

Additional Background Information from Earth Justice:

Important Points About Police Escalation at the Dakota Access Pipeline from Earth Justice

The Obama Administration has both the ability and the responsibility to de-escalate the confrontation

As you most likely know, conflicts between the protesters and North Dakota police are rapidly escalating near the construction site of the pipeline. While this confrontation will make the headlines, it is important to be reminded that the Obama Administration has a tremendous amount of responsibility and control over what happens at Standing Rock, specifically:

1. The Obama Administration still has to make a decision about the easement under Lake Oahe along with other critical permits needed to build this pipeline. As of today, the pipeline is not allowed to be built under the lake—but everyday Dakota Access pushes towards the water’s edge in violation of the government’s request that it stop construction within 20 miles of the easement. Every day the government’s easement decision is delayed, tensions escalate and construction gets closer to the camps.

It’s time to make the decision that the easement should be denied, or, at a minimum, be deferred pending a full environmental review that considers route alternatives. This will allow the situation to de-escalate, and provide a lawful process for completion of the permitting review.

2. With or without an easement decision, the Army Corps of Engineers has the authority and the responsibility to issue a “stop work” order in the immediate area of Lake Oahe. It is now irrefutably established that sacred sites in the pipeline route have been destroyed in violation of federal law. There can be no question that pushing ahead in this area is not in the “public interest” at this time. A stop work order will de-escalate the confrontation while providing additional time to work through the easement issues.

It is important to remember that the Chairman of the Standing Rock Sioux, our client, has been insistent from the beginning that peaceful and prayerful protests are the correct approach, and has focused on vindicating the tribe’s legal rights through the courts and the political process. He reiterated that commitment today:

"Remain peaceful and prayerful and don't react to law enforcement aggression."

Earthjustice is representing the Standing Rock Sioux Tribe in court to prevent the pipeline from damaging their land and water. We filed a lawsuit on behalf of the tribe asking the Corps of Engineers to not issue the permits for this project. If you’d like more information about these points or the legal case, please reach out to my colleagues Jan and Stephanie who are co-counsel on this case.

You may also find our main resource page on this case useful:

<http://earthjustice.org/features/faq-standing-rock-litigation>