

the Black Hills in exchange for food rations, ending the Fort Laramie Treaty, which had promised education for Indigenous on the reservation, as well as the provision of seeds and farm tools.⁹⁴ But the Sioux would not relinquish their land in the face of a US Congress that controlled the appeals process, part of a strategy in which tribal sovereignty was only respected when it was convenient for the government. In 1920, half a century later, a new law was passed allowing the Sioux to successfully challenge the taking of the Black Hills.

In 1947, the Indian Claims Commission awarded \$17.5 million—without interest.⁹⁵ Nothing was forthcoming to cover the damages that, under the 1946 Indian Claims Commission Act, should have been awarded for the gold taken by the trespassing prospectors. In 1980, the Supreme Court ruled in *United States v. Sioux* that in taking the Black Hills of South Dakota from the Sioux Nation, the federal government had violated the Fifth Amendment's "Takings" Clause, which requires compensation for the taking of private land by the government, even if it is for public good. Food rations did not qualify as "just compensation" for the stolen land of the Black Hills of South Dakota and the stolen gold. The Sioux were entitled to the \$17.5 million from the 1947 judgment, but this time *with* interest.⁹⁶ This was but one example of many in which several decades would pass before federal and state governments would recognize their obligations to treaties they had signed. But the spiritual force, generation after generation, to survive, hope, and gain the victory was ceaseless.

In the twenty-first century, Indigenous land rights and treaties are under constant litigation as the government is made to pay old debts and precious metals are discovered on reservations or corporations deem it expedient to lay a pipeline through Indigenous lands. Then the old tactics of unfair laws, divide-and-conquer, and violence are employed in ways reminiscent of the railroad barons stealing thousands of miles of Indigenous land to lay railroad track for settlers expanding west.

STANDING TALL AT STANDING ROCK

The Dakota Access Pipeline was the modern battleground where an alliance of Indigenous activists and allies stood their ground in a year-long protest. The plan for the pipeline's route spanned four states and some 1,200 miles, crossing under the Missouri River reservoir and

near the Standing Rock Sioux Reservation in North Dakota. Under the Trump administration, permission to construct and maintain a portion of the Dakota Access Pipeline one hundred feet under the bed of Lake Oahe was upheld. Lake Oahe is a large reservoir lying behind a dam on the Missouri River between North and South Dakota.

Fearing severe environmental consequences, an alliance of tribes on nearby reservations fought to invalidate federal easements allowing the Dakota Access Pipeline to carry oil under the lake. Activists and residents believed the pipeline would jeopardize the water supply for the reservation and for millions of people in North Dakota and neighboring states, and that, since its path was across ancestral grounds, the pipeline would destroy sacred Indigenous religious sites in violation of treaty rights.

For years, arguments were made that the US Army Corps of Engineers had failed to conduct proper environmental impact statements. President Barack Obama's administration had halted construction, but when Donald Trump became president, his administration's engineers found there was nothing "injurious to the public interest."⁹⁷ The Standing Rock Sioux brought a lawsuit against the US Army Corps of Engineers to protect their cultural sites and the water.⁹⁸ Protesters faced off against bulldozers, dogs, and private security forces. The National Guard, activated by North Dakota governor Jack Dalrymple, a Republican, stood with law enforcement. Members of Standing Rock were joined by hundreds of protesters from other tribes, and the encampment swelled to a population of over ten thousand.

"Standing Rock was part of the culmination of Indigenous resistance combined with a movement for human rights around the country," observed Judith LeBlanc, member of the Caddo Nation and executive director of Native Organizers Alliance, which played a significant role in the protest. In an interview for this book, LeBlanc analyzed the significance of the protest at Standing Rock and its greater meaning to the Indigenous people. LeBlanc has spent her life as an activist working for voting rights, educational equity, and women's rights, and as a leader in Indigenous movements.⁹⁹

LeBlanc sees her mission of empowerment and protest in multiple causes—the Black Lives Matter movement against police killings; the immigrant struggle, including those with family members in cages at the border; the Dreamers who, though undocumented, take a stand

despite the risk of drawing the attention of law enforcement; and the fast-food workers' struggle for the right to a living wage. "All of these movements, all these issues, created the landscape for Standing Rock. It's amazing when you understand how no movement, no community, stands alone. We are all having an impact on one another." When she looks back on George Floyd, the African American suffocated to death on a Minneapolis street by White police officer Derek Chauvin on May 25, 2020, it is with an eye toward the spirit of protest that filled the street in response to his murder. That spirit propelled a demand for change that spread widely. "I am so proud of what happened in Indian country to take our stand to continue to build this movement of resistance to the crisis of capitalism."

In the modern era, the Standing Rock rebellion over the Dakota Access Pipeline turned the tide for Indigenous protests in America. LeBlanc recalled, "Museum directors are supporting the right of Standing Rock to protect its sacred sites. Actors Leonardo DiCaprio and Jane Fonda, elected officials, leaders of diverse backgrounds came to show support. We were there to ensure our ancestral responsibility, our inherent role as caretakers of Mother Earth." After so much had been lost, taken, and stolen, the Standing Rock protests were an attempt to re-establish justice and traditional ways of governance. LeBlanc explained:

Water is life. The world began to see us as who we really are in the twenty-first century, exerting our power and our right to defend water and land and to use our power for the good of all people. We are the only peoples in the United States that have collectively been self-governing since the beginning of time. We are the ones that can represent the Missouri River and the concerns of farmers and others in federal court because we have treaties, a constitutionally guaranteed right. Standing Rock was a real mass public education, but not only who we are externally, but also who we were.

The protesters remained at Standing Rock as long as they could, but the occupation ended because of the severe winter weather, not a faltering of their spirit. North Dakota, known for its weather, was experiencing sustained winds and blizzard conditions. Unfortunately,

a federal judge ruled that the pipeline could not be enjoined because there was no proof of future injury to the plaintiffs or the water.

Although the corporate interests were ultimately protected, the protests inspired and empowered Indigenous communities nationwide. LeBlanc believes that the protest at Standing Rock raised the consciousness of Indigenous people and allowed them to realize their power—power they held through their spirituality as well as through their dual citizenship as citizens of the US and an Indigenous nation, which always engenders a sense of ancestral responsibility. Protest rarely provides an immediate, direct line to victory, but it is effective nonetheless, especially when obstacles are historical and multilayered.

To LeBlanc, Indigenous protest at Standing Rock sharpened much-needed activist skills such as advocacy and lobbying, which she believes played a role in Deb Haaland's appointment in 2021 as the first Indigenous secretary of the interior, a federal cabinet post responsible for public lands, environmental justice, and nation-to-nation diplomatic relations with Indigenous tribes. In 2019, Haaland, a Democrat, along with Representative Sharice Davids of Kansas, became the first two Indigenous women elected to Congress. In the hotly debated 2020 presidential election, Indigenous votes made a difference in Arizona and turned the tide in that state's Senate election. They also made a difference in elections in New Mexico and Kansas.

Indigenous people did not become recognized citizens of the United States until 1924, and even then, for decades afterward, their voting rights were suppressed. The Voting Rights Act of 1965 protected their right to vote along with African Americans. Judith LeBlanc said the Indigenous "never had our Barbara Lee, our Maxine Waters [Black female politicians] for our children to see." But they do now. The current Indigenous movement is reminiscent of the energy at the Wounded Knee standoff. Resistance and protest ebbs and flows, but they're never going to be able to eradicate Indigenous cultures. "Our peoples, our awareness, our consciousness, our will to have cultural continuity cannot be destroyed," LeBlanc said. "And we still are thriving." The pipeline was built, but Indigenous self-confidence and structure were also built at Standing Rock and will be paying dividends for generations to come. In the words of LeBlanc—and history supports this statement—"we will always continue." Thriving, against odds, is protest.