American Indian Sovereignty and Climate Change: Emerging Spaces and Coalitions to Assert American Indian Sovereignty During a Climate Crisis

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AMERICAN INDIAN SOVEREIGNTY AND CLIMATE CHANGE

Emerging Spaces and Coalitions to Assert American Indian Sovereignty During a Climate Crisis

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ABSTRACT

BRENNA Q. GARDNER: American Indian Sovereignty and Climate Change
(Under the Direction of Catarina Passidomo)

Climate change is a global issue that will affect most, if not all, populations on earth, however, it will not affect groups equally. While vulnerability varies between groups, poor, frontline, marginalized, and Indigenous people are particularly vulnerable. This thesis explores if the challenge of climate change as affecting multiple vulnerable populations presents emerging spaces in which American Indian sovereignty can be asserted. I provide a literature review on federal Indian policy and the American Indian Sovereignty movement in the 1960's and 1970's. I then analyze primary materials produced by the Indigenous Environmental Network and primary material surrounding the #NoDAPL movement. I conclude that climate change can present new spaces of coalition building and assertion of American Indian sovereignty through utilization of Climate Justice rhetoric. However, analysis of the #NoDAPL movement serves to show that American Indian voices must be central to movements about sovereignty as to not risk co-opting of the movement with alternative narratives.

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CHAPTER I:

INTRODUCTION

Indigenous People have lived on Turtle Island for many millennia, far preceding the modern

conception of North America, much less the formation of the United States. Indigenous People

of Turtle Island, or American Indians as I will refer to them in keeping with current scholarship,

didn't merely subsist on this land. Nations developed mastery of the land through agriculture,

engineering, and hunting and fishing, and sophisticated social systems through religion, culture,

and government that continue to permeate and influence American Indian life and identity today.

Epistemology, continuity, and identity for many American Indian nations are tied intimately with

the land, the same land to which European empires claimed rights upon "discovery" in the

1400's despite the multitude of indigenous inhabitants. Land was systematically taken from

American Indians from the beginning of colonization to the modern day through encroachment

of settlers as well as through legal frameworks developed by the settler state. Throughout the

systemic seizure of land, however, American Indians have mounted various forms of resistance

against the U.S. settler state to claim, defend, and enforce Native sovereignty. This thesis

explores and compares the activism of the American Indian sovereignty movement and the Red

Power movement in the 1960's through 1970's, and the current American Indian environmental

movements, to analyze the ways Indian activism is rooted in struggles for sovereignty that go

back hundreds of years. I give an overview of the American Indian sovereignty movement for a

historical context of the ongoing struggle for sovereignty, as well as to evaluate differences in

integration and coalition building with outside movements. My focus is on the current Indian

environmental movement, however, as I will flesh out how the challenges of climate change may

open new avenues to assert tribal sovereignty through environmental coalition building and the use of a climate justice frame that places emphasis on community sovereignty.

I came to this project through a semester in Rajasthan, India in which my program focused on the challenges of India's Indigenous People, often called Adivasi. We studied the aggressive ways in which the Indian government controlled the Adivasi people through land privatization, restrictive forest management laws, and government legislation that allowed private corporations to mine for minerals in land traditionally held and inhabited by these communities. I had trouble understanding the multifaceted ways in which the government sought profit over the safety, livelihoods and continuity of Adivasi communities who were already impoverished in many instances, as well as the lack of interest and knowledge from many in the general Indian public about Adivasis' plight. Upon further reflection, I realized that much of what has happened and continues to happen to Adivasi communities is in some ways a powerful parallel to the experiences of American Indians in the United States and that I, too had been a compliant bystander. This project developed from my interest to learn an account of American Indian history outside of my misguided Texas social studies book, and combine it with my own personal interests in climate change activism and climate justice movements.

The methodology for this work consists primarily of secondary sources, however, in chapter III I will use primary sources in the form of websites, interviews, and material published from activist organizations themselves. Chapter I provides a short literature review of federal American Indian policy from the 1770's through the 1970's to establish a backdrop upon which the remainder of my thesis rests. Chapter II explores the resistance to the Termination policy by multiple activist organizations in the 1960's-1970s and the efforts to end Termination and usher in Self-Determination as official federal policy. Chapter II lays the groundwork to facilitate

understanding that American Indian activism is rooted in a fight for Indigenous sovereignty and explores the influential framework of decolonization and the impacts of the civil rights movement and the Cold War. Chapter III moves to the 21st century and contemporary American Indian environmental issues; it explores how the use of a climate justice organizing frame has allowed for strong intersectional coalitions built on "Just Transitions" that prioritize community sovereignty and develop an understanding of and assertion of American Indian sovereignty by non-native actors. I then analyze how the No Dakota Access Pipeline (#NoDAPL) movement has continued the history of the Red Power movements in asserting sovereignty, but there has been increased coalition-building among social movements.

Introductory Concepts

This thesis acknowledges that the United States is a settler state with the goal of land and resources acquisition at the heart of settler colonialism (Veracini 2011). It is outside the scope of this paper to provide a thorough examination of the vast historical period spanning the pre-contact era to the present day. The focus is rather on the 1770's through to the present. I chose this time frame, as after the American Revolution there was great pressure to expand the land base of the newly independent United States, and federal policy began slowly to shift from negotiating with American Indian tribes as foreign nations, as the British had done, to negotiating with them as domestic dependent nations. Starting this research in the 1770's allows for contextualization of the changes in federal government over the past 250 years that affect American Indian sovereignty. I acknowledge that resistance is at the heart of Indigenous history and has taken multifaceted forms since the arrival of settlers, and that without this longstanding and diligent resistance, termination might have succeeded. For the purpose of this paper

however, I focus primarily on activism from the 1950's and forward, but note that this is not the beginning of a long history of resistance.

It is critical to first assess what American Indian nations are, what tribal sovereignty is, and how these two concepts relate to the United States Constitution. American Indians are the indigenous inhabitants of North America, and the use of the word "nations" is used as they are separate peoples with distinct heritages, cultures, languages, and economies, among other characteristics, who have jurisdiction over established territories. Nations have inherent tribal sovereignty, the ability to maintain independence over internal affairs and relationships with external agencies, and the "enhancement of political, economic, and cultural integrity " not derived from the federal government (Wilkins 2007:51). David Wilkins, Lumbee Indian and author of *American Indian Politics and Political Systems*, asserts that "...the preexistence of over six hundred independent tribal nations, bands, etc., well in advance of the formation of the United States… necessitated the practice of aboriginal sovereigns negotiating political compacts, treaties, and alliances with European nations and later the United States " (Wilkins 2007:46). Treaty making is unique to American Indians and determined a nation-to-nation, or government-to-government relationship between American Indians and settler governments that affirms nations as sovereign (Wilkins 2007:46). Indian sovereignty, however, is extra-constitutional as nations do not derive power from the federal government. The "trust doctrine" is to mitigate this complicated problem through ensuring the federal government acknowledges and protects the right of Indian sovereignty. Wilkins asserts that in theory, treaty rights should be recognized as legally valid and therefore subject to constitutional protection. In practice however, Congress has "plenary", or absolute, governmental authority over nations that allows for enacting legislation that changes the authority of tribal sovereignty and governance of American Indian nations

(Wilkins 2007:49-50). Effectively Congress can overrule Indigenous sovereignty, change the legal nature of sovereignty, and to the most extreme extent can take away an individual nation's sovereignty by removing them as a federally-recognized nation. It is upon this complicated relationship between native people and the state that this thesis begins to look at American Indian sovereignty in action.

CHAPTER II:

OVERVIEW OF FEDERAL INDIAN POLICY

1760-1950

This chapter lays out the historical context of the American settler-state and is concerned with federal Indian policy that began post-American Revolution and moves through the "assimilation and allotment" (1887-1934) era and the "reorganization" era (1934-1946), and leads up to the "termination" era (1946-1960) in the following chapter. An overview of key moments of federal Indian policy allows for understanding the inherent sovereignty of American Indians that the American state has historically failed to recognize. It demonstrates the ways in which colonial imposition, defined as the effort of individuals as well as government actors to restrain Indians' sovereignty, has constructed spatial and temporal boundaries (Bruyneel 2007:6-10). Through looking at federal policy the implications of these boundaries are illuminated, setting the scene in later chapters for Indian resistance to and utilization of these same boundaries. This is by no means a comprehensive history of Indian sovereignty from the 1780's through the 1950's, but focuses on the early creation of paternalism and the binary construction of Indian identity, broad overviews of periods of policy change, and key legal cases and policy that define those eras.

Civilization and the Savage/Civilized Binary

The American Revolution profoundly altered the resilience of nations in the northeast and southeast, with many nations left with torn communities, subsistence and internal politics. Post-Revolution the newly independent American state found itself faced with the reality of dealing with independent nations that had shown sophistication in improving their position vis-a-vis both the American and British governments through both inadvertent as well as direct involvement in the revolution. Under British rule American Indians had maintained the status and negotiating rights of sovereign foreign nations; in order to acquire land or negotiate with the nations, the English government had to negotiate with treaties just as it would with a foreign nation. Although nations in the northeast and southeast had ceded lands to the English government via treaties before the revolution, post-revolution the American state found itself again with settlers with an insatiable desire for land and increasing conflict between settlers and Indian Americans in the Northeast and in the South. The American state was faced with the task of negotiating the status of American Indians in a way that legitimized American sovereignty.

Narratives were utilized that constructed Indians as "savages" and "behind the times" as juxtaposed with the modern settler. This dualistic binary created a temporal boundary in which Indians were placed in the past and incapable of agency; this boundary began to be enforced by the state which was seen as temporally unbound and justified in change (Bruyneel 2007:1-7). Bruyneel asserts that the temporal boundary of Indians as "archaic and savage" acknowledges their sovereignty while legitimizing and framing the settler-state's authority (Bruyneel 8). This boundary imposes colonial rule by dictating, "...what defines the people, the power, and the space, and the time of legitimate sovereignty" (Bruyneel 2007:8). The weaponizing of this binary legitimized the construction of paternalist policy that increased the state's role of governance over Indian Americans during the 1770's-1830's (Prucha 1985:1-28). The state sought to extend

their governance over nations through "the promotion of civilization and education of Indians, the regulation of trade and commerce with tribes, the establishment of territorial boundaries between the two peoples, the use of treaties to maintain peace with tribes and to purchase Indian land, and letting states know that they lacked any constitutional authority in the field of Indian policy" (Wilkins 2007:112).

Utilizing the civilized/savage binary positioned the American state as benevolent caretaker over American Indians, and tasked the state with the job of civilizing and assimilating nations into the fold of society. While there had been cultural, technological, and economic exchange between Indian communities and settlers for centuries, it was only after the American Revolution in the 1790's that extensive programs were enacted. There were many programs used to attempt assimilation, such as "civilization plans" (Ethridge 2008). Civilization plans were marked as "an act of humanity" that would save Indians from inferiority and would move them "...through stages of society, from savagery to barbarism to ultimate civilization, just as the ancestors of the Europeans themselves had passed through those stages centuries ago" (Prucha 1985:10). However, once nations and communities resisted ethnocentric views of "civilization", their "barbarism" was used as a justification for their own removal and land acquisition for white settlers (Prucha 1985:1-5). As with most policies, civilization plans were not carried out across all tribes, but were particularly utilized in the South. They provide an entry point to demonstrating how benevolent-seeming paternalism and the desires to assimilate Indians often were thinly veiling settler colonialism and the drive to acquire land and resources.

Removal Policy & American Indians as Wards of State

The early 19th century set a precedent for a paternalistic relationship between the United States and American Indian Nations, muddling the previously held thought that Nations were true separate foreign nations, as they had been with the English crown. In *Johnson v. McIntosh* (1823), Justice John Marshall "declared that, based on the 'doctrine of discovery,' the European states, and the United States as their successor, secure legal title to Indian lands" (Wilkins 2007:113). This was a legal measure that ignored American Indians' Indigenous and inherent claim to land in favor of affirming the United States' colonial endeavor.

While American Indians had been ceding lands to the British via treaties since the mid-18th century, after the civilization plans in the 1790's this had dramatically increased. There was great resistance to civilization and settler expansion[1], but with few other options available, treaties were increasingly encouraged by the U.S. government. Roxanne Dunbar-Ortiz states that "Between 1814 and 1824, three-fourths of present-day Alabama and Florida, a third of Tennessee, a fifth of Georgia and Mississippi, and parts of Kentucky and North Carolina became the private property of white settlers--all of the land seized from Indigenous farmers" (2014:102). Dunbar-Ortiz also cites Wilma Mankiller, a Cherokee chief, who stated in her autobiography that since the inception of the United States the federal government had carried out extermination operations, but by the 1830s the U.S. policy of dealing with Indians through genocide, theft of property, and subjugation of tribal authority was at its peak (2014: 108). Legal precedent had been set which placed American Indians under protection of the state, allowing for implementation of a systemic approach for removal (Office of the Historian). Land cessions culminated in 1830 with Andrew Jackson creating and implementing the Indian Removal Act

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[1] A coalition called the Western Lakes Confederacy formed in resistance to federal policy, as did Tecumpsah's revival and confederacy.

with congressional help, which encouraged or, when necessary, coerced nations to sign treaties in which they ceded the majority of their individual territories in exchange for lands in the west (Wilkins 2007:113). The Removal Act neglected the consent process that was inherent with original treaties, and forced Indians from land previously guaranteed (Hoxie 2007:27). The intention was to forcibly remove the Cherokee, Chickasaw, Muskogee, Seminole, and Choctaw nations (Dunbarr-Ortiz 2014:110), and by the end of his presidency Jackson signed into law eighty-six treaties with nations from New York to Mississippi for removal westward (Dunbar-Ortiz 2014:111).

The coerced massive migration of Indian Americans in the 1830's-1840's looked different for various nations, but this migration caused entire communities to leave livelihoods, community, land, and identity and cosmology tied inextricably with land behind, an experience filled with trauma that would be carried for generations. With federal policy eroding Indian sovereignty, the status of Indian Americans vis-a-vis the state at the time was unclear; one thing was sure, however: "Native people were participants in a political system that had become an instrument for a new form of colonization" (Hoxie 2007:27). Nations were not passive to this violence permitted by a government they viewed as illegitimate and used various kinds of resistance against removal[2], one of the most long standing being the utilization of democracy (Hoxie 2007:27). Tribes had incorporated some parts of Euro-American culture through interaction as well as civilization plans, in ways that were their own. The Cherokee, and to some extent the Creeks, moved their politics toward centralization of their nations; in the case of the Cherokee Nation, they created a constitution modeled in some ways after that of the U.S. that

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[2] For examples see Second and Third Seminole War, Creek War of 1814, and Cherokee Nation removal.

asserted themselves as an independent nation with complete control of their land and its sale (Denson 2006:113-114).

When the Georgia state government passed a statute that attempted to prevent the sovereignty of the Cherokee nation, a case was born that would define the relationship of the American state and Indian nations (Deloria 1998:16-17.) In *Cherokee Nation v. Georgia* (1831) Justice Marshall ruled that American Indians constituted "domestic dependent nations", but that in their weakness they were in a relationship of guardianship protection with the federal government of the U.S; this guardianship can be seen as a through line of the paternalism the U.S. government had concerned itself with since the Revolution. In a later ruling in 1832, *Worchester v. Georgia,* Marshall laid the precedent that nations retained enough sovereignty that rendered states had no power over Indian territories. President Jackson, however, refused to follow this opinion and initiated removal of the Five Civilized Tribes (Cherokee, Choctaw, Creek, Seminole, Chickasaw) (Wilkins 2007: XXIV). These two cases were critical in the formation of what constituted Indian sovereignty and would be relied on in following years. They established a trust relationship with the federal government that asserted Indians "lacked sufficient sovereignty to claim political independence" and relied on the federal government to protect their sovereignty against intrusion from state governments (Wilkins 2007:114). It is notable that the Cherokee Nation challenged Georgia through legal frameworks instated by the United States; American Indian resistance, as will be demonstrated later, often works inside as well as outside of the system.

After the removal and mass migration of Eastern Indians, in the 1850's the Bureau of Indian Affairs (BIA) began to be a more active presence on newly created Indian reservations. Programs were implemented to keep Indians on reservations and were handled by "Indian

agents" that were administrators of the BIA. Officials of the BIA and federal government

believed that segregation was still the preferred way of dealing with the Indian problem (Hoxie

2007:23). Agents were to be liaisons between the federal government and tribes; while their

presence was a physical reminder of the intrusion of the state, Indians on reservations maintained

a relatively high level of sovereignty, managing most of their own affairs through tribal

government (Lacy 1985:86-87). Through the 1860's-70's however, separation was not enough

for the federal government and American populace who believed that Indians were to progress

and assimilate in a linear fashion leading to civilization, leaving their identity and sovereignty

behind. American Indians were viewed as lacking government and structure and in need of

intervention; Deloria and Lytle assert that the temporal boundary of "savage" Indians devoid of

government and lacking organization "prohibited whites from understanding the Indian idea of

self-government" (Deloria, Lytle 1998:26).

For tribes that were not on reservations or had not signed treaties, however, as much

cannot be said. In this period nations in the west were fighting hard to maintain their land and

tribal rights against encroachment from settlers and the state, with extreme military violence

enacted against their resistance. After the Civil War the pace of western settlement increased and

the national railroad opened up the economy; limiting Indians to vast reservations would no

longer suffice (Hoxie 2007:23).

Assimilation & Allotment

In *The Third Space of Sovereignty: The Postcolonial Politics of U.S.-Indigenous*

Relations, Kevin Bruyneel marks the post-Civil War era as an incredibly formative time for

Indigenous sovereignty, as American sovereignty expanded and nations were moved into the

boundaries of the American political system, yet without full incorporation (2007:62-65). There

had been debate about the ability of Indian nations to negotiate treaties before this time;

however, it was articulated during the postwar era that because the Indians did not (to the mind

of the state) have organized governments and were not capable of rule, they were therefore not

capable of making treaties, and by extension, were not true sovereigns. The temporal order

created by the binary of savage vs. civilized placed Indians and the state at "...perpetually

irreconcilable ends of political time" (Bruyneel 2007:67). While this boundary had existed

previously, the importance to advance civilization "...was directly linked to the implementation

of wide-ranging and fundamental territorial and political expansions, especially that of the

modern American state" (Bruyneel 2007:69).

The Assimilation and Allotment Era, or as Bruyneel suggests, the "postcolonial time",

began in 1871, with Congress officially ending its policy of making treaties with nations via a

congressional rider; the rider specified that from the time enacted forward, nations would no

longer be independent political units, but affirmed that treaties made before it was enacted would

be respected (Cobb, Fowler 2007: XII)(Deloria, Lytle 1984:101). This placed American Indians

in a position of temporal uncertainty, affirming some political independence and sovereignty, but

situating it pre-1871, neglecting to allow modern forms of political exercise and instead situating

Indian politics in the past (Bruyneel 2007:72-82). The nation-to-nation relationship had ceased to

exist and was replaced with increased domestication, as can be seen in the General Allotment

Act to be discussed later. Bruyneel conceptualizes that during the post-Civil War era a "Third

Space of Sovereignty" arose, an arena in which American Indians are temporally and politically

"neither-nor"; they are not within the American political system, nor are they true sovereigns.

Bruyneel asserts that the way in which the rider was interpreted in the following decades in two

Supreme Court cases, *United States v. Kagama* and *Lone Wolf v. Hitchcock*, placed Indians as temporally foreign, without the legal ability to develop and exercise modern politics, undermining the sovereignty of nations and prohibiting political evolution. These cases expanded the power of the state through plenary (absolute) congressional power, and spatially brought Indians into American political life, but not in ways that afforded meaningful participation.

Indian affairs had been approached bilaterally between Congress and the Executive branch of government, but after Congress ceased making treaties, "...Indians, conspicuous for their lack of political power, were now effectively precluded from playing any meaningful role in the development of federal Indian policy" (Deloria, Lytle 1998:101). Between 1871 and 1887 the American states' drive to assimilate and domesticate rather than just contain reservations led to an onslaught of assimilationist policies. The Supreme Court allowed Congress a much expanded legal authority over nations, giving Congress the tools it needed to assimilate Indians and allot their lands (Helton, Robertson 2007:36-37). Paternalism was embodied by both the state and white philanthropists who saw American Indians as incapable actors for their own futures, devoid of government, and deserving of charity and wardship, a perception rooted in their assumption of Indians lacking government and organization (Hoxie 2007:23) (Deloria 1987:26). Indian schools were created to facilitate cultural assimilation, the Court of Indian Offenses was established to regulate and ban traditional culture and customs, and the Major Crimes Act extended federal jurisdiction over crimes on reservations (Cobb, Fowler 2007:XIII).

Indian tribal structure was seen as a hindrance towards civilization but by changing common ownership of land to privatization, Indian land would be opened for development and use of settlers (Wilkins 2007:117). In 1887, after binding the political ability of Indians and bringing them further under the colonial reach of the U.S., the colonial imposition of the General

Allotment Act of 1887 was created, breaking up reservations into allotments varying from 40-160 acres dependent on family makeup. The stated goal was for Indians to adopt Euro-American farming practices as a mode to civilization, civilization being the goal of the state in which the savage Indians were spatially holding back the development of the United States. Allotments were held in trust of the federal government, a further erosion of Indian sovereignty, and could not be sold before 25 years of land holding; land on reservations that had not been allotted, otherwise called "surplus" land, was sold to white settlers, whom Congress encouraged to acquire mineral rights to further development (Helton et al 2007:37). The implicit goal was dispossession of Indian lands and erasure of Indian culture in a further attempt to civilize Indians. Wilkins quotes Theodore Roosevelt, who referred to the Allotment Act as "a mighty pulverizing engine to break up the tribal mass" (Wilkins 2007:117). The Allotment Act was not applied unilaterally across all Indian nations, leading to variance in impact on nations, but from a macro picture it was a devastating theft of Indian land that crippled many nations. By 1934 when the allotment policy ended, nearly ninety million acres of tribal lands had been lost (Helton et al 2007:37) (Wilkins 2007:117).

During the Assimilation and Allotment Era, agents of the BIA were sent to reservations to aid assimilation of Indians into the American population through bringing missionaries on the reservations, establishing boarding schools for children, enforcing assimilationist policy, and fixing what they saw as a lack of organization through developing governmental institutions (Deloria and Lytle 1998:37). This paternalism was not just for its own sake, but rather the goal was assimilation of Indians and the vanishing of the "Indian problem" (Prucha 1985:55). Agents attempted to create reservation councils and courts with varying success; Deloria and Lytle assert

that these new institutions were created as a way to side-step and reinvent tribal customs and traditional leadership, dismissing Indian sovereignty (Deloria, Lytle 1998:33).

Reorganization Era

The Assimilation era and the Allotment Act created devastating effects and poverty for nations (Wilkins 2007:118). A number of studies by the BIA as well as the sub-committee of the Indian Senate Committee were conducted that shed light on the dire socioeconomic and health conditions that were a direct effect of policy implemented by the U.S. (1934-1946) . The Era of Reorganization (1934-1946) was hence ushered in with the Indian Reorganization act (IRA) in 1934 to relieve the dire condition on reservations (Cobb, Fowler 2007: XIV). The act "gave" Indians back a measure of self-governance through allowing creation of local governments to care for the needs of their communities instead of the BIA instituting forms of governance (Deloria 1987:141) (Wilkins 2007:118). Wilkins notes, however, that the restoration of self-governance and autonomy was a form of further domestication. While the IRA sought to revive self-governance, a model of organization was created by the BIA that many nations adopted; this model was created in Euro-American political thought, not the traditional political understanding of power and government in line with individual tribes' histories, and often created intra-nation conflict (Wilkins 2007:120). Self-governance was to be returned to Indians, but explicitly with the understanding that the American state had ultimate sovereignty (Prucha 1985:56, 66). This is a demonstration of Bruyneel's positioning of Indians as neither-nor; in the Reorganization era Indians were not completely within the American political system, nor were they were entirely outside of it. They were far enough outside of the system to purportedly create their own governance, but at the same time they were enough under the American political system that the forms of governance implemented were influenced by and under the hand of the state.

Self-governance instituted through the IRA did ameliorate some problems on reservations and usher in economic development. It returned surplus lands back to tribes, established a credit fund, made funds available to develop self-government, created affirmative action in the BIA for representation and influence in the agency directly administering Indian reservations, allowed tribal organization and a level of self-government, and gave tribal governments the authority to negotiate directly with non-tribal governments (Wilkins 2007:119.) During this period new ideas began to permeate around the status of American Indians. The previous conception of Indians and the stance in the BIA was that Indians in some ways constituted a separate entity from American politics and were therefore not eligible to receive benefits of the general public. During the New Deal, however, this conception shifted to see Indians as citizens of the United States who inherently were entitled to the same programs as the general politic; Indian Americans were using their positioning of neither-nor to constitute the third space of sovereignty in which they could demand services from the state while still maintaining a degree of autonomy (Deloria, Lytle 1998:184).

Termination Era

The focus on improving the livelihoods and economy on reservations during the Reconstruction period was not to last, however. Deloria and Lytle assert that World War II hit tribal nations particularly hard, with resource drawback and young, educated, Indian adults being drafted or leaving to aid in the war effort; this crop of young adults was of the age to be actively engaged with tribal government, and with their loss reservations struggled, with many enterprises failing. After the war ended a wave of conservatism grew that professed "Big government is inefficient: Indians need to be freed from it once and for all (Deloria, Lytle 1998:191)," and become one with the rest of the American populace. This, however, wasn't just about economics,

and was a move by the state to engage in a centuries-long fight to "eliminate the native". The major policy change was a shift of jurisdiction of services from Indians to the hands of states, allowing Congress to alleviate the budgetary burden and terminate its official role in recognizing the sovereignty of and maintaining Indian-U.S. affairs. By 1953 Congress had passed a number of laws that paved the way for the transition from federal jurisdiction to state jurisdiction, and in California, Minnesota, Nebraska, Oregon, and Wisconsin, laws were created to extend state jurisdiction over reservations without consent of nations (Cobb, Fowler 2007 :XV). Later, in 1954, came the creation of the House Concurrent Resolution 108 (HCR 108), also referred to as the "termination legislation", that allowed for individual termination acts with approximately 110 nations. These acts eliminated federal services and the trust/trustee relationship, diminishing tribal rights (Helton, Robertson 2007:41). At this time, "One hundred tribes, bands, and Rancherias and 14,263 individual Indians are terminated; 1.3 million acres of tribal lands are lost (Cobb, Fowler 2007:XV).

The aim of termination policies in the mid 1950's was to strip Indians of their sovereignty and make them subject to laws as well as the privileges of all other citizens, fully assimilating them, undifferentiated, into state citizenship (Helton, Robertson 2007:41). Although termination legislation was clothed with "...the language of equal rights and full citizenship, advocates saw no place for tribal peoples in modern America", making termination a manifestation of assimilation (Cobb 2008:11). In addition to the termination policy, various programs were enacted to facilitate assimilation as quickly as possible. The BIA implemented relocation of families and individuals to urban centers to sever spatial relations to reservations, and promoted the adoption of Indian children to non-native parents (Helton, Robertson 2007:41). The state no longer saw Indians as existing in the neither-nor position, however, and was

attempting to fully incorporate them into the political, social, and economic systems through the imperial imposition of federal policy. Nations were not victims without agency, however, and asserted their rights across the third space of sovereignty, positioning their neither-nor position as giving them rights to federal services like other citizens, but also positioning them outside of the impositions of the state and with rights to sovereignty and self-government.

This chapter has outlined the changing relationship between the state and Indian American nations, asserting that the state has enacted paternalism and colonial impositions to curtail the sovereignty of Indian nations. The era after the American Civil War further defined the cultural and legal temporal boundary of Indian Nations, stagnating the political development of Indian nations and paving the way for the justification of further state colonial impositions and power over nations. However, the revoking of tribal treaty-making also defined Indians as neither within the American political system, nor complete sovereigns, creating what Bruyneel terms "the third space of sovereignty", in which Indians could situate themselves and use this boundary as a place of resistance to demand rights from the state on grounds of being within the political system, but at the same time fight for self-determination as they also existed outside of the system. Policy in the Termination and Relocation era which removed federal services to Indians and diminished tribal rights was a colonial imposition that sought to assimilate Indians, but which instead led to a revitalization of Indian nationalism and tribalism. This is the subject of the following chapter.

CHAPTER III:

AMERICAN INDIAN SOVEREIGNTY MOVEMENT

While chapter I focused on historical contextualization and defining and situating American Indian sovereignty, American Indian nations as well as individuals have for centuries cooperated and or mounted multifaceted forms of resistance to colonial imposition in ways that asserted Indian sovereignty and sought the best positioning for themselves or their communities. The Self-Determination Era, which follows the Relocation and Termination Era, is often conceptualized by historians as the beginning of tribal self-determination (Cobb 2007:63). However, Helton and Robertson assert in "The Foundations of Federal Indian Law and Its Application in the Twentieth Century" that in the long history of Indian activism, activism has always been about self-determination (2007:33-55). As discussed in the previous chapter, the Termination era was an incredible threat to American Indians, disavowing their sovereignty and displacing financial and economic support from the settler-state, the establishment of which had subjected Indians to poverty through decades of policy that curtailed political and economic development, broke up tribal lands, attempted colonization of the minds of Indians through education, and patrolled cultural expression. Bruyneel (2007) cites scholar Glenn Morris who studied the three main features of colonial rule in Africa before WWII and who asserts that these tenets apply to the modern U.S. settler-state. The following tenets are as follows: "1. The domination of the physical space of another by the colonizer, (2) the reformation of the minds of the indigenous peoples of the dominated space, and (3) the integration of the local indigenous economic histories into the Western perspective" (Morris 2003: 124). These tenets have occurred

throughout the history of the U.S. settler-state, but can be seen as particularly aggressive during the Termination and Relocation eras.

This chapter builds on the contextualization offered in chapter I, and picks up at the resistance mounted to the termination and assimilation policies. The aim of this chapter is to delve into the activism of the 1960's and 1970's and explore the ways in which Indian sovereignty was conceptualized and utilized in this period, using the third space of sovereignty as a space of resistance to advocate for self-determination and a retraction of the state's power. An analysis of this serves as a reference in which to compare and contrast Indian environmental movements in the 21st century. Neither history nor activism occurs within a bubble, and events and movements that were concurrently happening in the 1960's were of great influence to the building of the broader Indian self-determination movement. Historian Daniel Cobb asserts that "The politics of tribal sovereignty and self-determination cannot be understood apart from the larger global politics of modernization and decolonization or the turbulent contests over race, poverty, and war at home" (Cobb 2008:4). This chapter explores how prominent activists articulated a nationalist tribalist movement that borrowed from decolonization rhetoric as well as borrowed rhetoric and tactics from the Civil Rights movement, but finalized in creating their own movement which rested in neither of these but rather in the ideology of self-determination, which was specific to the political time and political space of Indian Americans. American Indians in the 60's-70's not only used the third space of sovereignty created by the temporal boundary placed on them by the state, but transcended boundaries to incorporate global narratives. To examine the activism in this chapter begins in the 1950's with the drawing of parallels between American Indian nations and developing nations in the fight for decolonization, and moves into the 1960's to discuss burgeoning forms of education and

activism. I will discuss the American Indian Movement (AIM) and the move towards radical militancy, ending with the creation of self-determination federal policy.

Framing of Decolonization in 1950's

Legislators, allies, and Indian activists had felt the momentum growing around termination policy leading up to HRC 108, and had worked on grassroots levels to educate tribal politics. D'Arcy McNickle, an American Indian who had worked in the BIA and co-founded the National Congress of American Indians (NCAI), had been a key initiator in education at the grassroots level on reservations and with Indians living off reservations. McNickle was one of the first individuals to articulate parallels between Indian nations and developing nations that were fighting for decolonization, and saw that "...self-determined community development held the key to transferring the global 'process of decolonization to the United States'"(Cobb 2008:9). McNickle suggested developing a Point 4 Program like that of the Agency of International Development, an arm of President Truman's foreign policy, developed in 1950, that provided training in science and technology to developing countries in order to bring them into the global order as a way to frame the Indian struggle for sovereignty (Cobb 2008:8). From 1954 to 1957 the NCAI as well as the Association on American Indian Affairs (AAIA), that was composed primarily of non-Indians with political influence, fought against HRC 108. The AAIA organized a committee resolution to replace HRC 108 in 1956, called SCR 3, that denounced assimilation policy, called for tribal control over their own affairs, and also called for reduction of the BIA except for their role in helping finance tribal assistance; the AAIA sought to advocate for tribal sovereignty by drawing from the international context of decolonization, which provided assistance for achieving self-sufficiency (Cobb 2008:16-18.)

Within this context members of the NCAI and the AAIA used many tactics to draw parallels to developing countries as well as inciting Cold War ideology. They sought to draw on the founding ideals and the national narrative of freedom in democracy to compare the containment of and lack of just democratic treatment of Indians to the Cold War ideology of communist governments. Both organizations challenged how a country founded on democracy violates the principles they touted internally as well as abroad, gleaning this argument from the ongoing organization around civil rights (Cobb 2008:20). In the early 60's the language of decolonization was used to articulate that termination of American Indians posed a threat to global movements of decolonization, suggesting that the U.S. loss of Indian sovereignty could instigate fear in developing countries that similar paths were in their futures although they too had been promised sovereignty (Cobb 2008:68). Although the NCAI and AAIA later distanced from one another, they were foundational in bringing the idea of an Indian IV Point Program to light and fostering the related conversation about decolonization. Although SCR 3 did not come to fruition, the activism and noise against termination that it helped generate influenced President Eisenhower's move away from immediate termination, and encouraged a move towards economic development (Cobb 2008:21).

A further key point of the 1950's was the grassroots educational building of youth that McNickles engaged in on his own as well as through the NCAI. In the spring of 1956 the University of Chicago provided funding for furthering the grassroots organizing that McNickles did called the "Workshop on Indian American Affairs"; the NCAI, AAIA, and other advocacy groups joined with prominent Indian leaders and intellectuals to educate Indian youth on the possibilities and importance of education, striving to break the binary of savage/civilized that had been used as a tool of the state for centuries (Cobb 2008:24-27). They advocated to break the

temporal boundaries that imagined Indians as situated exclusively in the past or in the modern age, asserting that youth could be both tribal and educated. Foundational to the workshops was teaching about the colonial parallel between Indian nations and developing countries and the role of the U.S. as a colonizer of Indian life and opportunity (Cobb 2008:26). The workshops turned into a medium by means of which to facilitate the "liberation of their minds… ," with the deconstruction of the idea that assimilation and termination was the only option and, celebrating instead decolonization and tribal pride (Cobb 2008:27). In 1961 the National Indian Youth Council (NIYC) formed, signaling a shift to young adult leadership that was empowered by the language of decolonization and drove a harder line on pushing for Indian sovereignty (Bruyneel 2007:129). The workshops continued from the late 50's into the 60's, and many of the individuals who were educated in these workshops came to be influential leaders and thinkers in the following decades, building on their education to craft ideas of Indian self-determination (Cobb 2007:165). Organizations like the AAIA, NCAI, and NIYC played an integral role throughout this period and all carried the ideology that Indians had been affected by colonialism and the only way to rise out of it was self-determination; they, however, "...did not agree on whether colonizers had the capacity to decolonize the very nations they had come to dominate" (Cobb 2008:77).

Community Action Program

American Indian organizations and individual activists pushed the narrative of decolonization through the 60's, and worked from the inside as well as outside of the American political system to achieve change. They worked at grassroots levels to instigate local change and resilience, and also worked, negotiated, and challenged the federal government and lawmakers. Leaders negotiated with President Kennedy's administration and Stewart Udall,

Secretary of the Interior. The language of decolonization was useful, but it has its downfalls; just as happened abroad, the federal government championed ideas of self-governance, but in actuality aid programs and assistance were dictated by the colonial powers, as could be observed in Udall's plan (Cobb 2008:71). In addition, plans to empower American Indians were imbued with ethnocentrism that perpetuated the binary of savage/civilization. During this period, the federal government was concerned with reducing the growing problem of poverty with the general populace as well as on remaining Indian reservations. Plans created for implementation by the BIA like those by Udall married poverty alleviation with modernization; to alleviate poverty for American Indians meant encouraging forms of modernization on reservations, and in this way poverty became the new face of assimilation (Cobb 2008:86). Tradition was seen as a barrier to poverty alleviation, and government intervention was needed again to pull the Indians out of the past, in the eyes of the BIA and those making decisions about funding. Parallels between the poverty of Indians and that of third world countries were also used by federal administrators, suggesting the need for similar solutions and "...more money for vocational and public schools to prepare Indians for life away from reservations…"(Cobb 2008:82).

In 1963 the idea of a National Service Corps (NSC) emerged as those with more intimate knowledge of the conditions of individual Indians as well as those on reservations asserted that impersonal bureaucracies disenfranchised Indians and contributed to the inability to escape poverty. Empowering communities by giving them the tools to make their own change would have more impact (Cobb 2008:83-86). Although legislation for the NSC did not materialize, it greatly influenced legislation for President Johnson's "War on Poverty" in 1964 and changed ideas of how to tackle poverty. Among legislation enacted in the War on Poverty was the Community Action Program, a program that channeled federal dollars directly to communities

rather than through bureaucracies, encouraging communities to create and implement programs that were specific to their needs. Indian inclusion in the Community Action Program was contested, however, as it purposefully evaded the BIA and its power; as the Economic Opportunity Act that houses the plans for community action was debated in the House of Representatives, a conference of approximately 900 Indian and non-Indian parties, including members of Congress, was organized to help bring attention and education to the dire need of such a plan for Indians (Cobb 89-93). Cobb asserts, however, that the conference was less about expressing the conditions of reservations, and more about assuring the importance of federal funding to bypass the BIA, giving a nod to tribal governments and sovereignty. Particularly the youth in the NIYC pushed the narrative that Indians' poverty was not a product of their culture but rather a repressive system, asserting that programs designed to alleviate poverty for Indians must then be dictated by Indians; Indians did need the funding of community action, but tribal governments must be recognized as sponsor organizations able to receive funding and dictate its use (Cobb 2008:95-99). Bruyneel asserts that Mel Thom, leader of the NIYC, echoed many others in politics-on-the boundaries and utilization of Indians as neither-nor by demanding the state fulfill its obligations to Indian tribes but in the process asserting the need for tribal sovereignty (Bruyneel 2007:128).

The Economic Opportunity Act, under which the Community Action program fell, was signed into law in August 1964, appropriating $300 million for Community Action. It should be noted that although the Economic Opportunity Act was passed into law, the federal government still had not renounced termination policy, and there were still members in Congress, the House, and throughout the BIA and Indian committees that continued to see development plans as the means for termination. The goal of Indian activists and politicians in the mid-60's came to be

keeping funding and management for Community Action out of the hands of the BIA in order to

demonstrate the capability and success of Indian nations and tribal governments at implementing

and determining successful poverty alleviation programs (Cobb 2008: 102-124). The Office of

Economic Opportunity (OEO) was of key importance in this demonstration of Indian self-

determination, as it housed the administration of Community Action, and its administrators

believed in the importance of Indians as their own actors. Vine Deloria, Jr., was the executive

director of the NCAI in 1964 when Community Action was being implemented on select

reservations, and used an inside-outside political strategy to bring competition between the BIA

and the OEO as to who could better facilitate Indian self-determination. This manipulation paid

off for Deloria in 1966 and 1977 when the BIA attempted to bring the Community Action

Program into its jurisdiction. Deloria and other activists brought attention via a media blitz to the

fact that the BIA had historically failed and continued to do so when it came to providing

services to American Indians, positioning the successes of the OEO alongside it. Cobb asserts

that the NCAI embraced the Community Action program and the broader narrative of the War on

Poverty primarily to bolster support for tribal sovereignty, and lay groundwork for a movement

towards tribal sovereignty (Cobb 2008:130-136).

American Indian Sovereignty Movement and the Civil Rights Movement

From 1966 to 1968 the leadership and activists of NCAI continued to draw attention to

the failure of the BIA as well as the successes that occurred when engaging in a nation to nation

relationship with tribal governments through the community action program. In the late 60's the

inside-outside politics utilized were starting to pay off. President Johnson's administration

recognized the successes of funding tribal governments directly and brought self-determination

to the top of federal Indian policy. Since the formation of the National Indian Youth Council

(NIYC) out of the American Indian Workshops, the younger generation of Indian activists had grown tired of the route of working with the federal bureaucracy to create change for Indians that many older tribal leaders and the NCAI had taken. While the goal of the NCAI, NIYC, and later, the American Indian Movement (AIM) all sought the same goal, self-determination, they used very different methods to achieve this goal. In the late 1960's through the 1970's, activists turned to actively protesting to demand change from the state, joined in solidarity with other social movements, and sought to bring American Indian issues into the broader vision of Americans, a tactic used to gain support from outside Indian communities.

In 1968 the leadership of the NIYC and the NCAI were invited to join the Committee of 100, a group of people chosen from different poor and marginalized groups to present demands to President Johnson's cabinet. Prior to the Committee of 100, Martin Luther King, Jr., had been organizing among poor and marginalized groups as he saw a greater need for action, and the idea of a Poor People's Campaign, a massive march and measure of civil disobedience, arose. At the later time of the Committee of 100, however, the NIYC and NCAI had divided ideas on participation in the campaign (Cobb 2008:148-149). The older generation of the NCAI did not want to engage as they were having success with their prior strategy of inside-out politics and the utilization of the third space of sovereignty; Congress was considering an Indian bill of civil rights, the OEO was helping to push the language of self-determination, and Public Law 280 had been amended to require tribal consent before state governments extended jurisdiction over tribes, in essence greatly curbing the reach of the state to further termination and assimilation. In addition, the NCAI had crafted an image of American Indians as the "safe" minority that was not reactive and suffered greatly in quiet, unlike the growing image of violence tied to the Black Power movement. The NCAI believed that by utilizing the safe minority narrative and portraying

Indians as the "deserving poor" it would be easier to maintain self-determination without the fear

of retaliation from White America (Cobb 2008:135-150). In contrast, the NIYC thought the

NCAI was moving too slowly in their tactics, and had since its inception in the early 1960's

gained in radicalization and were not interested in maintaining an image of the "safe Indian."

Mel Thom, the leader of the NIYC in the Committee of 100, articulated the critique of internal

colonialism that "drew analogies between Indians and others and that bound together the politics

of race, class, war, and international development "(Cobb 2008:168).

The NIYC and the NCAI had come up against ideological divisions almost from their

beginnings, and the disagreement over the Poor People's Campaign was another example. The

NIYC leadership had criticized the War on Poverty and OEO as not doing enough to recognize

Indian sovereignty, and continuing to deny them their inherent rights. Additionally, in 1964 the

NIYC broke from the NCAI by becoming involved in tribal protest actions against the violation

of tribal fishing rights in the Northwest, enduring abuse and arrest. The "Fish-in's" as they came

to be known, garnered national attention, and with the rise of counterculture in the West gained

support and solidarity from hippies in the area. In some ways they laid the groundwork for the

national Red Power movement as it was building supra-tribal networks and solidarity, showing

the development of a national movement (Cobb 2008:155-160; Nagel 1996:129). Against this

backdrop of emerging activism, the NIYC became an active supporter of the Poor People's

campaign and gained support in Indian Country, mobilizing and educating Indians in identifying

themselves with other groups of poor and marginalized people (Cobb 2015:149). The NIYC was

able to mobilize a large population of Indians from across the United States and traveled to

Washington to participate in protests during the Poor People's Campaign. While the NIYC and

Indian participants in the Poor People's campaign asserted the need of Indian sovereignty and an

official end to termination, they shared with other marginalized groups a sense that the state had failed them. Solidarity was created in a shared understanding of the civil and economic rights people of all races and classes.

There was visible cooperation and solidarity between the civil rights movement and the emerging Red Power movement, as can be demonstrated by the Poor People's Campaign and support of the Black freedom struggle by the NIYC and its members. This solidarity however, was not embraced by all Indian organizations and was strongly denounced by traditional tribal governments and the powerful NCAI. The NCAI made clear that it supported the Black freedom struggle, but stopped short of forming alliances like the NIYC did (Cobb 2015:139). Nagel asserts that while powerful, the support of American Indian Organizations like the NCAI were "either strategic or symbolic " (Nagel 1996:130). The mobilization of ethnic pride and the "power to the people" slogan of Black Power aligned well with Americans Indians' fight for self-determination. Both movements were addressing how the state was complicit and perpetuated racism, poverty, and new forms of colonialism, but because the movements sought different ends there lacked support across Indian activist organizations with various ideologies. The civil rights movement was fighting for civil rights rooted in the equality of all, while the American Indian sovereignty movement was seeking rights and sovereignty based on their differentiation. Although there was not broad and active coalition building across American Indian activist groups, there was extensive ideological exchange between the movements and a delicate balancing of politics (Cobb 2015:97-98). The alliances that did form between the NIYC and the civil rights movement foreshadow a move of intersectional social justice movements that will be visited in the next chapter.

Emerging American Indian Movement (AIM) and Self Determination

During termination, funding had been made available to relocate individual Indians as well as families to urban centers. In the late 1960's and early 1970's, funding through the OEO as well as other institutions helped create organizational programs for urban Indians that emphasized education, culture, and Indian ethnicity. This tripartite helped mobilize and radicalize urban Indians. These programs provided services to Indian migrants and sometimes provided the background within which urban Indians were radicalized and joined Indian social movements. Urban Indian organizations and centers were key to the "...formation of supratribal interests, networks, and identities, all of which played an important role in providing a constituency for the Red Power movement " (Nagel 1996:125-130) (Nagel 1996:127).

Out of funding for urban Indian organizations came the growth of the American Indian Movement (AIM), an organization built by urban Indians who felt dispossessed by the state. The AIM embodied what Deloria called Tribal Nationalism, creating an inter-tribal nationalist identity in which many Indians connected and found power (Nagel 1996:130). Members of the AIM drew on the idea of dispossession created by the settler state in order to garner a revival of ethnic identity and pride, and the reliance on ethnic pride parallels the more radical Black Power movement (Nagel 1996: 130). The AIM is primarily known for its occupation of Alcatraz that began in 1969 and lasted eighteen months, where members of the AIM claimed the land was rightfully theirs and vowed to create Indian institutions on the island. The occupation of Alcatraz brought national attention to Red Power and Indian grievances, and served to challenge cultural narratives of Indians as "victims of history, as living relics, powerless and subjugated"; instead, it employed powerful images of proud, modern, and ethnic Indians (Nagel 1996:131). This ethnic pride helped to consolidate many different activist organizations to legitimize supratribal, national American Indian identity. The newly emboldened Indian identity gave depth, energy,

and power to the Red Power movement, and was able to be used as a political negotiating tool (Nagel 1996:136-137).

The creation and rise of supratribal ethnicity helped to collectively empower Indians to demand recognition of their rights as sovereigns as well as to demand services from the state. The Red Power movement, facilitated in some regards by the AIM, became increasingly more militant and violent during the mid 1970's after occupations at Alcatraz and other locations yielded unsatisfactory changes. Nagel asserts that Red Power activists did not articulate their goal as the passage of specific self-determination policy of programs, but rather drew extraordinary public attention to the grievances Indians communities had (Nagel 1996:226). Organizations like the NCAI had a long history of working within the system to initiate change, and continued to do so throughout the 1970's and onward to initiate policy change and usher in self-determination. President Richard Nixon announced a policy of self-determination in 1970, but it didn't give Indians the means upon which to act. With action from Indian organizations, restoration acts which restored previously terminated tribes were enacted. Most importantly, Congress passed the Indian Education Act of 1972 and the Self Determination and Education Assistance Act of 1975; these set precedent for future policy by allocating federal funds to be administered by individual tribes (Helton, Robertson 2007:42-46). Other important acts during this time were the American Indian Policy Review Commission in 1975 and the American Indian Religious Freedom Act of 1978 (Wilkins 2007:122)

Although there were great strides made in the 1970's and the stance of the state is now self-determination, the move towards greater Indian sovereignty has not been linear. The Reagan administration's budget cuts drastically affected tribes that were dependent on federal funding and the degree to which self-determination could be achieved on a minimal budget. As a move

forward, Public Law 103-413 was passed in 1994, which gave tribal governments an increasing amount of autonomy over use of federal funding (Wilkins 2007:123).

There were many different influences in the 70s, including anti-war, counterculture, decolonization, and civil rights. There was diffusion across movements in this incredible time of upheaval that American Indians utilized to push for increased sovereignty and self-determination. In addition there were many different tactics that activists used, including working through the state and inside-outside politics, leaning into the third space of sovereignty, borrowing on decolonization and civil rights language and tactics, isolation of as well as integration of American Indian politics into the civil rights movement and Black Power, and radical militant direct action. While some Indian activist groups, particularly the NIYC showed solidarity and a level of integration with counterculture and the civil rights movement as well as non-Indian supporters, there were no coalition-style movements. The different activist groups and tactics used represent the ideology of different generations and varying levels of education, but collectively represent an intense dedication for American Indian self-determination and sovereignty. During the fight for self-determination, the third space of sovereignty became a point of resistance and allowed a remapping of boundaries for American Indians. Indians regained the political positioning of neither-nor, but imbued with more power and sovereignty. Out of the fight against termination and relocation came a strong discourse that played on the state's role in providing resources and services for American Indians, while Indians retained an increased level of inherent sovereignty to allocate those funds and reinstate appropriate forms of governance.

CHAPTER IV.

AMERICAN INDIANS AND CLIMATE ACTIVISM

Activism of the 1960-70s emerged out of the desire for true American Indian sovereignty and erupted during a period of great social change that allowed for interactions and influences with both the civil rights movement and decolonization movements. Although self-determination is the current day stance of the state and policy officially supports self-determination efforts, Indian nations, communities, and individuals are still actively fighting for tribal sovereignty against the colonial impositions of the state. The fight for Indian sovereignty has manifested in new as well as old ways with the threat of climate change making it imperative that nations have sovereignty to decide best mitigation and adaptation practices for their communities, and as nations and communities are continuing to fight for sovereignty against oil and natural gas pipelines that are brought on or near Indian reservations without consent of tribal governments. This negation of tribal sovereignty and lack of consent in oil and natural gas pipelines, as well as other energy projects, not only impedes self-determination, but is an intrusion that endangers the physical health of many Indigenous communities and risks destruction of sacred heritage sites and cultural continuity. Many Indian nations in the 1950's and 1960's chose development of their resources over termination of their nation, creating a long history of exploitation linked to settler colonialism (Cobb 2007:204). While resource exploitation for economic gain is a contentious issue for many nations, there are American Indian activists today that draw critically on this history and view oil and natural gas pipelines as an extractive form of western

development that curtails their ability to protect the earth, and is encouraged by and for the benefit of the state rather than for the benefit of Indigenous communities.

The Intergovernmental Panel on Climate Change (IPCC) has stated that Indigenous People collectively constitute an incredibly vulnerable group when it comes to incurring damages and changes of life due to the effects of climate change. Levels of vulnerability vary greatly according to a community's culture, lifestyle, subsistence, and location. However, the unique relationship that American Indians have in relation to the American State and the reliance of many nations' economies on fossil fuel extraction makes many Indians vulnerable to the effects of climate change. Indian activism has strong historical roots that are being drawn on by a new wave of Indian activists. These activists explicitly link new and continued extraction of fossil fuels with harm to Indigenous communities and intrusion of Indigenous sovereignty. They assert that although Indigenous communities represent a small fraction of fossil fuel consumption, they bear the greatest impacts from climate change as well as the environmental impacts when pipelines or other oil and natural gas projects malfunction on or near reservations. These activists recognize that extractive economies not only endanger the environment and their duty to stay within natural limits, but as they are intertwined with settler-colonialism are also a threat to Indigenous existence. In light of this, many Indigenous activists are protesting for a respect of tribal sovereignty, a "Just Transition", and for Free and Prior Informed Consent (FPIC). Many activists and activist organizations are effectively utilizing the third space of sovereignty to demand that the state protect their sovereignty and right of consent, while also pushing for state support and funding for an equitable and Just Transition for Indian nations.

The nature and danger of climate change is global and disproportionately affects marginalized groups. The all-encompassing threat of climate change combined with the recent

trend in environmental justice movement coalitions has led to increased integration and coalition building between Indigenous groups and other social justice and environmental movements. This chapter transitions from using the term American Indian to "Indigenous", as the activist groups I am analyzing , as well as the literature I reference, use the term Indigenous, or Indigenous People of Turtle Island. In this chapter I pose the question "Can climate change discourse be used by Indigenous activists to fight for tribal sovereignty?" Pan-tribal environmental organizations and organizing that brings non-indigenous actors into concert has occurred through networks such as the Indigenous Environmental Network prior to media attention on the climate crisis. The utilization of climate change discourse, however, has the ability to open up broad base coalitions and support for Indigenous sovereignty against incursion of the state when it pertains to projects with detrimental environmental harm. Utilization of climate change and climate justice rhetoric by Indigenous actors can allow for alignment of various social groups that include non-indigenous actors.

In this chapter I will first discuss the standpoint and actions of the Indigenous Environmental Network (IEN), an Indigenous grassroots activism network that is fighting for Indigenous sovereignty through articulating a vision of a transformative "Just Transition". I was analyze their coalition with the Climate Justice Alliance, an intersectional climate justice group, to consider whether the vision of Just Transitions allows for assertions and understanding of Indigenous sovereignty. I will then look at the social movement coalitions that joined as water protectors and provided solidarity during the No Dakota Access Pipeline (#NoDAPL) movement and the prominent framing of the movement. An evaluation of the framing allows to see if utilization of climate justice and environmental justice frames are beneficial to bring non-

indigenous actors in, and if these frames allow for a strong assertion of Indigenous sovereignty when related to direct action on the ground.

Indigenous Environmental Network (IEN)

The Indigenous Environmental Network (IEN) was formed in 1990 out of concern of a select few Indigenous individuals about the ongoing harm inflicted upon the environment, or "Mother Earth", and the multifaceted impacts on Indigenous land and people (Indigenous Environmental Network, "About"). The IEN works to "address environmental and economic justice issues" in Indigenous communities and does so through capacity building, direct action, educational campaigns, operation as an informational clearinghouse, and initiatives that impact policy on issues central to Indigenous communities. They operate in local, regional, national, and international spaces and have built alliances, "among Indigenous communities, tribes, inter-tribal and Indigenous organizations, people-of-color/ethnic organizations, faith-based and women groups, youth, labor, environmental organizations and others ("About").

An understanding of environmental justice (EJ) as focused on the Indigenous Environmental Network's website can be derived from the broader environmental justice movements that occurred around the time of conception of the IEN. Environmental injustice encompasses the inequitable distribution of environmental ills, lack of political representation, and destruction of community capacity, of which marginalized groups are victims. Indigenous communities were subject to environmental injustice when land was taken from them, and continue to endure environmental injustice in multifaceted forms. In response to environmental injustice, a broad discourse on environmental justice has taken root and environmental justice movements have mobilized to combat the injustice. I utilize David Schlosberg's conception of justice as relating to EJ movements stated as follows: "Environmental justice movements

explore, represent, and demand justice-fair distribution, recognitions, capabilities, and function-for communities as well as individuals," (Schlosberg 2007:5). Environmental justice movements are "...embedded in the larger struggle against oppression and dehumanization that exists in the larger society," and while individual movements have different goals, the themes of community autonomy, redistribution of political power, structural change, and share of environmental ills are often central (Pulido 1996: 25)(Schlosberg 2007:53-55).

A common theme in EJ movements is motivation upon "community and cultural survival"; this is particularly pertinent for Indigenous EJ groups who see environmental injustices as a continued form of colonialism and attempt at genocide (Schlosberg 2007:62). Conceptualizing EJ is vital to understand that for many Indigenous individuals and communities the destruction of their environments can be seen as destroying cosmology, history, culture, and livelihoods, a crime that settler colonialism in the United States has perpetrated in the near past through attempted erasure of Indigenous People. In addition to concepts of environmental justice conceptualized by Schlosberg and utilized by EJ movements, the IEN's work is more than simply justice for Indigenous communities, but justice for the earth as well. As stated in their mission statement, justice for the IEN means "Protect[ing] the Sacredness of Earth Mother from contamination & exploitation by Respecting and Adhering to Indigenous Knowledge and Natural Law" ("About").

Indigenous Environmental Network and Sky Protectors

An example of work that the IEN undertakes can be seen with their continued fight against market based climate change solutions such as Reducing Emissions from Deforestation and Forest Degradation program also known as REDD+. REDD+ is a climate change mitigation

framework created by Parties to the United Nations Framework Convention on Climate Change (UNFCCC) that seeks to create a market where developing countries rich in forests are given monetary incentives to halt deforestation and increase forest carbon stocks, as forests are a major carbon sinks and halting deforestation stops a major form of carbon emissions (Wallbott, Recio 2019:2). These forests are given monetary values, and under carbon cap and trading schemes the carbon sinks can be "bought" by governments, companies, and individuals interested in offsetting their own production of carbon. REDD+ projects come with many issues for Indigenous People who are often the stewards of the forests targeted by these projects; these issues include displacement of Indigenous communities, violations of land rights and access to forest resources, exclusion of monetary benefits from the programs, and lack of consultation, among many others (Fuente, Hajjar 2013:429-431). Seeing REDD+ as a threat to the sovereignty and livelihoods of Indigenous people globally, the IEN created a program called the International Sky Protectors Delegation, bringing together international Indigenous representatives against REDD+ and carbon offset schemes. In 2018 the Sky Protectors and a coalition of California tribal members and various environmental justice groups protested and gave testimony to Governor Jerry Brown's committee on forests about California's proposed carbon offset scheme called California Tropical Forest Standard (TFS), with their testimony aiding to block the vote on the TFS.

During this period the accompanying website for the Sky Protector delegation published 13 briefing papers on REDD+ and other carbon trading schemes, linking land grabs associated with REDD+ to human rights violations, colonialism, and genocide. These briefing papers asserted the injustice of creating a market mechanism that "perverts the Creative Principles of Mother Earth" and "privatizes the air we breathe", "Do(es) NOT address root causes of climate

change such as burning fossil fuels", "...mean(s) more climate profiteering" and "Constitute(s) CARBON COLONIALISM" (Indigenous Environmental Network, "Briefing Paper 7", "Briefing Paper 1", "Briefing Paper 1", "Briefing Paper 10", "Briefing Paper 1".) Analyzing materials produced by the Sky Protector Delegation, members of the IEN and the Sky Protectors make a clear connection between the injustices of REDD+ programs and the demonization of Indigenous communities in the United States engaging in "sky selling", or selling of their forests. In addition, the Sky Protectors dedicated an entire briefing paper (9) to sending strong warning of the danger to Indigenous sovereignty that engaging in carbon offset brings, asserting that, "To sell carbon offsets with forests… a Tribe has to sign a legally binding contract to waive some Tribal sovereignty." Through anti-REDD+ media and the utilization of the term "Carbon Colonization", the IEN acknowledges the intense danger that faces Indigenous sovereignty and rights in a world that is desperately looking for solutions to climate change. The briefing papers provoke thoughts of colonialism and threat to community and cultural survival as Schlosberg noted, while critiquing technocratic systems of climate change mitigation. Throughout the briefing papers are mentions not only of harm to Indigenous people, but also to people of color and frontline communities, showing an acknowledgement of the multifaceted harm that climate change mitigation without procedural justice can do.

Climate Justice and Alliances

The anti-REDD+ materials analyzed serve to show the conceptual link that the IEN has created between the threat of climate change that when compounded by colonialism is a threat to Indigenous survival and sovereignty. When faced by challenges such as REDD+ that demonstrate the threat to community capability and sovereignty that climate change mitigation

measures that do not consult with Indigenous people, the rhetoric and movement of "climate justice" becomes an incredibly useful frame. While the Indigenous Environmental Network was conceptualized as working on environmental and economic justice issues and built coalitions with other environmental justice movements, since its conception the climate crisis has gravely worsened. To date, a large portion of the IEN website and actions are dedicated to issues relating to climate change mitigation and adaptation for Indigenous communities. In the wake of a worsening climate crisis, the term "climate justice" has been used to accompany a movement that encompasses the aims of environmental justice of redistribution, recognition, and capacity and community functioning, but focuses specifically on bringing equity to the front of discussion. Climate change disproportionately affects "... small island states, women, youth, coastal peoples, local communities, indigenous peoples, fisher folk, poor people, and the elderly " (Schlosberg 2007:). This makes the focus of climate justice initiating structural change that alleviates inequity, distributes climate change impacts, transitions economies to renewable energy but doesn't place the burden of this transition on vulnerable communities most directly impacted by climate change, and calls for reparations from the global north to the global south and south within the north for ecological damage that caused climate change, as well as that will occur due to climate change (Schlosberg 2007:85).

Many of the campaigns and issues that the Indigenous Environmental Network is engaged with are now related in some form to climate justice, as environmental issues regarding energy and conservation are now tied explicitly to climate change. The IEN has formed close alliances with the Climate Justice Alliance, Grassroots Global Justice Alliance, and It Takes Roots movement, groups that are aligned by shared understandings and experiences of environmental injustices, and are politically aligned in a fight for climate justice. This fight

ensures that in transitioning away from fossil fuels they are granted distributional and procedural justice, and their communities' capabilities do not bear the brunt of climate change or climate change mitigation strategies. Climate justice seeks to not only ensure equal distribution, but builds on the shared understanding of past and continuing environmental injustice that many frontline, poor, and marginalized communities have lived to build a collective that imagines a world made more equitable and just through transformational changes made to combat climate change. Coalition building has occurred through shared understandings of the processes that cause current and future injustice, but the climate justice frame also recognizes that injustice is lived differently. It allows differentiating and prioritizing individual and group identities instead of demanding a monolithic "us." Climate justice is not just environmentalism, but embodies strong social justice.

One key component of climate justice that links these movements is an understanding of and a desire for a "Just Transition". A Just Transition prioritizes building community capacity while transitioning to a carbon neutral economy through procedural justice that allows individuals and communities an active role in determining policy and facilitates self-determination, as well as and distributional justice that equally provides resources for mitigation and adaptation. Just transitions are more than just ensuring communities have the tools to fight damage caused by climate change. At the crux of Just Transitions is grassroots community work and organizing as well as climate change policy that ushers in a new paradigm that facilitates a more equitable world. Climate justice activists believe that the effects of climate change will be transformational in a myriad of ways, but without active organizing, advocacy, and legislation, poor, frontline, and marginalized communities will be communities experiencing the most harm.

In light of this, the Just Transitions framework was created to envision a world in which climate change is transformational, but in an equitable way.

The IEN, Climate Justice Alliance, Grassroots Global Justice Alliance, and It Takes Roots collaborate on many different projects, but I will only be analyzing materials produced relating to Just Transitions. I chose to analyze materials produced by the IEN and the Climate Justice Alliance as doing so demonstrates how the utilization of the climate justice frame creates multiple entry points for a broad mobilization centered around distributional justice, procedural justice, community capacity, self-determination, and ecological harm reduction. Using Just Transitions as an organizational frame built upon moving from an extractive economy to a regenerative economy through transitioning power and resources down to local economies and creating sustainable autonomy allows for a strong assertion of Indigenous sovereignty.

The Climate Justice Alliance (CJA) is an intersectional alliance of 70 grassroots and movement building organizations that work on campaigns in the following areas: energy democracy, food sovereignty, just recovery, and a green new deal. The CJA and its areas of interest and action are all rooted in climate justice and utilize Just Transition as their primary organizing framework. The CJA conceptualizes Just Transition as a, "vision-led, unifying and place-based set of principles, processes and practices that build economic and political power to shift from an extractive economy to a regenerative economy…" that, "...must be just and equitable; redressing past harms and creating new relationships of power for the future through reparations ," (Climate Justice Alliance, "Just Transition: A Framework..."). For the CJA, Just Transition initiatives are rooted in "deep democracy" in which individuals and communities are given not only a say in how resources and environmental benefits and harms are distributed, but upholds self-determination, centralizing power in local communities. In a paper published by the

CJA that outlines Just Transition Principles identifies the following themes: equitable

distribution of resources and power, deep democracy, decolonization, self-determination, and

reparations for "land that has been stolen and/or destroyed by capitalism, colonialism, patriarchy,

genocide, and slavery." However, inherent in all the literature published by CJA, programs they

support, as well as direct actions such as protesting, is a belief that community self-determination

is the only way to ensure a Just Transition away from fossil fuels and an extractive economy that

is contributing to climate change while also alleviating inequality.

Indigenous Just Transitions

Using Just Transitions as a mobilizing frame of the Climate Justice movement allows for

intersectional movement building across marginalized groups and frontline communities. This

can be seen in the close alliance that the IEN and CJA have formed, and with Tom Goldtooth,

the executive director of the IEN, serving as one of a diverse group of movement leaders that

developed and support the CJA's Just Transition framework. I assert that one reason the IEN

supports the framework of Just Transition is that it is in line with many core values of the

Indigenous movement for sovereignty such as self-determination, acknowledgement and

reparations for colonial violence, and community capacity building.

While they are supportive of aims of Just Transitions as articulated by the Climate Justice

Alliance and other actors, the IEN has created its own supplementary Indigenous guide to Just

Transitions (Indigenous Environmental Network, "Indigenous Principles of Just Transition").

This creation of this supplement can be read as asserting that the IEN supports and sees the

power in an intersectional movement built on collective identities of injustice, but they are

articulating that Indigenous People continue to hold a different relational status with the federal

government as sovereign nations. Power is created for the IEN through alliances, but also

through articulations of difference and how Just Transitions can be actualized specifically for Indigenous communities. This dual approach of building strong intersectional alliances while still asserting Indigenous differential status is a powerful tool and separates the sovereignty goals embedded in the Climate Justice movement from the American Indian sovereignty movement in the 1960s-1970's, which relied heavily on differentiation from the Civil Rights movement.

The literature produced by the IEN about the Just Transition framework draws deeply on legacies of Indigenous people in the U.S. and Canada, "...as 'guardians' for Protecting the sacredness and territorial integrity of Mother Earth and Father Sky in accordance with our respective Original Instructions…" (Indigenous Environmental Network, "Indigenous Principles of Just Transition"). The primary document produced about Indigenous Just Transition is critical of the "dominant system", extractive capitalism encouraged by the settler-state, which privileges profit over Indigenous values and encourages extraction of resources that harms Indigenous culture, sacred sites, and the earth itself. This document asserts that in order to break this cycle of harm inflicting both Indigenous communities and the earth, a Just Transition is essential. The Indigenous conception of Just Transition as articulated by the IEN differs from that of the CJA in that it privileges foremost the rights of nature and Mother Earth as a being, and asserts the need for Indigenous People to live within the natural laws of the earth. To do so it calls for moving away from an extractive economy and towards a new economy that is "...in balance with the natural systems of Mother Earth" (Indigenous Environmental Network, Indigenous Principles of Just Transition"). Through drawing on Indigenous cosmology and the damage of an extractive economy, the IEN makes a strong argument for a new economy.

The IEN is conceptually linked with the articulation of Just Transition by non-indigenous communities by asserting that the only way to move out of the old economy is through self-

determination and community sovereignty. How this community self-determination plays out, however, looks different from the broad CJA articulation of community self-determination through bringing power down to local communities through deep democracy and implementation of concepts like energy justice and food sovereignty. In contrast, the Indigenous Just Transition framework explicitly defines what sovereignty can look like for Indigenous communities. The IEN Just Transition principles assert the inherent rights and sovereignty of Indigenous nations and communities over land, resources, and self-governance. In calling for a new economy and way of life the IEN articulates decolonizing political boundaries and law systems of the settler-state, instead asserting that, "The relationship between Indigenous Nations and the United States and Canada is nation-to-nation and not merely government-to-government. Indigenous Nations and Indigenous peoples are not merely stakeholders" ("Indigenous Principles of Just Transition").

The Indigenous Principles for Just Transition also lay out action items to support a Just Transition. These action items encourage Indigenous people to assert the need for the United States and Canadian governments to leave 80% of known fossil fuels reserves underground and push for 100% renewable energy by 2050. They encourage the establishment of policy that protects Indigenous rights through implementation of Free Prior Informed Consent, and the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Lastly, the action items laid out in the Indigenous Principles call upon the state to support Indigenous nations and communities financially through a Just Transition. The IEN explicitly links settler-colonialism and colonial policy as making Indigenous nations vulnerable and dependent on fossil fuels, and asserts that United States and Canadian states are obligated to assist nations and communities out of the extractive economy that was forced upon them

("Indigenous Principles of Just Transition"). Through these action items and the above articulation of sovereignty, the IEN is uniquely positioning Indigenous nations and communities in the Third Space of Sovereignty conceptualized by Bruyneel (2007). This is done through decolonizing and conceptualizing Indigenous sovereignty as inherent and outside of the bounds of the state, while also asserting the need for financial support to make a Just Transition. The IEN is actively using the Third Space of Sovereignty as an active site of resistance to contest and manipulate colonial rule, crossing boundaries between sovereign and dependent.

  While the term Just Transition is borrowed from the Climate Justice framework, the document of Indigenous Principles of Just Transition speaks sparingly about climate change itself. Rather, the document is vital in conceptually linking the damage that extraction has done to both Indigenous communities and Mother Earth, and the role that Indigenous sovereignty plays in reclaiming the future from this damage. It is important to note that while Indigenous communities have historically contributed sparingly to the burning of fossil fuels, Indigenous land, resources, and safety has in many instances been destroyed in the process of extraction of fossil fuels and other energy sources; to compound the issue, many Indigenous communities lack skills needed for adaptation due to a long history of colonial violence and continuing settler colonialism. While an understanding of how the extractive economy and extraction of fossil fuels relates to climate change is assumed in the Indigenous Principle of Just Transition, the theme of the IEN's conception of Just Transition is rooted deeply in transformative Indigenous sovereignty. This transformational sovereignty is conceptualized to break the hold of colonialism and restore Indigenous agency over more than just resources, but connection to nature and cultural survival. To reassert Schlosberg's earlier point, environmental justice for Indigenous communities often is about more than just procedural and distributional justice; it is about

recognition and cultural survival (2007). While I have no doubt the IEN believes deeply in the

need for a Just Transition for the whole economy that takes care of the most vulnerable

populations, Just Transitions provide a unique framework with which to assert the unique history

and need of Indigenous sovereignty in contemporary climate change discussion and action.

Convergence of IEN and CJA

The IEN created and produced a set of Just Transitions Principles in complement to the

CJA's baseline principles as possessing a different historical and cultural background, as well as

a distinct relationship to the state requires a level of differentiation. Using the framework of

climate justice that is reliant on Just Transitions allows for a level of solidarity, understanding,

and collective action to occur between the two organizations that is premised on community

capacity building and self-determination. The CJA has published the IEN's principles of Just

Transitions prominently on their website, signaling the understanding that Indigenous people are

fighting a similar, but in ways different, fight. The IEN is involved in multiple projects that the

CJA manages in concert with other organizations, including a working group called Energy

Democracy. The Energy Democracy group comprises 36 different organizations across different

races, classes, and regions who are working together, "to incorporate racial, cultural and

economic justice intersections with the energy sector" (Climate Justice Alliance, "Energy

Democracy"). The group works to create an inclusive and comprehensive vision to guide the

CJA and partners in advocacy and legislative action. One core focus of the Energy Democracy

group is to advocate for a new energy system that addresses climate change while also

addressing inequality. The CJA and IEN worked together to produce the manuals "Carbon

Pricing: A Critical Perspective for Community Resistance" and an accompanying interactive

toolkit, "Carbon Pricing: A Popular Education Toolkit for Community Resistance". Both of these

documents are educational and advocacy skills focused on carbon pricing and market mechanisms, such as REDD+. They give contextual background on what carbon pricing is, and provide both Indigenous perspectives and harms as well as non-indigenous perspectives; both perspectives delve into how carbon pricing is a false solution that does not imbue communities with active self-determination of their resources, but rather puts their resources in the hands of others (Gilbertson, "Carbon Pricing: A Critical…"). This is an example of one project among many that allows for broader audience exposure to Indigenous issues and builds a collective effort to preserve and build Indigenous and non-Indigenous self-determination.

For the purpose of advocacy, education, and a select few pilot programs, the utilization of the climate justice frame builds solidarity between the IEN, the CJA, and associated organizations. The climate justice frame that uses Just Transitions as an organizational tool has the ability to amplify Indigenous claims of sovereignty, and builds a strong foundation for a coalition that focuses on ways to improve both Indigenous and non-indigenous communities self-determination in the face of climate change.

#NoDAPL Movement

Analyzing rhetoric and materials produced by the Indigenous Environmental Network and Climate Justice Alliance is helpful in understanding the modes in which the two organizations conceptualize the integrations of their organizations and the shared fight for climate justice and self-determination. It also illuminates how the structure of the climate justice movement allows for movement identity alongside group identity, permitting the IEN and other Indigenous organizations to assert and fight for their own context of sovereignty while interacting with other conceptions of self-determination in the movement. To explore what coalition building looks like and how Indigenous sovereignty is asserted outside of an advocacy,

education, and legislation building standpoint, and translates into direct action, my analysis

moves to consider the #NoDAPL movement that began in 2016. I chose to include the

#NoDAPL movement as to date it is one of the biggest place-based environmental movements in

the 21st century. Due to a dependence on tribal as well as non-tribal alliances during the

#NoDAPL movement, an analysis allows for exploring how the environmental justice and the

climate justice movement may open up new ways for movement building and assertion of tribal

sovereignty, but how these movements may also hinder tribal sovereignty.

Standing Rock Sioux Tribe & No Dakota Access Pipeline Context

The North Dakota Public Service Commission, also known as the Dakota Access

Pipeline (DAPL), was approved in January 2016 to transport 450,000 barrels of fracked crude oil

from North Dakota to Illinois, and later onto refineries in the South. After the original route that

planned to pass upstream a predominantly white community denied due to fear of damaging the

city's water supply, the DAPL plan was rerouted to pass upstream from the Standing Rock

Sioux[3] Reservation and cross under Lake Oahe and other tributaries (Sze 2020:33). In spring of

2016 the company behind the DAPL, Energy Transfer Partners, began construction of the

pipeline *without consent* of the Standing Rock Sioux tribal government, sparking a massive

grassroots movement.

The #NoDAPL movement is situated within a long history of settler colonialism and

dispossession for the Standing Rock Sioux Tribe who signed treaties guaranteeing their land and

rights in 1854 and 1868, but whose rights have continued to be violated because sovereignty

rests on "...White supremacy that allows for U.S. unilateral extinguishment of tribal treaty rights"

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[3] The Standing Rock Sioux are members of the Dakota and Lakota nations. They are referred to
interchangeably as "Lakota".

(Curly 2019:160). Sze asserts that, "DAPL and #NoDAPL are a conflict over territorial sovereignty and the settler colonial imperative to further dispossess Native peoples, on lands for which they have historical claims and treaty rights" (2020:34).

The construction of the DAPL risks desecration of sacred lands and burial sites, endangers wildlife, and more broadly represents the driving cause of climate change (Lopez 2019:114) However just as prominent, and what the lawsuit against the Army Corps of engineers rests on, is the inability of the Lakota to practice religious and cultural ceremonies with the sacred waters of Lake Oahe for fear of how chemically and spiritually spoiled the water will become. The Inipi ceremony requires sacred water in order for a person to undergo a spiritual rebirth, and is known as the "water of life"; as the Inipi is the spiritual and cultural lifeblood of the Lakota people, damaging the water is an irreparable crime (Lopez 2019:119-120). The Sioux worldview conceptualizes water not a resource, but as a being, a relative, in which extraction is not compatible (Sze 2020:40). Out of this history, the Standing Rock Sioux began to use the name Water Protector to signify people who are against the extraction and defamation of the sacred water, and are protecting the cultural continuity of the Sioux, but more broadly stand for Indigenous sovereignty.

In "Race, Culture, and Resistance at Standing Rock: an Analysis of Racialized Dispossession and Indigenous Resistance", Lopez explains how groups use culture and cultural knowledge to foster and maintain resistance against opposition, as well as how race plays into action. Lopez asserts that the Sioux utilize an apocalyptic Lakota prophecy that tells of "the coming of *Zuzeca Sape*, a black, slippery terror that will desecrate the land and poison the water, and when it makes its way underground the Black Snake will destroy the world" (2019:116). The prophecy states the black snake will come from the north and the water will be poison; Lopez

asserts that the Sioux correlate the DAPL with the Zuzeca Sape as both will be dangerous and destroy not only their way of life, but eventually life itself. He asserts that new portrayals of the black snake as the DAPL link it to violence and oppression that represent a refashioning of the Zuzeca Sape as "racialized colonial capitalism, the ongoing process of violent dispossession for profit" (2019:126). The Sioux contextualized the DAPL in their history by portraying it as the Zuzeca Sape and utilizing this throughout the movement; the narrative utilized by the Standing Rock Sioux centralized Lakota knowledge in the movement, and refashioned the prophecy to resemble Indigenous resistance and the death of the black snake. The Zuzeca Sape demonstrates the integral nature of water to the Lakota, but also an understanding of the extraction and violence of settler colonialism.

Forms of Resistance & Movement Building

On April 1st members of the Standing Rock Sioux Tribe set up Camp of the Sacred stone in prayer and as a center for direct action against the DAPL, the first of many established on the reservation and along the construction of the pipeline. After beginning construction in August 2016, the Standing Rock Sioux sued the Army Corps of Engineers for violating laws that required government-to-government consultation; they argued in court that the DAPL infringed on their tribal jurisdiction and rights, however the courts ruled in favor of the Army Corps of Engineers and construction continued (Curly 2019:164-165). The lack of consultation, as well as the total disregard for Indigenous sovereignty is just one injustice perpetrated by the settler state in a long history of colonial violence and relations not only with the Standing Rock Sioux Tribe, but more broadly with Indigenous nations in the U.S. Meanwhile the water protector camp was growing to numbers in the hundreds and garnering incredible pan-tribal support through a shared understanding of the violation of Mother Earth and Indigenous sovereignty. In August protectors

shut down construction of the DAPL by using their bodies and horses, and by September

national attention was gained during a direct nonviolent action to stop construction from

desecrating sacred burial sites (Democracy Now, Stopping the Snake: Indigenous Protests…).

Around 100 Indigenous and non-indigenous activists shut down construction by obstructing

equipment, some locking themselves onto the heavy equipment. In response the security

company attacked with pepper spray and utilized guard dogs, and two activists were harmed,

signaling the start of violence against activists (Democracy Now, Water Protectors Lock…).

After this violence Black Lives Matter (BLM) sent a delegation to join the water protector camp

and issued a statement linking the processes that cause environmental harm in Black

communities with the current processes violating Indigenous sovereignty. A portion of their

statement read, there is "no Black liberation without Indigenous Solidarity" (Sze 2020:43).

As the number of people joining the ranks of water protectors grew, more camps were

constructed on the reservation to facilitate the influx of both Indigenous and non-indigenous

peoples alike. The hashtag #NoDAPL was created and utilized by Indigenous youth on social

media as a key source for disseminating information, educating the public, and building the

movement (Sze 2020:38) As numbers of protectors engaged in solidarity as well as non-violent

direct action of blocking construction increased, so did police force. On October 24, a peaceful

march was disrupted by police in riot gear carrying assault rifles and pepper spray, arresting over

100 people, and later on November 7 police fired tear gas on water protectors (Democracy Now,

North Dakota: Police Arrest Over…) (Democracy Now, ND Police Tear Gas…). By November

there were more than 200 different Indigenous nations were represented in the camps alongside

hundreds of non-indigenous activists, and protests were being held worldwide in solidarity with

#NoDAPL (Democracy Now, No DAPL Protests Spread…). After months of resistance at camps

on the reservation and increasing violence from the state the Army Corps of Engineers denied the construction company a permit, temporarily halting construction.

With the newly appointed president in office, on January 24 President Trump gave a federal order to continue construction of the pipeline, and construction on the final section began in early February, 2017. After an almost year long active resistance, the water protectors were forcibly evicted on February 23. From this point forward, the Standing Rock Sioux challenged primary energy from direct on the ground actions to litigation. 4 years after the beginning of #NoDAPL and March 26, 2020, a federal judge ruled that the Army Corps of Engineers violated the National Environmental Policy Act during construction of the DAPL by failing to consult and resolve concerns about the impact of the pipeline with the Standing Rock Sioux Tribe (Democracy Now, Federal Judge Orders…).

Movement Framing

The #NoDAPL movement was unprecedented in the diverse coalition building that occurred between Indigenous and non-indigenous water protectors, and stands as, "the most broad-based grassroots social movement campaign that featured or centrally included American Indians" that included more than 360 Indigenous nations between May and December of 2016 (Steinman 2019:1071) (Ellis 2019:174). As is the case with many movements that draw from broad bases, there were multiple factors that influenced participation as well as multiple narratives being used to frame the #NoDAPL movement. These frames interact with one another, and included but were not limited to environmental and climate justice, Indigenous sovereignty, and environmentalism.

The central frame of the #NoDAPL movement was the harm that the intrusion of the pipeline caused to the earth, as well as to the lives of the Standing Rock Sioux and their cultural

continuity. The imposition of the pipeline is inherently a form of environmental injustice. However, the motivating theme of this movement as positioned by the Standing Rock Sioux Tribe was to fight for and assert Indigenous sovereignty and land claims against the impositions of the settler colonial state that continues to dispossess Indigenous peoples rather than explicitly stated as environmental injustice. Support was drawn from across Indigenous nations, even those still involved in extractive economies, as the fight was centered around using direct action as well as legal action to uphold the centuries long fight of Indigenous people to hold their inherent claim to land (Curley 2019:158). Although the emphasis on "water protection" can be confused with environmentalism, having the tools to protect one's environment and resources relies on deep rooted sovereignty.

Curly asserts that for many non-Indigenous water protectors and witnesses the #NoDAPL movement was about what the movement had organized around the summer of 2016-water protection. Water protection was associated with environmentalism and was conflated by the permeating idea of the Ecological Indian. Curly asserts that "this was a popular framing simply because it spoke to larger politics of climate change and the fossil-fuel industry-the antagonists in the story" (Curly 2019:1650). While environmental groups stood in solidarity with and helped draw needed attention to the Indigenous struggle through using this frame, the emphasis on environmentalism by these groups created confusion and reinforced the fight as one of the Ecological Indian rather than a fight rooted in the history of settler colonialism that was naming the state and asserting Indigenous sovereignty not only in land claims but in existence (Curly 2019:166). In the circumstance of #NoDAPL, the climate change frame diluted the much more powerful frame for indigenous sovereignty. However, it did mobilize some organizations and

individuals to become water protectors and stand in sovereignty, overall increasing the broad-base support, just in ways that according to Curly, had a negative effect.

Although climate justice was a not a central organizing frame for the #NoDAPL movement, natural connections were drawn between the construction of a new structure of extraction and continuing climate change. Indigenous and non-indigenous actors alike linked continuing colonialism to the causes of climate change, and saw Indigenous sovereignty as a way out of this extractive regime. In the context of the #NoDAPL movement, this makes climate justice an important accompanying frame in the toolbox for asserting Indigenous sovereignty. By itself however, in the face of projects like the Dakota Access Pipeline a climate justice frame is not a strong enough tool to fight off colonial imposition and fight for Indigenous sovereignty. For place-based issues such as the Standing Rock Sioux were faced with in encountering the DAPL, utilizing cultural knowledge and drawing on long histories of colonialism, violence, and dispossession is a much stronger tool in asserting Indigenous sovereignty, and does not risk portraying the issue merely through an environmentalist lens.

CHAPTER V:

CONCLUSION

This thesis sought to explore the question of whether the crisis of climate change is creating new spaces in which American Indians can assert tribal sovereignty. To achieve this goal, I began with the historical contextualization of the American settler state and it's *attempted* subjugation of American Indians through colonial impositions to set the groundwork for understanding the history of Indian sovereignty. An analysis of the American Indian sovereignty movement in the 1960's-1970's served to show the long history of Indian activism and resistance to the settler state. Looking at the forms of activism and social movement interaction during this time allowed for a later comparison to the activism of American Indians in the 21st century. I asserted that the climate justice movement which uses Just Transitions as an organizational frame allows for meaningful interactions between the Indigenous Environmental Network and the Climate Justice Alliance. I concluded that the focus of Just Transitions on building community self-determination allows for an assertion of American Indian sovereignty within the broader movement, and a possible amplification of American Indian voices. Lastly, through analysis of the framing of the #NoDAPL and the consequences of mixed frames, I concluded that the climate justice frame is not strong enough to assert Indian sovereignty when fighting against such strong colonial impositions. In the #NoDAPL movement the Indigenous sovereignty frame was relied on primarily, as climate justice or environmental justice frames risked misunderstanding of the movement and its historical roots set against settler colonialism. In sum, the threat of climate change is facilitating social movement mobilization that focuses on community self-determination, allowing assertion and understanding of Indigenous sovereignty.

At the same time however, at the #NoDAPL movement, the framing of Indigenous resistance as environmentalism and against climate change threatened to sideline the much deeper and central frame of that the movement was centered on, Indigenous sovereignty. In this way climate change creates a point of mobilization and assertion of sovereignty through Climate Justice narratives, however climate change does not automatically open up new ways in which tribal sovereignty can be asserted in all circumstances and must be used in the right contexts.

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