



NEWS RELEASE
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The U.S. Commission on Civil Rights Concerned with Dakota Access Pipeline

Washington, DC – The U.S. Commission on Civil Rights offers the following statement regarding the Dakota Access Pipeline.

As we commemorate Native American Heritage Month, the recent protests against the construction of the Dakota Access Pipeline have highlighted the intersection of numerous issues the Commission has investigated recently, including the excessive use of force by police, the civil and sovereign rights of Native Americans, and environmental justice.

We are concerned with numerous reports and testimony regarding the use of military-style equipment and excessive force against protesters. Protesters have a constitutional right to peacefully assemble and lawfully express their concerns about the environmental and cultural impacts of the pipeline. Our concerns are compounded by the disproportionate police use of excessive force against Native Americans, who are more likely than any other racial group to be killed by police.¹ We call upon federal, state, and local officials and law enforcement to work together to deescalate the situation and guarantee the safety of protesters to exercise their First Amendment rights.

In 2003, our “Quiet Crisis” report addressed the significant shortcomings in federal funding for tribal communities that exacerbated the health and welfare of Native Americans. We are currently preparing an update to the report, to formulate actionable recommendations for improving the lives of the first Americans. As part of this update, the Commission heard from Native experts and advocates about serious problems in Indian country including the lack of support for education, drug treatment, law enforcement, employment, transportation to civic centers for jobs, and healthcare.

One of those experts, Jacqueline Pata, Executive Director of the National Congress of American Indians, testified before the Commission: *“And of course through American history Indian tribes lost millions of acres of land through treaties and agreements, causing devastating losses and displacement of tribes, and disruption of our culture and religion. . . . And at the very most basic level the economic success of the United States was built upon the land and natural resources that originally belonged to tribal nations.”*

¹ Lydia Millet, *Native Lives Matter, Too*, New York Times (Oct. 15, 2015), <http://www.nytimes.com/2015/10/13/opinion/native-lives-matter-too.html>.

The federal government has an important role to ensure Indian tribes and individuals have a meaningful opportunity to participate and be heard in decisions that affect their lives. Although technically not on reservation land, pipeline construction is as close as half a mile north of the Standing Rock Sioux Indian Reservation, on land that the Supreme Court agreed was acquired from Native Americans through “unfair and dishonorable dealing.”

The pipeline also poses a threat to the water supply of the Standing Rock Sioux, which raises issues of environmental justice and the lack of power of marginalized communities to have a say in the environmental health of their communities. The U.S. Army Corps of Engineers prepared a preliminary Environmental Assessment for the pipeline that determined an alternate route for the pipeline north of Bismarck, ND (92% White) was not a viable alternative in part because of its proximity to municipal water supply wells. The Environmental Protection Agency, Department of Interior, and Advisory Council on Historic Preservation also criticized the U.S. Army Corps of Engineers’ Environmental Assessment which found routing the same pipeline adjacent to the Standing Rock reservation did not have any significant environmental impact or raise environmental justice issues. State and local government receive the economic and tax benefits from infrastructure development, while Tribes are left with the environmental impact and little resources to monitor and respond to environmental risks.

The Department of Justice, the Department of the Army, and the Department of the Interior have asked the pipeline company to voluntarily stop construction of the pipeline. The Environmental Protection Agency, Department of Interior, and Advisory Council on Historic Preservation have also called for additional environmental studies. We agree with and support the efforts. Finally, last week the Army Corps announced it will engage in further discussions with the Standing Rock Sioux Tribe and conduct additional analysis. We are encouraged by this development and call for a full Environmental Impact Study of the pipeline.

Commission Chair Martin R. Castro stated, “The issue of the pipeline is not just about the pipeline alone, but rather it is about the entire relationship between the United States and sovereign Indian Nations, their rights, traditions and religious beliefs. As we prepare our civil rights report on this relationship we call on Congress to make it a priority to address the problems in Indian country by holding its own hearings to hear from Native leaders about the unmet needs and unmet promises owed to Native Americans by the United States of America.”

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