

# POLICY FOCUS

## *Standing Rock*

RECIPES FOR RATIONAL GOVERNMENT FROM THE INDEPENDENT WOMEN'S FORUM

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### WHAT YOU NEED TO KNOW

If you've logged into social media in the past half year, odds are you've come across some mention of Standing Rock Sioux protests over the Dakota Access pipeline. The controversial infrastructure project has drawn thousands of demonstrators to rural North Dakota, with thousands more supporting their protest efforts on social media.

At 1,170 miles, Energy Transfer's Dakota Access pipeline would be just 7 miles shorter than the defeated Keystone XL pipeline, which succumbed to similar pressure last year. Dakota Access would run from North Dakota to Illinois, transporting as much as 570,000 barrels of crude oil daily.

The vocal protestors opposed to the pipeline include Native Americans and environmental activists, as well as a handful of celebrities, including Jane Fonda, Mark Ruffalo, Shailene Woodly and Chris Hemsworth. They claim the pipeline could potentially destroy important Native American cultural sites, also polluting water and harming the environment.

Protestors say they won't leave until the pipeline is nixed. As they occupy the land along the pipeline's route, they've defied authorities, sometimes using violence, intimidation and other criminal behavior to oppose police and harass the local community.

So far, the pipeline has withstood legal challenges brought by the tribes. But in early December, the Obama administration denied an easement necessary for the pipeline's completion—an obstacle that may well be reversed by the Trump administration. That would be good news for Americans who will benefit from this commonsense infrastructure project.

## WHY YOU SHOULD CARE

While public discussion of the pipeline has been high on emotion, few facts about the actual project have filtered through. Here are a few important considerations:

- **The Whole Story Isn't Being Told:**

The vast majority of the pipeline will be built on private lands, not tribal lands, and Energy Transfer has gone to extensive pains to protect culturally significant sites.

- **Violent Tactics:**

As the protests have continued, anti-pipeline activists have deployed increasingly violent tactics.

- **Economic Benefits:**

The pipeline would create thousands of construction jobs, yield enormous tax revenues, and provide cheap oil, contributing to U.S. energy independence.

- **Safety:**

Opponents of Dakota Access say pipelines are too dangerous. But absent pipelines, the same oil travels by rail or highway, modes of transportation with far higher rates of accidents, including those that cost life and limb. Dakota Access has been rigorously tested for safety and approved by federal and state regulators.

## MORE INFORMATION

### The Whole Story Isn't Being Told

The Standing Rock protestors claim Energy Transfer and the federal, state and local government have ignored public opinion and shown willful disregard for the cultural resources potentially jeopardized by Dakota Access. But that's simply untrue.

As the *Wall Street Journal* editorial board noted, Energy Transfer surpassed the minimal requirements, "revising the route to avoid sites on the National Register of Historic Places as well as those identified as *potentially eligible for listing*." Consulting with archeologists, they changed their plan 140 times to protect culturally significant sites. The North Dakota Historic Preservation office also concluded "no significant sites [would be] affected."

Moreover, the U.S. Army Corp of Engineers (involved in the approval process because the pipeline would cross streams, waterways and wetlands) hosted an incredible 389 meetings with 55 tribes to discuss the pipeline. That included nearly a dozen meetings with the Standing Rock Sioux Tribe. Overall, community leaders, organizations, politicians and the public had 550 opportunities to attend meetings and offer input.

If anyone was negligent about meetings about the pipeline, it was the Standing Rock Sioux, which largely ignored to requests for comment

sent by the federal government, also cancelling meetings or failing to appear at scheduled ones.

Energy Access sought extensive consultation although the pipeline at no point traverses the Standing Rock Sioux Tribe's reservation. Instead, 99 percent of it falls on private lands, many of which are the sites of existing infrastructure projects, including natural-gas pipelines and electricity transmission lines.

Judges hearing challenges to Dakota Access gave heavy weight to historical injustices Native Americans suffered, particularly regarding property rights. "Aware of the indignities visited upon the tribe over the last centuries, the court scrutinizes the permitting process here with particular care," wrote the U.S. District Court judge hearing the Standing Rock Sioux's request for a temporary injunction. Even with that history in mind, he ruled that pipeline opponents' demand for a halt lacked legal merit.

## Violent Tactics

The media has portrayed the Standing Rock Protests as a David and Goliath stand-off, a case of the powerless challenging the powerful. For instance, a recent *Vogue* report claimed protestors' "resistance is rooted in the principles of nonviolence and spirituality." Several other publications yielded to the demonstrators' requests, referring to them as "water protectors," a linguistic victory.

In reality, these protestors have consistently resorted to violence, trespassing, arson, threats and destruction of private property. Police

responding to these crimes have been accused of brutality, while the demonstrators' crimes receive little mention.

Oct. 27 was among the most violent days of the protests thus far, with chaos ensuing as police tried to remove demonstrators from private land they occupied.

A 37-year-old Denver woman, Red Fawn Fallis, faces a federal felony charge after she allegedly took out a stolen .38-caliber pistol and fired three times at a sheriff's deputy, somehow missing him. Police didn't return fire.

Greg Champagne, president of the National Sheriff's Association, recounted what he saw on Oct. 27 in a [Facebook post](#), saying Native American demonstrators were joined by "militant protestors (terrorists) . . . anarchists and eco-terrorists who are hell bent on committing violence and damage."

"While pleading with the trespassers for a peaceful move, law enforcement officers were met with Molotov cocktails and various missiles such as rocks and logs being thrown at them causing numerous injuries to the officers," Champagne wrote. "The only discharge of a firearm occurred when a protestor fired at the line of officers. . . . The protestors even cut fences and attempted to induce a domesticated buffalo herd to stampede through the area. The owners of the herd, whom I spoke with personally indicated that at least of dozen of their buffalo were killed by protestors." Other reports suggested demonstrators had thrown feces at the authorities.

Champagne estimated he had personally witnessed half a million dollars in damage caused by protestors to bulldozers and excavators. The *Seattle Times* wrote about protestors lighting several tractors on fire.

Protestors also set fire to several vehicles. One blaze caused so much damage that it closed a local bridge, jeopardizing its structural integrity. (The demonstrators have frequently claimed fires were started innocently, for warmth.)

On Oct. 27 alone, 141 protestors were arrested, their charges ranging from conspiracy to endanger by fire or explosion to engaging in a riot to reckless endangerment. As of Dec. 15, more than 565 people had been arrested in connection with the months-long protests, according to the Morton County Sheriff Department.

Police have responded to the violent protests using less-than-lethal force including pepper spray, shooting bean bags, rubber bullets and high-pitched noise to disburse demonstrators. Law enforcement also used a fire hose to put out fires, though some protestors say they were soaked in freezing temperatures.

Opponents of the pipeline have also targeted law enforcement and local businesses, ranchers and farmers. In November, one police officer's family fled their home after protestors posted family photos and their home address online. Law enforcement received death threats over the protests.

One local hardware store owner also received death threats after a fake news story went viral, claiming he'd refused to sell to

protestors. (In reality, he had a decades-long, positive relationship with the Standing Rock Sioux; his friends in the tribe helped get the story retracted.) Local hotels have received harassing phone calls and death threats after kicking out disruptive out-of-town protestors.

Meanwhile, local farmers and ranchers say masked protestors have repeatedly trespassed on their property, harassing their families, committing vandalism, and stealing. The North Dakota Stockmen's Association is investigating several incidents where livestock was found butchered or mutilated near protest camps.

## **Economic Benefits**

The Dakota Access pipeline is a \$3.78 billion, shovel-ready infrastructure project that would employ between 8,000 and 12,000 people. It would also generate \$156 million in sales and income tax. And each year, the pipeline will create an additional \$50 million in property taxes and \$74 million in sales tax, Energy Transfer estimates.

Moreover, all of the crude oil transported for refining by the Dakota Access pipeline has been extracted within our borders, helping the United States supply cheap, domestic energy.

## **Safety**

The Dakota Access pipeline is the safest way to move oil; though no transportation method is risk-free, moving Bakken oil by train and truck is far more dangerous than using pipelines.

A 2013 Fraser Institute report looked at four years of energy-related incidents, concluding

“road and rail have higher rates of serious incidents, injuries and fatalities than pipelines, even though more road and rail incidents go unreported.”

The 2013 rail disaster in Lac-Mégantic, Quebec, illustrated the destructive potential of rail traffic; an oil train derailed, the fuel onboard exploding and killing 47 people.

Already, as energy boomed in North Dakota, traffic accidents spiked, the highways overcrowded with oil-laden trucks. North Dakota’s traffic fatality rate rose to the highest in the United States, according to the Federal Motor Carrier Safety Administration. At the peak of the oil boom, one person perished on the North Dakota highways every 2.5 days.

Pipelines lessen the strain on rails and roads, reducing accidents and fatalities. The United States already has 2.5 million miles of pipeline, which have an excellent safety record.

Energy Transfer has taken precautions that often exceed federal requirements, and the company would monitor the pipeline around the clock every day of the year. Its staff could close any leak remotely within three minutes.

Overall, new technology has made pipeline transportation of energy significantly safer, with the number of dangerous incidents decreasing 52 percent since 1999. When spills do occur, 70 percent of them are just 1 cubic meter or less—and “only 17 percent of pipeline occurrences take place in an actual line pipe, meaning that the vast majority of spills occur in facilities,

which may have secondary containment mechanisms and procedures,” the Fraser Institute found.

Overall, 99.9 percent of the oil transported by pipeline reaches its definition safely, according to the American Petroleum Institute.

### **How Overregulation Keeps Native American Communities From the Perks of an Energy Economy**

In large part because of historic injustices, far too many Native Americans live in poverty—one in four, by recent Pew Research Center estimates. Yet below their feet rest enormous energy resources that have the potential to enrich Native American families in need. The biggest obstacle is federal regulation.

While as much as \$1.5 trillion in energy resources rest on tribal lands, the federal government’s overregulation has put Native Americans at a competitive disadvantage. In 2014, the Property and Environment Research Center discovered that companies seeking to do energy exploration on tribal lands were forced to contend with at least four federal agencies, suffering through a 49-step permit process.

On private land, companies face a fraction of the red tape, so Native Americans have “watched their non-Indian neighbors get rich from mineral resource development, as their Indian lands remain unleased and undrilled month after month while awaiting federal approval and permitting,” the acting chairman of the Southern Ute Indian Tribal Council recently told Congress.

## WHAT YOU CAN DO

- **Get Informed:** Learn more about the Dakota Access pipeline, as well as energy and environment issues! Visit:
  - [The Independent Women's Forum](#)
  - [DakotaAccessFacts.com](#)
  - [The Fraser Institute](#)
  - [The Property and Environment Research Center](#)
- **Talk to Your Friends:** Help your friends and family understand these important issues. Tell them about what's going on and encourage them to join you in getting involved.

- **Become a Leader in the Community:** Get a group together each month to talk about a political/policy issue (it will be fun!). Write a letter to the editor. Show up at local government meetings and make your opinions known. Go to rallies. Better yet, organize rallies! A few motivated people can change the world.
- **Remain Engaged Politically:** Too many good citizens see election time as the only time they need to pay attention to politics. We need everyone to pay attention and hold elected officials accountable. Let your Representatives know your opinions. After all, they are supposed to work for you!

## ABOUT THE INDEPENDENT WOMEN'S FORUM

The Independent Women's Forum (IWF) is dedicated to building support for free markets, limited government, and individual responsibility.

IWF, a non-partisan, 501(c)(3) research and educational institution, seeks to combat the too-common presumption that women want and benefit from big government, and build awareness of the ways that women are better served by greater economic freedom. By aggressively seeking earned media, providing easy-to-read, timely publications and commentary, and reaching out to the public, we seek to cultivate support for these important principles and encourage women to join us in working to return the country to limited, Constitutional government.

We rely on the support of people like you! Please visit us on our website [www.iwf.org](http://www.iwf.org) to get more information and consider making a donation to IWF.

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