux reservation. The Natives did not possess the influence or the power, necessary to be heard, whereas the white privileged community of Bismarck did. (Bradford 48–49).

In *Encyclopedia of Human Services and Diversity* Davia Cox Downey describes the definition of Environmental Racism:

Environmental racism is a combination of environmental practices and policies aimed at directing unpopular industrial businesses to locate disproportionately in communities of color. The problem of environmental racism gained traction in U.S. politics in the early 1980s, when local officials in Warren County, North Carolina, a predominately poor, black area, decided to locate a polychlorinated biphenyl (PCB) landfill there. (Cousins)

There are so many cases of this racial injustice; it was seen at XXL keystone, The Pick Sloan flooding and many more. This a recurring practice and SRS is an unmistakable case of this. Despite their continuous fight against the DAPL and the Water Protectors different legal methods of halting the construction of the pipeline. The efforts to prevent construction failed. Their plea to investigate the possible ecological repercussions and asking President Obama to stop the DAPL did not help. Downey furthermore explains the difficulties of environmental racism. Some of these include how the targeted poor can take actions to prevent undesirable, often hazardous, constructions of pipelines or other businesses. She emphasizes that the problem is very much based on an absence of the, in this case the indigenous population, presence on decision making levels. Thereby entailing a targeting of these

underrepresented communities, as they do not have the means or knowledge to fight back. Downey explains further:

Community decision making is an important component to understanding the prevalence of environmental racism. The absence of minorities or the economically disadvantaged from the policy-making process at the local level often results in their communities being targeted for placement of these sites. Lack of representation on city councils, in government positions, or at hearings related to these types of issues negatively impact minorities and the poor. Lax enforcement of the various federal and state statutes and regulations can also have disproportionate effects(Cousins).

It seems that there is an array of different aspects that helps environmental racism exist. As the above quote mentions, the negligent methods of which the regulations are upheld and what I believe is also disregard of treaties and the sovereign status of most Native communities.

### **Manifest Destiny**

The concept of Manifest Destiny is at the center of the colonial train of thought and moral values. Hence to understand the inherent and Eurocentric colonial view of culture and civility, the concept must be put into a deeper analysis, including the methods used in distancing the colonizers from the uncivilized and inferior indigenous peoples.

The concept of Manifest Destiny may not be common knowledge, but I believe most people know of the American dream, wherein much of the concept of Manifest Destiny is present. The idea of the American dream is that all immigrants of the US have the possibility and right to create their own fortune, based on their abilities and drive, not social status. The concept of Manifest Destiny was, first coined by a democratic leader named John L. O'Sullivan, to defend the America's right to expand and possess new territories. His definition of Manifest Destiny

... the right of our manifest destiny to over spread and to possess the whole of the continent which Providence has given us for the development of the great experiment of liberty and federative development of self government entrusted to us. It is right such as that of the tree to the space of air and the earth suitable

for the full expansion of its principle and destiny of growth  
([www.let.rug.nl/usa/essays/1801-1900/manifest-destiny/manifest-destiny---the-philosophy-that-created-a-nation.php](http://www.let.rug.nl/usa/essays/1801-1900/manifest-destiny/manifest-destiny---the-philosophy-that-created-a-nation.php)).

The above quote expresses the strong belief, which the settlers had of their rights in the new land. Sullivan even goes as far to say that it is as natural for them to settle these territories like it is the right of the trees to grow and expand, by using the earth and air. He explains that the settlers were destined to spread and expand and that God blessed this expansion westward, so the hunt for land began with a divine motivation. Especially the missionaries believed that they had a mission in reforming the Natives into Christians, so to save their souls. As the Natives own religious and cultural beliefs were savage (Sleeper-Smith 118–19). Which will also be further discussed in relation to the following chapter cultural clashes and background.

In relations to the racism intertwined into Manifest Destiny, Professor of History at Queens College and the Graduate Center of the City University of New York, Donald M. Scott explains that “*Manifest Destiny*” was also clearly a racial doctrine of white supremacy that granted no Native American or nonwhite claims to any permanent possession of the lands on the North American continent and justified white American expropriation of Indian lands” (Scott).

Scott indicates that Manifest Destiny was actually a catch phrase that helped the settlers to endorse and justify to themselves and others the imperialism of expanding their territories westward (Scott). Furthermore, Scott argues that the racial aspect of Manifest Destiny also had the ulterior motive of preventing the Natives and Non-whites from owning land, as they did not fit into the mold of Manifest Destiny. In addition this relates to settler colonialism, where the focus was on retrieving the land and ridding it of the indigenous inhabitants. Whereas with Manifest Destiny it was more a divine overtaking, where the Natives did not meet the correct values, as Destiny or God did not drive them. However there are examples of Natives adapting and becoming farmers and Christians, but that didn’t make them more civilized or worthy to the colonizers. Which is in line with Scott’s claims that there was much more to the concept. Imperialism and superiority fueled the settlers more than divinity. Which leads to an estimate that the romanticized concept of Manifest Destiny and the notion that the settlers were driven by divinity is a point of



contention. The notion of Settler Colonialism, however, corroborates the imperialistic attention to acquire land and also seems to be a more consistent and tangible point of view.

### **Cultural clashes and background**

In order to fully understand the mindsets of the Natives, it is imperative to also gain some cultural aspects of the tone and demeaning behavior the settlers and the colonial government practice.

### **Origin and doctrine of discovery**

The story of the origin of the U.S. and the methods applied are further relevant as they pertain to a discourse that has survived since the first colonizers settled on the American soil. In order to nullify the Indigenous populations right to the lands and attaining it for their own benefit, they created a discourse degrading the Natives to mere occupants of the land.

Dunbar-Ortiz mentions in *An Indigenous Peoples' History of the United States* that, the origin narrative is an important kernel when it comes to bringing people together and giving them a feeling of unity. This is what transpired in the religious aspects of the settlement of the United States. Thus, the story of the puritans being divinely sent to inhabit the land, alongside the myth of Columbus and the doctrine of discovery, and as mentioned earlier Manifest destiny. Dunbar- Ortiz explains how these perceptions and stories then nullifies the Indigenous populations right to the land (Dunbar-Ortiz 3). Goeman captures the essence of it, in regards to the settlers and their view of the Natives; “There remains a spatial imaginary of vast landscapes filled with flora and fauna. Native people in this unjust spatial imaginary become part of the flora and fauna open to settlement, while the state supports its fantasy through the law(Johnson 18).” This invisibility of the Natives is fundamental, they just blend in, and they are not considered worthy. It is not until they pose a problem in regards to taking up to much land or residing on land that is rich in gold, oil, minerals and lumber, that they need to be removed.

### **The power of rhetoric**

Dunbar-Ortiz encourages to be aware of the settler-colonialist context in US history and the “trap of the unconscious belief in manifest destiny” (Dunbar-Ortiz 6). Furthermore she links the policy of genocide to the concept of settler colonialism. According to Dunbar-Ortiz it is historically incorrect that settler- indigenous conflict is an inescapable outcome, which has arisen in the cultural differences and misunderstandings that are pending amidst the two. Furthermore she refutes that the statement that both the settlers and the natives were equally violent, explaining that this denounces “the historical process”. She claims that the tendencies of genocide were present from the very beginning (Dunbar-Ortiz, 8). According to several sources there are indications that, a potential extinction of the Natives was beneficiary for the settler government and the ploy even before the Nation was completely constructed. This is present in the Constitution, but also in the sense that the puritans were not as open to the otherness, which in this case was the Indigenous population. Laurence French remarks how it is ironic that the collective memory of America is built on the basis of religious freedom. Combined with the explanation that this religious persecution was their reason for fleeing from Europe. However French urges to bear in mind that in actuality the puritans forgot to divulge that Great Britain was indeed tired of the settlers’ religious intolerance in Great Britain(L. A. French 17).

A major element of U.S. educational indoctrination of children in the public school curriculum is that the early colonial settlers came to the New World to escape religious intolerance. While that may have been the case, what is omitted is the fact that these religious cults were not popular in Great Britain due to their own intolerance(L. A. French 17).

With this in mind, the representation of the colonizer as creating a nation free off suppression and religious condemnation deteriorates further. This mindset also explains further the desire to Christianize and convert the Natives into God fearing people, and in addition the concept of Manifest Destiny becomes even more understandable in regards to the settlers. In effect, America became a land of intolerance and fear of those different from their own values, which is seen through the array of decisions made in the government acts. The Unwillingness to accept different religions was detrimental to the Natives, and thereby they were deemed savage because of their “otherness”.

### **Discourse of extinction**

The implementations that the colonizers have crafted in regards to the status of the Natives, in deeming them as inferior and savage, has functioned as a means to dehumanize the natives. Thus enabling the colonizers to, without consequence to their conscience or divine soul, systematically kill the Natives by physical and cultural genocide.

The documents and letters from President Andrew Jackson support the narrative and construction of the Natives. Herein it states that if the Natives were to become extinct, that their land ownership would default to the United States. In the following Act called the Indian Removal act we see an example of this:

...That in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them... Provided always, That such lands shall revert to the United States, if the Indians become extinct, or abandon the same.

The rhetoric in the above quote is quintessence of the superior discourse that takes place in numerous laws, treaties and in general. The expectation that the Natives will perish is so assuming and callous. The quote is part of the Indian Removal Act introduced into law by President Andrew Jackson in 1830. There are multiple regulations that the Natives are to follow according to this act. But the above quotation, which is found in section three of the act, emphasizes the point that Dunbar-Ortiz makes, which is that from the very beginning genocide was a factor. Also when we consider that the Removal act removed tribes, in some cases forcefully, thousands of miles away from their ancestral lands, to reservations, that was often barren and very different from their homes. In addition we see how the termination act, states that if the Natives become extinct or abandon the land, the land reverts back to the US. Well it seems that the settler government did their best to fulfill both, moving weak and sick Natives in the infamous Trail of tears, in the dead of winter, 4000 lives perished (Jenkins 79)

Furthermore the tone that was used when discussing the Natives, was that of a certain aversion, as President Andrew Jackson said in his speech to Congress on the Indian Removal<sup>5</sup> that,

...it will relieve the whole State of Mississippi and the western part of Alabama of Indian occupancy, and enable those States to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way and under their own rude institutions; will retard the progress of decay, which is lessening their numbers, and perhaps cause them gradually, under the protection of the Government and through the influence of good counsels, to cast off their savage habits and become an interesting, civilized, and Christian community...

The true sentiments and perceptions of the Natives become clear here as such words as “relieve” the States from them and henceforth power and wealth will accumulate when they are out of the way. But also in regards to the Natives “own rude institutions” which again enlightens the mindsets of the settlers and their superiority. Furthermore President Jackson speaks, ironically enough, of this removal as helpful to the Natives as their dwindling numbers as a result of decay may be delayed by a removal. Which was obviously not the case. The true irony lies in the last part of the quote, where President Jackson says that the Natives could perhaps, with the help of the colonizers, become an interesting, civilized Christian community if they were to cast of their savage habits.

The tribes that were relocated actually consisted of the Five Civilized Tribes<sup>6</sup>, who had adopted the Euro-American legal and economic model(L. French 24). For instance the Cherokee were assimilated to the extent that they owned slaves, were Christians and avid farmers. Thereby the relocation is even more puzzling, if the Natives already were a functioning part of Euro-America, then why did they need relocation? In Amanda J. Cobb’s, associate professor Of American studies at the University of New Mexico, book *Listening to our Grandmothers stories*, a quote cited by Lawrence Cremin reads, “the prevailing assumption was clear: people could be

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<sup>5</sup> [guides.loc.gov/indian-removal-act](https://guides.loc.gov/indian-removal-act)

<sup>6</sup> The Five Civilized Tribes were Cherokee, Choctaw, Chickasaw, Creek and Seminole (Estes 76).

educated to transcend the barriers of ethnicity and religion, but they could not be educated to transcend the barriers of race”<sup>7</sup>(Cobb). Hence the relocation was racially motivated or perhaps more accurately inspired by the greed and superiority of the white settlers. Thus we can relate (back) to Thelin and his statement that the settlers created a collective memory to help them serve themselves as best possible.

### **Legal disempowerment of Natives**

In this paragraph the measures and means in which the judicial system constructed the Natives legally to further their own agenda will be discussed.

In addition there were several aspects of legal constructions of the Natives, which Joanne Barker explains in her book *Sovereignty Matters* (2006), where she unravels how the Marshall court created these definitions, of the Natives, for their own benefit.

“...the United States used the treaty-making process to neutralize the political force of allied and individual indigenous groups and then deployed specific articles of signed treaties to secure the right over and against other European countries to relate with, trade, and govern with those groups as a matter of domestic policy...”(Barker 5).

In the above quote it is seen how the colonial US eagerly used treaties to secure their own abilities in procuring exclusive rights to trade, sale of land and setting the terms of the internal future of the domestic policies. Thereby the colonial US succeeded in creating deals that meant that the Natives were bound to them, not other European countries, and further securing control of the Natives so they did not rebel or side with other countries. Moreover Barker exemplifies that these treaties did in fact recognize the Natives as sovereign, which Chief Justice Marshall acknowledged as the following will show

“...Yet the fact remains that indigenous peoples were recognized by...the United States as constituting nations that possessed rights to sovereignty- by

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<sup>7</sup> Cremin, Lawrence ”*American Education: the National Experience*” in Cobb’s, “*Listening to our Grandmothers stories*”

treaty, by constitution, by legislative action, and by court ruling. Even Chief Justice John Marshall conceded that terms like *nation*, *sovereign*, and *treaty* had been used in colonial and U.S. law in reference to American Indian tribes and the U.S. Supreme court was therefore obligated to adhere to the internationally accepted definitions of those terms in relating to the tribes as independent sovereigns”(Barker 5).

Granted Marshall was forced to admit and accept that these definitions, which defined the Natives as sovereign, were colonial laws that were legally binding. However Marshall was set in his ways and ultimately Marshall creatively argued that the concept of doctrine of discovery, enforced that the Natives were mere occupants of the land not owners. As a result the Natives were considered to be under the jurisdiction of the US government, which constituted that they were hence forward wards of the US, which will be examined further in later chapters.

### **The assumptions of “White Think” in regards to cultural understanding**

In relation to the cultural understanding and interpretation of the settlers, it is important to again reinforce that there are different cultural interpretations, as has also been mentioned in explanation of Tuhiwai Smith on the Decolonization process. In the following the indigenous scholars explain how the assumption of a unilateral cultural discourse is offensive to the Natives and are counterproductive when it comes to a deconstruction of the colonial historical assumptions.

The perception of the Natives as savage and uninteresting has been a recurrent cultural understanding, and still in our modern day there is so much misunderstanding and labeling of Natives that are damaging to their nations. As Paula Gunn Allen describes in her essay “ ”Indian”, Solipsisms, and Archetypal Holocaust” in *Genocide of the Mind* (Moore&Deloria Jr.) that it,

...- has served merely to exemplify a common mental process, one that enjoys very high status in the modern world. It substitutes white-think for Native philosophical /spiritual thought, attributing white assumptions and thought processes to us and our ancestors-without a hint that white cultural assumption

are neither universal nor necessarily shared. Thus continues the horrifying process of colonization...” (Moore & Deloria 310).

Allen underlines that the superiority notion in which the Eurocentric colonizers with incessant certainty believed that their knowledge of the Natives and their culture was preeminent. Consideration to another cultural background or way of interpreting the world did not occur to the colonizers, or if it did it was deemed inferior or uncivilized. Thus the overpowering conviction by the settlers, both in the past but also in the present, that their point of view and values are superior creates barriers. This superior train of thought and belief is at the very core of colonization and its historic discourse. Hence it relates back to the concept of not only manifest destiny but also settler colonialism, therefore the decolonization of history is the next hurdle to overcome. Thereby gaining more appropriate and truthful accounts of historic events and coming closer to revealing of the indigenous population and the colonization of their native lands. In addition Allen also emphasizes that by using the “white-think” expression to underline the underlying perception of white culture, she does not mean it as a racial slur but rather to explain the mindset, which it conveys (Moore & Deloria 306-307). In regards to Dunbar-Ortiz’ claim that genocide or at least the intent of genocide was present at the beginning, has been corroborated by other sources. Furthermore the intentions of genocide, was helped along in large part, by the creation of identity and memories by the public, which will be discussed in the following chapter.

### **The Importance of memory and identity**

The following paragraph explains the way that the colonizers have constructed themselves, in their own memory but also as superior in identity to others. This construed identity is of grave importance. In fact it is such a large part of the ability of the colonizers to dehumanize the Natives and convince themselves of the benevolence and necessity hereof.

David Thelen discusses in *The Journal of American history* in the chapter “memory and American history” that: “...People depend on others to help them decide which experiences to forget and which to remember and what interpretation to place on an experience. People develop a shared identity by identifying, exploring, and agreeing

on memories...”(Thelen 1122). This construction of a collective memory is at the utmost significance, as the US citizens have constructed with the governments help, an identity based on the American dream where the settlers creates their own destiny. In addition Thelen addresses how he believes identity could be studied and understood

The historical study of memory would be the study of how families, larger gatherings of people, and formal organizations selected and interpreted identify memories to serve changing needs. It would explore how people together searched for common memories to meet present needs, how they first recognized such a memory and then agreed, disagreed, or negotiated over its meaning, and finally how they preserved and absorbed that meaning into their ongoing concerns (Thelen 1123).

The idea that peoples memories, and in extension their needs, are recreated continuously to serve their ongoing situations and concerns, is ultimately fascinating. It also ties back to Fairclough’s CDA, in respect to the similarities seen in the collective memory and the methods of the shifting discourses to fit the cultural period in the CDA. Therein also lies an imbedded collective memory, that the Natives were savage, the settlers were driven by divine intervention and furthermore the “us” versus “them” discourse that is still as powerful today. The settler government dissociated themselves from the Natives by comparing them to animals, as Laurence French in his book *Legislating Indian country*, reveals in a letter from President George Washington in 1783 to Congress;”...When the gradual extension of our settlements will as certainly cause the savage as the Wolf to retire; both being beasts of prey tho’ they differ in shape...” (French 30). The animal imagery of the Natives created a dehumanizing interpretation of the Natives, which in turn made it easier to justify killing and overtaking their lands.

### **The Prehistoric Savage**

The distinction of the demarcation between civilized and uncivilized is important to further define for the purpose of capturing the discourse of the time and place it in context. Tuhiwai Smith explains how

...The racialization of the human subject and the social order enabled



comparisons to be made between the “us” of the West and the “them” of the Other. History was the story of people who were regarded as *fully human*. Others who were not regarded as human (that is, capable of self-actualization) were prehistoric...(Hall and Smith 32)

In the quote it is seen that the colonial way of thinking was present before Europeans colonized lands across the world, they brought the ideology with them and then further perfected it to the nation or country in which they settled. Thus Tuhiwai emphasizes that many of the core values were the same of the colonizers, which meant that the inhuman treatments of the indigenous population was the rule rather than the exception (Hall and Smith 26). Another important aspect, which Tuhiwai mentions, is the thought of the colonial version of history, where it is the people who are *fully human* (white colonizers) that dictate what is conveyed and what is concealed. This is exactly why the method of decolonizing is so important. Decolonizing means rewriting history, which gives the indigenous population the opportunity to present their versions of events. Furthermore it will help legitimize the indigenous population’s demands of sovereignty, land bases and fair treatment, which may help in converting the public to stand by their side. However this will be discussed further later on in regards to Tuhiwai Smith’s view.

A further means of justification of the genocide is seen in the “savage” terminology presented by President Andrew Jackson, Which Phillip Jenkins cites in *a History of the United States*; “What good man would prefer a country covered with forest and ranged by a few thousand savages to our extensive republic, studded with cities and prosperous farms? (Jenkins 79).” Hereby President Jackson positions the Natives as uncivilized as they do not seek economic gain, nor extensive farms and buildings. Hence equating the Natives as inferior to the settlers by questioning, “*what good man would prefer*” as the Natives to remain on their lands, and not partake in the “civilized” city living. Having the President of the United States describing the Natives in this way, clearly positions the discourse of “them” versus “us”. Thereby unifying the settlers under Manifest destiny and, as Thelen mentioned in an earlier quote, searched for common memories to meet current needs. In other words Thelen’s idea of memory is an ongoing process of negotiating values and meanings to fit into the concerns present at this particular time and still hanging on to the traditional myth of settler colonization. This coincides with Dunbar-Ortiz and her conviction that the

Native situation cannot be redeemed until the US and its citizens face the atrocities of the past (Tolley 5). The need for decolonization is crucial to change the ways in which the Non-Natives define their collective memory and in doing so begin the deconstruction of Natives, settlers and of the glorified history of the US.

## **The History of The Standing Rock Sioux**

### **The dispute of The North Dakota pipeline and The Standing Rock Sioux**

At the heart of it all is the conflict between the Water Protectors and the North Dakota Access Pipeline (DAPL). A quick review of the events serves to focus on the process of the protest and explain the prelude of the Keystone XL pipeline.

The dispute of the pipelines transporting, Oil, Fracking gas and even tar sands from Canada, started before the demonstration began at Standing Rock. During the period of 2012-2016, during the Obama administration plans for building a pipeline that connected Canada and the US, was legalized by President Obama, as he signed off on the southern part of the pipeline, named Keystone XL (KXL) to be built (Estes 33–34). Nick Estes, Assistant professor of American Studies at the University of New Mexico and citizen of the Lower Brule Sioux tribe, has published the most recent of the sources I have used, his book *our history is the future* from January 2019. Estes takes us through the different aspects of what led to the protest at Standing Rock and gives an insight to the multiple levels of the demonstrations and main characters that play a role on both sides, he gives a glimpse into all the politics and indigenous resistance that is undertaken without the general public having any knowledge of it. Coupled with Estes' intricate explanation of the tradition of Indigenous resistance one gets a comprehensive and deep view into the resistance. Estes explains that during the massive protests from indigenous people and environmentalist against the KXL, others were also in internal tribal dispute. Corruption and mismanagement of the tribal council in Lower Brule Sioux, where the author Nick Estes is from, created separation. The tribe was deemed as sell outs, as they went back on their word, when they went against the accord known as the Mother Earth Accord. This accord which was signed in 2011, served to get commitments from the different members, which

ranged from First Nations people of Alberta, Indigenous governments, human rights NGO's to name a few. The goal was to end extraction, transportation and refinement of the tar sands of Alberta. This accord impelled President Obama to reject the presidential permit that was needed for the Keystone pipeline (Estes 34–35). Estes explains how the internal choice, made by the tribal council and chairman at the Lower Brule reservation, created animosity internally and externally (Estes 35–36). In December 2015 President Obama rejected the presidential permit for KXL's northern construction. Pending Donald Trump's inauguration in 2017, which likely would reinstate presidential permit of KXL, things had changed on the Lower Brule tribal council. Estes explains how the Lower Brule Sioux inspired by the fight of KXL, wanted to show their support to the Standing Rock Sioux and in the process reestablish their opposition to any form of oil pipeline development or construction (Estes 40). The fight thus continued on another battleground. And it also seems it redeemed the treacherous behavior of the former Lower Brule Tribal council and chairman actions.

## Water

At the heart of the matter lies the dispute, which triggered the media's attention from all over the world, the encroachment on treaty land and the pipeline running so near to their water supply. Thus posing a threat to not only the Natives on the Standing Rock Sioux reservation, but also to the ecosystem that surrounds the river. Another key matter is that, The Standing Rock Sioux are legally considered as a sovereign nation by the US government, therefore they should be dealt with as an independent nation and negotiations should take place accordingly. In extension the treaty of Fort Laramie from 1851, states that the land which is part of the conflict, is actually The Standing Rock Sioux' land according to the treaty. This land is where the pipeline was scheduled to run across, so according to the Fort Laramie treaty it belongs to the Sioux, however the land was never ceded over to the tribe for their use (Bradford 44–45). Which also raises the question of the Wardship of the US and the methods used to construct the Natives legally, which will be analyzed later in the thesis. The dispute of the land, seems at the center of the conflict, however the tribe appears more focused and worried about the potential of pollution and contamination of their drinking water and its effects on nature (Bradford 44–45). Also a factor is the inability of the Natives to use their ownership of the land as leverage against the pipeline,

because the wardship definition and the doctrine of discovery and Marshall rulings entails that they are only seen as occupants not owners.

However they are vulnerable none the less, If a spill occurred it would also affect the wildlife, which may lead to even more problems sustaining themselves. It is in essence the continual problem of the power struggle between the western ideologies and the Natives. The Natives have not been shown much goodwill from the colonizers, they have rather had to fight from the beginning for their rights as the indigenous population whilst also trying to resist both physical and cultural genocide. The continual fight over land and the use of land is at the core of the problems. However the differences lies in what each side is fighting for. For the colonizers and hence the corporations it is the monetary gain which can be fulfilled by gaining possession or right of the remaining indigenous land, whereas the Natives are fighting for their own survival, culturally but also in terms of sustaining themselves of their lands. Furthermore Estes gives us insight into more choices made by the Army Corps of Engineers. Estes unravels how the Army Corps wanted to fast track the building of DAPL, they seemed to be trying to go under the radar as they were not bound by the same permits as the KXL, as it was a domestic pipeline. Therefore they could use a nationwide permit 12, which meant that they were not subject to the same scrutiny, such as environmental reviews. Estes also explains how another aspect of the permit 12 had a major role to play, which concerned how the Army Corps were permitted to look at the effect of the pipeline. This meant that they only looked at singular construction sites, not taking into consideration the growing accumulating effect it had on indigenous nations, ecosystems and the environment (Estes 42). This all added up to the fact that, in my opinion, the Army Corps was trying to get past the legislations and treaties, which they in reality were hired to protect. All of these actions were made to get, as easily and undetected as possible, through the building of the pipeline.

## **Analysis**

### **Wardship and sovereignty**

The array of concepts, theory and methods discussed, have laid the foundation for the comprehension of the analysis of legal terms. These legal terms are used in regards to

the rhetoric of the colonizers, in describing and placing the Natives in categories to control. Thus the European methods and values are, once again, modeled to distinguish the superiority of the availing discourse of the colonizers. Thus the groundwork for the further analysis and discussion is in place, which leads to the debate that has been present for centuries, the relationship between the Natives and The US government. In this paragraph the definitions of the Natives will be discussed in regards to the classifications made by the US government.

Joanne Barker clarifies the contradiction between the Natives being sovereign nations and at the same time being under the Wardship of the US.

Barker emphasizes that the bizarre deceits pertains to the US signing treaties with the Natives and thereby qualifying them as sovereign, when they at the same time deny the Natives the rights and status in which they are entitled, in regards to legislation, judicial and military action( Barker 6). The rulings of chief justice John Marshall in three trials, *Johnson v. McIntosh* (1823), *Cherokee Nation v. Georgia* (1831), and *Worcester v. Georgia* (1832) enabled the colonizers to justify their occupation of the land legally. Whilst also defining sovereignty and the wardship the US would have over the Natives from that point on. Marshall argued that the treaties that were signed between the Natives and the US government were actually not valid in regards to the Natives sovereignty. His evidence to this fact was that there were no considerations to the “land rights” of the Natives, which meant that they could not be regarded as sovereign nations, as the doctrine of discover entailed that they were mere ‘occupants’ of the lands not owners. Thereby Marshall passed that the doctrine of discovery and its European view of affairs and colonization determined that the treaties signed with Native communities did not grant them sovereignty, as they never owned the land. This inevitable functioned as the resolution to place the Natives under the ward of the US, because as uncivilized hunter/gatherer communities, they did not farm the land, which in European terms meant that they were uncivilized and hence had no right to the land on which they roamed (Barker 8–9).

David E. Wilkins and K. Tsianina Lomawaima Likewise discuss in the book *Uneven Ground* how the claim of Chief Justice Marshall, regarding the doctrine of discovery as being considered as a retracting of the Natives ownership of land (Greenwald 63).

...The doctrine of discovery, when defined as an exclusive principle of benevolent paternalism or, as is it was in the *McIntosh*<sup>8</sup> decision, as an assertion of federal ownership of fee-simple<sup>9</sup> title to all the Indian lands in the United States, is a clear legal fiction that needs to be explicitly stricken from the federal government's political and legal vocabulary. A doctrine of discovery that purports to assign instantaneous ownership of Indian lands to European/American nations, and that hopes to reduce Indians to a status as simple tenants in their aboriginal homelands, runs contrary to common sense and to the force and continued vitality of tribal sovereignty. It is also inimical to congressional and executive policy pronouncements and Supreme Court precedent and is directly at odds with the bulk of extant European and U.S. treaty provisions, which abundantly demonstrate that tribes possessed full and complete legal title to their lands (Greenwald 63).

The above quote explains the disbelief and astonishment of Wilkins et al. and further they give a clear assessment of the Marshall rulings of doctrine of discovery and the Natives land, as completely preposterous. There is no common sense in it according to Wilkins et al. and why it is still present in the legal and political language of the federal government seems inexplicable as well. They explain further that there is no hesitation that the Natives are legally entitled to their lands, by treaties entered into by well-versed government officials. Wilkins et al. continue to express what they believe the next step is in regards to changing the injustice of the doctrine of discovery and policy concerning the Natives,

Federal abandonment of the demeaning and unjust legal fiction contained in the absolute and expansive definitions of discovery, and congressional, presidential, and judicial endorsement of a preemptive discovery doctrine, would be significant first step in reformulating Indian policy so that policy is based on justice, humanity, and “the actual state of things” (Greenwald 63).

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<sup>8</sup> Supreme court ruling of 1823 called *Johnson v. McIntosh*, the question posed was whether Natives were able to sell their land to private settlers or only to the United States. As two separate buyers had bought, hence from the Natives and the other from the United States, it had to be examined who was the rightful owner. However Chief Justice Marshall took it a step further and wanted to address the issue whether the Natives were in fact owners of the land. The result became that Native were “the rightful occupants of the soil”, which entailed that they were no longer able to sell their land only the US had that privilege. (Greenwald 53–55)

<sup>9</sup> English law term meaning absolute right to inhabit the land and dispose of it at ones own disposition.

Wilkins et al.'s call for humanity in the legal definitions and treatments of the Natives is in extension also part of the issues concerning the failure to adhere to the treaties, by both the BIA (Bureau of Indian affairs) and state and local law enforcements. Some changes have occurred, but there is still a long way to genuine sovereignty and fair judicial and racial justice. It seems peculiar that the Americans have such strong references and sentiments connected to their past and specifically the constitution, but do not honor the part regarding the Natives and their sovereignty. So in reflection they select the most beneficial and relevant for promoting their version of events. Dunbar-Ortiz mentions it countless times that it will change the country completely if people are taught a more just and more diverse side of the Nations history. Thus Dunbar-Ortiz explains that for things to change for the better for the Natives the government needs to comply and respect the treaties, which were engaged and if this change occurs, the result would lead to the geography of the US changing drastically (Dunbar-Ortiz 11).

In regards to the protest at DAPL, as mentioned earlier, The Army Corps used what seems as a loophole to fast track the Building of the pipeline without actual consideration to the amplifications it might have for the Standing Rock Sioux reservation. Ultimately this is at the core of institutional/geographical racism, where there are numerous examples of unwanted factories, plants or pipelines that are situated in a community where the majority of the citizens are poverty stricken often also combined with being a racial minority. In short they do not have the same influence or means to fight the placement of these undesirable factories. Fewer people, less privileged community, are easier to subdue than wealthy white communities, such as Bismarck. But despite the fight, it again shows the insight into the environmental racism, which was discussed earlier. However Despite the Army Corps' best efforts to keep it as much out of the limelight as possible, the Natives were ready to fight in a new arena, where they utilized the modern day tool of the media to create awareness of the Protests, which I will enlighten later on. Standing Rock Sioux are a sovereign nation, which have their own constitution. Estes explains that already in the first article of the constitution, they reserve jurisdiction on waterways, streams etc. that ran across any part of the reservation, essentially anything that might potentially harm their sustainability and in this they focus on

water as the primary and most important part (Estes 44). Which is probably why the water protestors chose their name, but also the slogan “water is life”(Mni Wiconi) magnifies the focus on clean water. Dunbar -Ortiz explains further that the relationship to the environment of the Standing Rock Sioux is not only about surviving. There is a special bond, a spiritual bond. The Sioux regards nature and water as their spirits and as part of the family. Nature and hence water is an extension of themselves, and they will protect and cherish it like a person.

### **Pick-Sloan and the repercussions of the act**

The Pick-Sloan flooding of Native land is a crucial aspect to understand the vulnerability the Natives (Sioux) face, in regards to governing and protecting their lands, as the case of #NoDAPL further proves. In extension it further emphasizes the wardship and sovereignty discussed above.

Despite scores of treaties that are legally binding, the following quote in the American Constitution explains

“All treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every state shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding (U.S. Constitution).”

It is clear that the treaties are legitimate and according to the constitution they should also be under the supreme law of the land.

The Sioux are still constantly trying to assert their sovereignty and protect their sustainability against corporations and federal and governmental disregard of their rights. They are fighting against misuse and illegal take over of their lands since the beginning of colonization, there are countless examples to study. But in regards to the more specific area of Standing Rock Sioux, the Pick-Sloan plan of “taming” the Missouri river had an enormous impact on the tribe. As the Missouri river overflowed regularly, the people living near it expected it. However three severe floods in 1943, meant that Congress worked on a solution to the problem(Park Service). These initiatives ended with the Pick-Sloan act, which was not benevolent against the Native communities along the Missouri. For the Standing Rock Sioux the act meant that their ancestral lands was flooded, which implied fertile lands, displacements of villages,



burial grounds were submerged under water, not to mention the ecological impacts it caused. For the Standing Rock Sioux it meant that their ways of sustaining themselves were severely impaired, and they were submerged into deeper poverty.

### **Broken treaties and disregard of Native rights**

Dunbar-Ortiz explains how Native activists have fought long and hard, trying to validate the treaties the US have signed with so many Natives. Many of these Treaties have been broken incessantly, or deemed void by the US. Also a factor in the struggle is the protection of the self-determination and Sovereignty of the Natives, where they legally are Indigenous Nations. The status of the Native nations is one of the things, which serves as complex. The Native nations made treaties with the US which states they are sovereign nations with their own rules, judicial system and are not (initially) subordinated to the US government. The disagreement of whether the Natives or the colonizers have the right to all the land is a major point of contention, which will be discussed in the chapter of sovereignty and wardship. The Natives are of the steadfast belief that as they inhabited it first (the land) they were the original “owners”. Whereas the US government believes that when they “discovered” this land, they were in their right to claim it as their own, as “no one” and by that they meant no civilized peoples were utilizing it to its utmost possibilities. The Natives believed that there were room for everyone, and did not foresee that in welcoming the settlers they gave up their inherent right to the land (Uneven ground). Through these differences of opinions, the US thereby (eventually) defined the Natives as wards under US “protection”, which is very ambiguous when looking back on the history, which has occurred. This enforces the fact that the US was not acknowledging the Natives as a nation within a nation, but as ward of the State. Despite legal and binding treaties and contracts, the US has continually changed the right of the Natives, taken lands, taken medical care, made them US citizens without their consent and terminating their status as sovereign nations. Wasté Win Young the tribal historic preservation officer of the Standing Rock Sioux, is cited in Estes’ *our history is the future* by saying that “This is Dakota territory. This is treaty territory. This is where you agreed not to come into my territory (Estes 46).” Estes explains that this brings focus to the fact that treaties are not just a problem for Natives, but it’s a problem for

everyone. The settler government and the Indigenous Nations as Estes point out, both signed these binding documents, hence they are also the responsibility of the Non Natives. Furthermore treaties are viewed as “the supreme law of the land” according to the US Constitution, which Estes brings forth to highlight the absurdity of the disregard of the treaties by the US government (Estes 46).

### **The destructive Myth of the Natives**

Since the first settlers colonized the land, they created an imaginary tale of the Natives, disregarding differences in the communities and deeming them inferior. This all served to unify and degrade the Non- Christian and to deem them unfit to possess the land.

The Natives view of the colonizing myth was quite different and is explained by Dunbar-Ortiz as “incapable of conquering true wilderness, the Europeans were highly competent in the skill of conquering other people, and that is what they did. They did not settle a virgin land. They invaded and displaced a resident population. This is so simple a fact that it seems self-evident”(Tolley 47). Dunbar-Ortiz shows her indignation and anger of the colonization, but also of the myth, which has romanticized the settlement. She uses a connection to the constitution, when she refers to that is a simple fact that it seems self-evident. The usage of *self-evident* instantly connects to the wording of the constitution where it states.” We find these statements to be self-evident..”. Thus Dunbar-Ortiz is utilizing the most important piece of legislation in US history, and ridiculing the colonizers for trying to portray and negate the true colonization story. It is as clear as day that they according to the facts, the colonizers killed and displaced a population(Tolley 47).

The colonization myth as construed or constructed by the colonizers explains the origin of the United States and the colonization hereof. It is a cornerstone of the identity of the settler and the idealized constructed “story”. The myth helped the settlers to unite and romanticize the horrific actions that took place, by taking what they wanted and justifying it to themselves, which was discussed in the chapter of

Memory. Dunbar-Ortiz explains how this justification was correlated with their views of themselves. "...Civilization was able to triumph because the people who bore it were unique from the beginning- a chosen people or a super race..."(104) By portraying themselves as a chosen people, they also meant that it was in their right to take what they wanted and not feel any remorse, because of their divine right. Which Dunbar- Ortiz further describes: "...American culture is seen as not only unique but better than all other cultures..."(104) Thereby it legitimizes their genocidal and possessive actions, in their eyes, they did it for the greater good. The literature that spread this notion of the myth also helped nullify the guilt that might be present, for the massacre and genocide of the Indigenous population. This set the stage, according to Dunbar-Ortiz, for the future narrative of the American history by both writers and historians alike. (107) Marx describes the myth in an eye-opening way in the following quote:

*"It is striking, once we recognize the weight of implication borne by the seemingly innocent verb "discovered" drenched as it is in Eurocentric presumptions of white racial superiority and domination, that that implication had seldom been noticed, much less challenged, before the heightened awareness of racial bias that accompanied the civil rights movement in the 1960's. "(Marx)*

Marx explains how much weight rhetoric has, as it is steeped in an underlying racial undertone in the myth of the discovered America. This innuendo or social kernel lies at the core of the settler's ideas and perceptions of their country and themselves. For many the myth of the settlers and their struggles to overcome the rough environment of America is thought of with pride for their country. Which is a very big part of the US society, the pride of hardships endured and abilities to surpass these creates a unison and pride that is deeply seeded in the US Society. This deeply seeded identity of millions of Americans and the world's view of the US is what the Natives in essence are trying to alter and "distort" with the truth. When you consider it with these simplified views, one can understand why this path of admittance, reconciliation and redemption of the indigenous population is not easily obtained. The "brand" of the US is popular and extremely powerful, which puts into question the plausibility of the Natives reaching their objectives. The difficulty of reaching their objectives becomes clearer when we look at #NoDAPL, which is actually a relevant indication that despite the newfound methods of creating attention to the injustices, the big

corporations still have too much leverage and influence to outmaneuver the activist and Natives. Which will be examined in the following chapter.

### **The power of the Women**

Native women are often left out of the depiction of Natives, especially regarding their involvement in conflicts and protests. This chapter will examine that extra layer of patriarchal European views and its influence on the current construction of the cultural hierarchy amongst the Natives.

The theoretical framework of Decolonizing methodology by Tuhiwai Smith, is as explained earlier, at the core of my thesis. As an indigenous Maori woman she explains how she in a sense is excluded from numerous texts as a greater part of these represent the “I” and “we” of Western society. By not being from any of the western societies she finds that she classifies and comprises of many different labels, stretching from Woman of color to part of the Third World. Tuhiwai Smith describes how she has construed these labels as a way, in finding collective interpretations of the world with likeminded, however despite similarities nothing can ultimately relate to the experiences of Indigenous peoples. Hence, she continues, by explaining how it is problematic when one cannot reflect oneself in the texts of interpretation of current problems. Nevertheless what is even more unbearable is when the representation of one self is close to unrecognizable(Tuhiwai Smith 35). Tuhiwai Smith continues

Travellers’ stories were generally the experiences and observations of white men whose interactions with indigenous “societies” or “peoples” were constructed around their own cultural views of gender and sexuality.

Observations made of indigenous women, for example, resonated with views about the role of women in European societies based on Western notions of culture, religion, race and class. Treaties and trade could be negotiated with indigenous men. Indigenous women were excluded from such serious encounters(Tuhiwai Smith 8).

Thereby the imbedded expectations of gender in the European mindset divided the Native men and women into categories in which they were not used to. Indigenous women were categorized as inferior to the indigenous men, as pertains to Eurocentric values. In time the colonial division of gender, has secured its way into Native

society. Heavily influenced by the experiences of the boarding schools as well as the male dominated society not considering Native women as equals. Hence by not regarding the women as significant, they were left out by the colonizers of negotiations and in dealings of trade or treaty making. In our modern times, women are appearing more and more, Winona Laduke is an avid environmentalist, who enlightens the cause by being in the forefront. Estes describes how the role of the Native women are a big part of protests and often they are involved in constructing the occupations and protests in leading roles(Estes 20). Native women have had a prominent part in the occupation of Alcatraz, The #NODAPL sacred stone camp, the occupation of Wounded Knee (Estes 20). However it has still been the male figures that have been the front men of the battles, probably to best get a response in male dominated society. Yet as stated the boarding schools also had a negative effect on the discrimination of Native women. Domestic abuse, sexual assault and suicide are still extremely high compared to the rest of the US (Dunbar-Ortiz 214). In pertaining to the Native women it is of vital importance that their participations is further documented, to exemplify the double-sided blade of being a Native woman. The women are more exposed than the Native men, as they are not only targeted as Natives but also in regards to being thought of as the weaker sex and inferior, concerning the cultural values in which the boarding schools and assimilation has instilled. As the struggles of the Native women are extra multifaceted, it is important that their experiences become as much part of the descriptions and conveyance of cultural stories as the men.

### **Promotions and methods of the demonstration**

In this chapter the importance of the different tools used to create awareness of the protest and the utilization of set tools will be discussed.

There have been Native protest before, so why does this one get the attention that it does. At its core it is the utilization of the different methods of gaining as much focus on the protest as possible. Here the ability to circumvent the Mass media has proven very successful, where social media, #(hashtags) were a primary weapon of knowledge. But also the unity shown from around the world, support of American veterans and Hollywood actors have had a significant impact.

## Media

The US media is very censored and highly impacted by political influences, as so many other countries. However being one of the most powerful countries in the world entails some "leader" responsibility, to look good and make others aspire to be you. However this becomes difficult if there is a lot of turmoil within, this gives an impression of lack of control. Thus an Indigenous rebellion and Decolonization of history, completely changes the worldwide perception of the Powerful US. Therefore one might have the suspicion that such "unpopular" display of American treatment of the indigenous population and a rewriting of the colonial myth would be quite detrimental to the reputation of the US. The media has so much power, to create awareness but also to cover-up events deemed unfavorable by the US. An example of the media's power is fake news, which we have become aware of because of President Donald Trump. In relation to the Standing Rock Sioux, there was an interview of a CEO of Energy Transfer Partner (ETP) Kelsey Warren, which built the pipeline, where he uses "fake news" when he states that he wished that the Standing Rock Sioux participated in the dialog earlier in the process because then they could have rerouted the Dakota Access Pipeline (Estes 46–47). This was said in an article for the Wall street journal in November 2016, so it reached a lot of influential people, but it was just not true. Estes divulges that in fact they had a meeting in 2014, where the Standing Rock Sioux flat- out refused to accept any Pipeline on or near their land. This was further reinforced, Estes explains, when the Vice-president of ETP Joey Mahmoud confirmed in a statement to a federal judge, that they in fact had received the message of the Standing Rock Sioux and were told to stop the project (Estes 47). The damaging effect of the credibility of the Standing Rock Sioux is questioned in the Wall street journal. Furthermore Warren paints a picture of himself and his corporation as willing to cooperate and comes across as sympathetic and innocent. The problem is that the news has already been shared and in a respected business journal nonetheless. How are the Natives meant to fight this? They cannot, they are not powerful enough, which can be related to Tuhiwai Smith's decolonizing method. Where she explains that despite correcting the injustices printed in history books and revealing the truth of the effects of colonialism for the indigenous populations, they are still a minority, which cannot just take what is rightfully theirs. They lack both power and funds to rectify their situation (Hall and Smith 34–35). Social media also has an amazing impact on the fight, as was seen in the construction of DAPL, where the Hashtag #NODAPL, was used to collect information and data for

all to easily find and see. The power of social media to reach every corner of the world has a great effect on, as mentioned before, the unison of the climate fight and the indigenous struggle. Protesters support each other, by coming to other protest than their own and also referring to each other on social media and thereby reaching an even larger audience. Thereby a message or protest can be spread as wildfire without the established media in both televised and written form, having any part in it. Especially in the US, there is quite a bit of censoring and it seems many things can be swept under the rug. Which in the past has been damaging to the Native cause, as it has simple not reached the majority of the public. However social media has changed this censoring (to an extent) and the public can see different aspects and sides of a cause without it having a strictly journalistic and political angle.

### **Standing Together at Standing Rock**

#### **The Camps and the Clash of ideologies**

##### Oceti Sakowin Camp rules

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 (Estes 60).

The camp was well organized with instructions on non-violent resistance, volunteer lawyers to aid arrested protestors, and camp rules to keep everybody well defined on what the objective of the protest was (Estes 60-61).

The Natives protest started with a specific discourse, as the camp rules signify, but one you could envision that their original discourse was to stop the pipeline from crossing close to them or stop it completely. Thereby showing the public that they were not going to accept a pipeline that potentially would contaminate their water, it was a case of survival. But as things went along, one might imagine that the support of indigenous tribes across the world and the brutality of the security personnel hired by DAPL, influenced the discursive path. Perhaps the discursive path became more than just the pipeline, but became a discourse of the injustices inflicted on Indigenous peoples, the protestors at the camp and a fight to save the environment all whirled together. In regards to the safety of the protestors it appears that there were quite a few episodes of excessive force being utilized by the Law enforcements and private security (Estes 20 ). Estes also stresses the fact that the protest marches that happened during the #NoDAPL, were more risky compared to city marches. There were no bystanders present or any big networks covering the protest. Only independent media as *Democracy Now!*, *Unicorn Riot*, *Indian country today*, were the few that documented the marches(Estes 61).A severe documentation of this excessive force occurred when Water Protectors were demonstrating on Labor day weekend in September 2016. Here a brute force of attack dogs, CS gas and hostile security personnel and police met the peaceful demonstrators. Estes explains the following event in a grand way. He explains that when the Water protectors saw that huge machinery was driving across an (newly discovered) ancestral burial site, and unearthing remains. The protesters were horrified and they set into motion throwing themselves in the path of these machines by forcing their way through fences. This entailed that the opposite side reacted with gas and releasing the trained attack dogs, which drew blood from the water protectors.(Estes 49) Marty Skovlund Jr.is an independent writer and veteran, his self-published book *The true story of how Standing Rock fell* is available on Amazon in a kindle edition. His work is unbiased, as much as is possible and gives a good objective view of certain events that took place during the Protest against DAPL. Skovlund explains, “From what I saw the vast majority of protestors were non-violent and passionate. The vast majority of law enforcements and PMC’s were comprised of moral and ethical people doing a job while showing restraint and operating within the legal constraints placed on them...” Hence Skovlund expresses his opinion of the events as an eyewitness but goes on further in stating, “I also saw opposing forces that were both negatively impacted by the few, on both sides, that fueled the oppositions anger of the protest (Skovlund 33).”



As I do concur that there are two sides to the events, I disagree on the proposition that both sides were equally to blame. Regardless of the ratio of troublemakers it will never rectify using the method of water cannons, pepper spray, attack dogs or rubber bullets on protestors, which may have weapons, but nothing in the caliber of the armed police. Furthermore the police are professionals and the complete disregard for the elders and children cannot be excused.

Regardless of the embellishments of words and romanticized explanations, the horrific episode created an overwhelming public sympathy for the Water protectors.

### **The responsibility of the US Government and the Army corps of Engineers**

In this paragraph the focus is on how the President and hence government has reacted towards the North Dakota Access Pipeline and whether there are conflicts of interest in regards to the corporations supporting the build of the pipeline and the connection to the Army Corps of Engineers.

In 2014 President Barack Obama visited the Cannon Ball's annual Flag Day Powwow<sup>10</sup> as a historic event as only 8 sitting presidents have ever visited a reservation, and the first to ever visit one in Dakota. Estes refers to the speech which Obama gave as an opening for the powwow, wherein he stated that the Natives deserved to be safe in their communities, like every other American and to be treated equally under the law(President Obama). During the whole speech he speaks to the Natives and in so many words indicated that he's on their side, but there is a few things that Obama says that I see as somewhat conflicting in regards to the Natives. For instance he finishes his speech by saying "Hechetu welo, Thank you. God bless you. And God bless the United States of America." I know that many natives are also Christians, but in regards to the things they are subjected to by the US, is it not offending or insensitive to say God bless the United States. When the Native commitment is to be recognized as sovereign states, a nation within a nation.

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<sup>10</sup> A Powwow was originally an intertribal gathering where tribes met to exchange goods and pass on traditions, dance etc., but through its banishment by the colonial government, it has reappeared as a way to solidify and unify the Natives across tribes and the barriers of reservation and urban life. The Powwow was performed, both in secret when the ban was still active and after the ban was lifted in public, often for prize money.

Furthermore he also uses the term tribe, which in my understanding of my sources is not appropriate and can be construed as offensive or derogatory (Goeman; Dunbar-Ortiz; Estes).

### **Using the past to link to the present**

The method of creating a sense of belonging and unity lies deeply embedded in the colonizers. The notions of the American dream, Manifest Destiny and the references to past presidents are such a big part of the colonizers sense of belonging that it makes a remarkable tool in creating a connection with strangers, in say a speech.

Obama is known through his state of union speeches to, create ties to the glorified past to create a connection to his audience and give them a sense of unity<sup>11</sup>.

Obama also uses this linguistic tool in his speech at Cannon Ball, Obama mentions historical references to create a sense of unity and understanding, for example he refers and quotes the famous Chief Sitting Bull an ancestor of the Standing Rock Sioux Natives. “Let’s put our minds together so we can see what we can build for our children (President Obama).” He creates recognition and pride when he mentions an ancestor and then he continues to base his speech on the principles of Sitting Bull’s quote. By using “let’s put our minds together...” in the beginning of several sentences and linking it together with the present.

I know that throughout history, the United States often didn’t give the nation-to-nation relationship the respect that it deserved. So I promised when I ran to be a President who’d change that -- a President who honors our sacred trust, and who respects your sovereignty, and upholds treaty obligations, and who works with you in a spirit of true partnership, in mutual respect, to give our children the future that they deserve (President Obama).

In accordance with the promises that President Obama gives here, it does not correspond to the events that occurred following, as Estes furthermore reveals the sentiment towards Obama were of disappointment the #NoDapl movement felt that Obama led them down. He did not help the movement as he had indicated at the

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<sup>11</sup> President Obama, State of Union Address 2013. <http://www.whitehouse.gov/the-press-office/2013/02/12/remarks-president-state-union-address>

Powwow speech (64). In regards to the responsibility of President Obama, it is important to mention Fairclough as he discusses that

CDA can be seen as a dialogue with the political argumentation which it critiques, a sort of deliberation that is however one-sided because those whose argumentation is challenged don't usually take part. But CDA also aims to contribute to deliberation in political action to change the existing state of affairs 'for the better'. CDA is not itself politics, but its critique and analysis can support politics, as critical social analysis in general aims to do...

(Fairclough, *CDA as Dialectical Reasoning: Critique, Explanation and Action* 6-7).

Therein Fairclough's most recent interpretation of the CDA, co-insides with the discourse which is present in this period. For instance Fairclough discusses that the CDA can help push the political debate and points of contention by criticizing it. Fairclough wants to see politicians take affair and come up with solutions, which CDA encourages by analyzing and giving criticism to take into consideration. Relating the proposal set forth by Fairclough, it is evident that this is what is occurring in respect to the Sioux and Water Protectors. They are rebranding and generating new techniques to create political change, from the activist physical presence and the youth of the Standing Rock Sioux running to Washington to create awareness and remind President Obama of his promises. Furthermore the tirelessly indigenous scholars and organizations that are raising their voices and demanding that history be rethought in a decolonizing matter, as discussed in regards to Tuhiwai Smith in earlier chapters.

### **Breaking the pattern**

The Natives have taken on several new methods and tools in their fight for the justice they seek, in regards to colonization, but also in regards to the continual mistreatment both racially and legally. There are several sites available where Natives have created a forum and a collection of the various protests and updates on court rulings and new emerging concerns. Thus there has occurred a change in the unity of the different

nations and communities, which also tie further into indigenous communities worldwide. They have taken action in almost all aspects of the American (European) model of filing suit and at the same time trying to get ahead of decisions and legislative initiatives which are decided by congress, without their consent or knowledge. There has been peaceful protests and violent protest, but all in all as Tuhiwai Smith argues, they are still marginalized and lack the power to change the state of things on their own. Therefore it seems that the focus of the Native Americans, have been to rebuild their languages and cultures, which have endured both physical and cultural genocide. The Native communities across the US are really moving forward with changing their situation (Kahumoku III). The past hopelessness of the generation, which survived boarding schools, is replaced with what I see as a newfound power, to stand together and change whichever path they were on, by revitalizing their culture and languages for future generations. By creating their own schools and focus on what is essential to learn. Maybe it is all connected to the change in the environmental tide(Kahumoku III)<sup>12</sup>. Thus in reconnecting and rebuilding their heritage, they also take steps to call upon change not only in their own communities, but a wave of international outcry and protest against the state of affairs for Indigenous population everywhere. Furthermore the time seems ripe to take the leap and go all in, as the environmental awareness is at its peak and people are resisting and contradicting their governments thus questioning and demanding greener products and services from the companies and corporations, and insisting on a new greener path in all aspects.

### **Taking a new path**

The re-branding of the Natives struggles in a unifying term as Water Protectors creates links to not just Native communities, but a fight for the planet and an environmental sustainability for all peoples. In doing this re-branding a lot of the history associated with the “Indian/Native” connotation disappears and people are perhaps more likely to set aside their prejudice and to actually listen to what these

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<sup>12</sup> Internationalcry.org is another example of the Indigenous resistance, where sources and empowerment is shared to educate outsiders as well as each other of the concerns and initiatives that are occurring in indigenous communities. The source cited was found on this site.

people are trying to get across. I think we all have some things we judge like saying “oh here goes the crazy environmentalists, they live like hippies and eat dirt...” or something of the sort. These preconceptions we all have, are as I have shown throughout the thesis severely imbedded in our social and cultural habits also in language. The Critical discourse that Fairclough and Phillips and Jørgensen focus on, is a discourse that can change society by helping people come to the realization, that they are bound by an old pattern. Thereby the rebranding to Water Protectors, gives unison, as manifest destiny has in the past, and overcomes many of the hurdles that are associated with old loaded labels for indigenous people for example. Tuhiwai Smith’s definition of the method of Decolonization, gives both hope but also a recognition that there is no one solution to create change and justice for Natives, whether it be in the past or future. A change in rhetoric has an astounding effect and furthermore as discussed earlier, the indigenous communities have also started focusing more on their own cultural history and implementing courses at schools that enhance and rekindle the different Native cultures, communities and languages, so as to preserve their cultural heritage and traditions.

### **Concluding remarks**

The Natives have used the protest of NoDAPL to reinvent and rebrand themselves thus shedding the implications adhered to the term Natives and Indians. Instead they have utilized a smart sympathetic brand of “Water Protectors” thus instilling a sense of benevolence and peaceful demonstrations. Furthermore the Social media has had an amazing impact on the possibilities of the Natives to reach a public far outside their won state. In circumventing the mass media, the ability to get the message out there without censoring leaves possibilities in creating communities online, as websites, twitter and Facebook. Throughout the research of this thesis, it has shown that the Natives have fought against the massive pressures of assimilation, cultural genocide and injustices put upon them, in their search for continual sovereignty and cementation of past treaties in the judicial system. In my opinion they have the law, the word of government and justice on their side, however they seem to gain very little in their struggle to attain justice. The fault hereof lies largely with the culture, power and monetary gain that both the government and cooperation’s are to blame for. The incessant hunger to become someone and live the mythical American dream

harms not only the environment but the entire world. The Natives have continuously attempted to get the public's attention, with little luck, but this time the mere scale and length of the protest have created an everlasting impression. The constructed generalization and myth of Natives have caused great damage to Natives mostly because the public turns a blind eye to the violence committed towards Indigenous people, which the protest of NoDAPL is testament to. Despite outrageous violence against the water protestors, nothing changed. It seems not even the protection of the planet, for future generations, can stop the machinery that revolves around the quest to live out the American dream, heavily orchestrated and reinforced by the government. Throughout earlier chapters of the thesis, several different approaches have been discussed concerning the Natives and their diverse encounters with the European colonizers. The aspect of Genocide has been touched upon along with the institutional infusion of Manifest Destiny, Settler Colonialism and Environmental (Indigenous) Geography in all parts of the US government and its federal responsibility. All the misgivings and distrust toward the US has entailed that the Natives after decades of being maltreated are now taking the steps needed to work on regaining and restoring what the colonizers worked so hard to erase. However there are examples of Indigenous peoples who are confronted with the relocation and theft of their lands now, it would be interesting to examine whether the discourses and methods of treating the indigenous population is the similar and to what extent these indigenous peoples are creating awareness and fighting for their rights. In conclusion The Protest of DAPL has started a newfound passion in the community of Water Protectors, a unification of the seven council fires and an overall victory for the Natives in regards to representing themselves in a new way. Their focus is on the future now, not just on the decolonization of the atrocities of the past.

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