

**Prophecies of Hope, Acts of Refusal:
Self-Determination and Ceremony at Standing Rock**

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Abstract:

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Prophecies of Hope, Acts of Refusal: Self-Determination and Ritual at Standing Rock

Thesis directed by Associate Professor Greg Johnson

This thesis examines the intersections of prophecy, ceremony, and refusal as seen in the Standing Rock Mni Wiconi movement. A Lakota end-of-time prophecy states that a Black Snake will come and kill off the people. At Standing Rock, the pipeline has been interpreted by some to be that of the Black Snake presented in the prophecy. I bridge together my observations of ceremony and prophecy in the camps with an analysis of refusal. In my discussion of ceremony within the camps, as seen in prayers, offerings, water ceremonies, and direct actions, I argue that these ritual acts can be understood through an analytical framework of refusal. Refusal is, thus, performed through various ritual acts and prophetic speech acts by Water Protectors in the Mni Wiconi movement to stop the construction of DAPL.

Keywords: Standing Rock, prophecy, ceremony, refusal, Black Snake, ritual, Indigenous, self-determination, decolonization

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*From the north
a black snake will come.
It will cross our lands,
slowly killing all it touches,
and in its passing
the water will become poison.*

-LAKOTA END-OF-TIME PROPHECY

*The Inca prophecies say
that now, in this age,
when the eagle of the North and
the condor of the South fly together,
the Earth will awaken.*

-WILLARU, QUECHUA MESSENGER

*Somewhere on the North Dakota prairie
a Lakota woman had a dream
that a black snake was coming to devour our people.*

-Tom Goldtooth, Executive Director Indigenous Environmental Network

*It's the Indigenous Peoples who are
standing up with that spirit,
that awakening of that spirit saying
it is time to protect what is precious to us.*

-David Archambault II, Standing Rock Sioux tribal Chairman

*We began this with prayer,
and we look at this whole movement as a ceremony.
It began with prayers before we left,
and in the end, it will close with prayer.
We're fighting the pipeline with prayer.*

-Dana Yellow Fat, Standing Rock Sioux Tribal Councilman

INTRODUCTION

The Mni Wiconi movement, or Water Is Life, is a response to the construction of the Dakota Access Pipeline (DAPL) that was recently completed just north of the Standing Rock Sioux Indian Reservation. In opposing the construction, encampments were established as an occupational protest. I made my first visit to the camps in late September/early October with the intent to observe what was occurring on the ground. Even though I was only there for a few days, the focus on ceremony and prophecy was abundantly clear. These aspects were greatly heightened by my return in late November. What I observed was that ritual acts and prophetic idioms were a central feature to the rejection of the pipeline and to the broader call for the U.S. to fulfill treaty obligations. Direct actions were framed through ritual elements which were tied to a larger cosmological understanding of prophecy. This relationship between ritual acts and political acts was highlighted in one of the key phrases within the camps: “this is a ceremony, not a protest.”¹

This project, therefore, emerges out of an attempt to understand this stark and powerful utterance. Bridging together my observations at the camps and an analysis of refusal, a category of speech, action, and analysis that has received considerable attention by Indigenous scholars recently, I look at how refusal is being enacted through prophecy in the Standing Rock Mni Wiconi movement.² The camps were a finite experience, having permanently been closed on February 23rd, 2017. However, the movement itself continues through social media, direct

¹ Ceremony, as emic language, is mapped in on-the-ground, experience of many participants within the Standing Rock camps. Ritual, as an analytical, etic approach, connects to a comparative frame of reference. My discussion predominantly focuses on centering on-the-ground discourse at Standing Rock. In that sense, I use ceremony in relating to this experience. My use of ritual is to map on to a larger, comparative discourse within ritual studies.

² My discussion of refusal is informed by the following, Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham, NC: Duke University Press, 2014); Openings and Retrospectives in *Cultural Anthropology* 31 (2016): 319-358.

actions in public spaces, and new Protector camps at various sites of contention across the U.S. For this reason, I move back and forth between past and present tense to note what occurred in the camps and what continues to occur in the movement broadly. This thesis argues that ritual acts, not just political acts, should also be considered as acts of refusal in the context of events and discourses at Standing Rock. Through the scaling of ritual, itself an analytical category, political acts inherently became ritual acts. Direct actions, being situated events at any given time against either pipeline construction or law enforcement presence, occurred within a framed ritual experience of entering the space with prayer, song, and drumming. Smudging was also a central feature of every direct action to cleanse and purify the space. A group, often led by elders, spiritual guides, or appointed warriors, would march into the direct action space amidst song, drums, and prayer. These direct actions, framed in ritual acts, were largely connected to a broader cosmological understanding of prophecies and Lakota beliefs about water and land. The physical actions of participants, such as prayer, smudging, or drumming, directly reflects the understanding that this was a ceremony, not a protest

The Standing Rock Sioux Tribe is a member of the Great Sioux Nation, comprised of the following linguistic and regional groups: Hunkpapa Lakota, Sihasapa Lakota, and Yanktonai Dakota.³ Their reservation straddles the border of North Dakota and South Dakota. What occurred at the Standing Rock Sioux Indian Reservation's northern border was a gathering of the Očhéthi Šakówiŋ (Oceti Sakowin), otherwise known as the Seven Council Fires. Along with the Oceti people, one could find over 300 tribal affiliates from Canada and the U.S. as well as Indigenous peoples from Central and South America, Africa, Europe, Asia, Australia, and New

³ Stephen E. Feraca and James H. Howard, "The Identity and Demography of the Dakota or Sioux Tribe," *Plains Anthropologist* 8 (1963): 82-83.

Zealand. Indigenous and non-Indigenous peoples came together in an event that was unthinkable before.⁴ In an act of defiance toward the pipeline, prayer camps were established near the construction site. Sacred Stone camp was the first camp established, around April of 2016.⁵ Other camps subsequently followed: Oceti Sakowin camp (Main Camp), Rosebud camp, Red Warrior camp, and Treaty camp—to name a few. After the Tribe filed its first request for a temporary injunction in July of 2016, the camps began to grow and the movement developed a strong presence on social media. I specifically frame my discussion of Standing Rock and camp life up to the U.S. Army Corps decision in December to deny the construction permits. This ruling has since changed.

Also known as the NoDAPL movement, many participants invoke U.S. imperial history, sovereign rights, and American Indian religious understandings in their resistance to the “Black Snake,” otherwise known as the Dakota Access Pipeline. Participants, who generally prefer the designation Water Protectors, are encouraged to pray and re-center themselves in a morality that respects creation—human and otherwise. With an emphasis on ceremony and morality, this decolonization movement is in many respects a religious movement. Mni Wiconi can be interpreted as a prophetic movement characterized by its attempts to project traditional values and religious practices into the future through present day actions. The Tribe and participants are seemingly confronted with an apocalyptic-like moment of environmental destruction along with ongoing challenges to self-determination. Not only is the environment threatened, but culture and tradition are as well with the threat of desecration to burial grounds and sacred sites. Prophetic idioms, specifically grounded in Native epistemologies, seek to envision, articulate, and catalyze

⁴ For more on ‘unimaginable events,’ see Haitian anthropologist Michel Rolph-Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 1995).

⁵ “A Timeline of the Dakota Access Oil Pipeline,” *U.S. News*, February 22, 2017, <https://www.usnews.com/news/north-dakota/articles/2017-02-22/a-timeline-of-the-dakota-access-oil-pipeline>.

a future where Indigenous rights are guaranteed and sacred sites are protected through present day actions.⁶

Even while there was vibrant religious language within the event, participants on the ground, overall, did not typically talk about Standing Rock primarily as a prophetic movement, even while the Black Snake prophecy is central to the movement. For the purpose of this thesis, I take prophecy as my central analytical frame to focus my analysis on religiously articulated acts of self-determination and refusal. While the frame of prophecy enables me to sharpen my analysis regarding some ceremonies and discourse, it is also a limited framework that I will seek to move beyond where relevant to do so in the effort of producing the fullest possible account of religious discourse and actions at Standing Rock.

The movement and encampments go by many names. When discussing the encampments and the social movement that has spread physically from the camp as well as across social media, I interchangeably use “Standing Rock,” “Mni Wiconi,” or “NoDAPL.” All three names point to the same experience that occurred at the northern border of the Standing Rock Sioux’s reservation. Important to note, when I use “Water Protector,” I include Indigenous and non-Indigenous peoples alike. Within the camp, any person who came and stood for the water was deemed a Protector regardless of identity. When speaking of the Tribe specifically as a self-governing entity, I invoke “Standing Rock Sioux” (SRS) or “Tribe.” When speaking of other tribal communities involved in either the camps or legal battle, I refer to them by their U.S. federally recognized name. I acknowledge that the Tribe is not a monolithic body. Members of SRS fall on a spectrum from full rejection of the pipeline to full support. Some members of the

⁶ In my use of rhetoric, I specifically mean discourse, communication, or a mode of speech. I do not mean to imply that such words of communications and persuasion are insincere, merely strategic, or entirely deliberate.

Tribe, recognizing an overwhelming system of poverty, support the pipeline and the economic development it could possibly bring to the area. There is even a varying degree within Water Protectors in the camps regarding to what extent they resist. Some Water Protectors aligned with Chairman David Archambault II in renegotiating the consultation process, working within a quasi-sovereign nation model. Other Water Protectors outright rejected the pipeline and authority of the U.S. government over the Tribe, calling for a true nation-to-nation relationship.

Building from A.J. Barker's work on Idle No More in Canada, I acknowledge that the United States is also "a settler colonial state, whose sovereignty and political economy is premised on the dispossession of Indigenous peoples and exploitation of their land base."⁷ The U.S., much the same as with Canada, is "both a state and imagined community" in which "Indigenous peoples face constant threats to their existence, as both formal powers invested in the state and informal sociocultural discourses of the [nation] seek to erase Indigenous peoples' claims to the land in order to transfer legitimate possession to colonial authorities."⁸ For many at Standing Rock and those who stand opposed to the placement of the pipeline, this was, and continues to be, seen as a threat to their very existence.⁹ State and societal rejections of treaty rights erased and refused the Tribe's claim to the land, transferring "legitimate possession" to the state. Much of the refusal at Standing Rock stands on a long history of broken treaties and suppressed rights. Many participants claim that the U.S. is violating the Treaty of 1851 (Ft. Laramie Treaty) and the Treaty of 1868, in which the land in question was "granted" to the Tribe. The power struggle of the land in question reaches back years before DAPL. The tension

⁷ A.J. Barker, "A Direct Act of Resurgence, a Direct Act of Sovereignty": Reflections on Idle No More, Indigenous Activism, and Canadian Settler Colonialism," *Globalizations* 12 (2015): 44.

⁸ Barker, "A Direct Act of Resurgence, a Direct Act of Sovereignty'," 44.

⁹ A common discourse in the opposition was the impact a leak would have not only to the Tribe itself, but the millions of people who live downstream of the Missouri and Mississippi River. Also discussed is that many people who tend to live along the rivers are disadvantaged, people of color.

between the Sioux governments and the U.S. government continued throughout the reorganization era (1930s), the termination era (1950s), the self-determination era (1960s/1970s) and continues today.¹⁰

‘Settler’ and ‘colonial’ are terms often employed in conjunction with Indigenous activism and resistance to nation states. At Standing Rock, those same terms were employed by some in the refusal of the U.S. control of the area and the exploitive nature of the oil and gas industry. The utilization of such terms reveals a deeper resonance to the lived experience of Indigenous peoples and those impacted by the ‘structure of invasion’.¹¹ In thinking about “Indigenous” and “nation,” these are terms that would seem to be at odds with one another. Audra Simpson (Mohawk) asserts in her discussion of Mohawk refusal how the community “strive[s] to articulate these modalities as they live and move within a territorial space that is overlaid with settler regimes that regulate or circumscribe their way of life.”¹² Applying Simpson’s analysis nationally, American Indians, living in a system that desires control of the land and has sought their elimination, continue to broadly articulate and assert their self-determination as both Indigenous peoples and a nation. In my usage of the term ‘Indigenous,’ I look to Audra Simpson as well as Taiaiake Alfred (Mohawk) and Jeff Corntassel (Cherokee). According to Alfred and Corntassel, “Indigenous” is a situated identity in which:

Indigenous peoples are just that: Indigenous to the lands they inhabit, in contrast to and in contention with the colonial societies

¹⁰ Tensions and power struggles between the Lakota and the U.S. government are not new and influence much of the events at Standing Rock. For more on treaties and power struggles between the U.S. and Lakota, see Jill St. Germain, *Broken treaties: United States and Canadian relations with the Lakotas and the Plains Cree, 1868-1885* (Lincoln: University of Nebraska Press, 2009); Gary Clayton Anderson, *Sitting Bull and the paradox of Lakota Nationhood* (New York: HarperCollins College Publishers, 1996); and Edward Charles Valandra, *Not without our consent: Lakota resistance to termination, 1950-59* (Chicago: University of Illinois Press, 2006).

¹¹ For more on settler colonialism, see Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (London: Cassell, 1999); Patrick Wolfe, “Settler colonialism and the elimination of the native,” *Journal of Genocide Research* 8 (2006): 387-409.

¹² Simpson, *Mohawk Interruptus*, 7.

and states that have spread out from Europe and other centres of empire. It is this oppositional, place-based existence, along with the consciousness of being in struggle against the dispossessing and demeaning fact of colonization by foreign peoples, that fundamentally distinguishes Indigenous peoples from other peoples of the world.¹³

Simpson pushes further in her work to consider localized understandings of the self and community in relation to the state. Within the camps at Standing Rock, members of the Tribe refer to themselves as Oceti people, Lakota, Dakota, Indians, and Natives. This, of course, gets more complicated when the global reach of the movement is considered. Within the camps, groups tended to refer to their colloquial names broadly, such as Pueblo, Ho-Chunk, Cheyenne, etc. Contrastingly, by November, the phrase “We Are All Lakota” was used in meetings and in actions as well as posted throughout camp in various media formats. This phrase seemed to be used to a great extent as a statement of solidarity, connecting people from around the world to that particular place and to that particular event. I acknowledge Indigenous as being situated in broader global politics and impacted by structural colonialism. I also use ‘Indigenous’ when speaking holistically of the camp, noting the mass presence of Peoples from around the world. When speaking of the community of Standing Rock and the members who have spearheaded this movement, I employ Oceti, Lakota, and Dakota—for they are at the center of the movement and without their refusal, none of this would have occurred.

Within the camps and across social media, the goals of the movement were expressed through idioms such as “Kill the Black Snake!” and “Defend the Sacred!” At Standing Rock, what was being noted as sacred and why did it warrant defending? Vine Deloria (Dakota), respected scholar of Native studies and federal Indian law, was a member of the Standing Rock

¹³ Taiaiake Alfred and Jeff Corntassel, “Being Indigenous: Resurgences Against Contemporary Colonialism,” *Government and Opposition* 40 (2005): 597.

Sioux Tribe from the Yanktonai Dakota band. In his discussion of the status of sacred in *God is Red*, Deloria outlines four designations to the term “sacred,” though acknowledging that they fall within convenient “Western rational analysis.”¹⁴ The first, and most familiar, category of sacred lands is “places to which we attribute sanctity because the location is a site where, within our own history, something of great important has taken place.”¹⁵ In *For This Land*, Deloria relates how Wounded Knee, a site not historically held sacred, is a site of great reverence because of the important historical events that have taken place there.¹⁶ The second category of sacred lands is those that have “a deeper, more profound sense of the sacred.” This is a place where something other than ourselves is present, as compared to the first type which is made sacred by the actions of people. The sacredness of such locations does not depend on the presence of people, but on the “stories that describe the revelation that enabled human beings to experience the holiness there.”¹⁷

The third category includes places “of overwhelming holiness.” Here, “Higher Powers,” spirits, deities, gods, goddesses, and the like, have “revealed Themselves to human beings.” There are places sacred in and of themselves. The third category is often invoked in court by tribes and can be represented in the Cheyenne Sioux claim of how their ritual life will be impacted by the pipeline.¹⁸ V. Deloria argues that the second and third category are indicative of “distinctly

¹⁴ Vine Deloria, Jr., *God is Red: A Native View of Religion* (Golden, CO: Fulcrum Publishing, 1994): 271.

¹⁵ V. Deloria, Jr., *God is Red*, 272.

¹⁶ Vine Deloria, Jr., *For This Land: Writings on Religion in America* (New York, NY: Routledge, 1999): 122.

¹⁷ V. Deloria, Jr., *God is Red*, 273-274.

¹⁸ V. Deloria, Jr., *God is Red*, 275. Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers, 2017 WL 908538 (March 7th, 2017). For further discussions, see Renae Ditmer, “Latest DAPL Hearing: Cheyenne River Sioux Religious Beliefs on Trial,” *Indian Country Today*, March 1, 2017, <https://indiancountrymedianetwork.com/news/politics/latest-dapl-hearing-cheyenne-river-sioux-religious-beliefs-trial/>.” For a comparative discussion with the Hobby Lobby case, see Robinson Meyer, “The Last-Ditch Attempt to Stop the Dakota Access Pipeline,” *The Atlantic*, February 10, 2017, <https://www.theatlantic.com/science/archive/2017/02/the-dakota-access-pipelines-final-stand/516225/>.

different forms of sacred revelations where the sacred is actively involved in secular human activities and where the sacred takes the initiative to chart out a new historical course for humans.”¹⁹ However, since there are “higher powers who can communicate with people,” there is a necessary fourth category. This final category may be the most important one in discussing Standing Rock. Due to the possibility of communication with higher power, “people must always be ready to experience new revelations at new locations.”²⁰ Without this possibility spirits and deities would essentially die.²¹ V. Deloria states that because of this prospect of death, followers consequently “always look forward to the revelation of new sacred places and ceremonies.”²² This establish a potentiality for growth and renewal.

Unfortunately, as will be discussed below in Tisa Wegner’s work, there is a historical stagnation when discussing American Indian traditions which keeps it in the past, void of change. V. Deloria claims that it is this essentialist understanding that keeps federal courts from recognizing sacred places that fall under the fourth category. Federal Courts “irrationally and arbitrarily circumscribe this universal aspect of religion by insisting that traditional religious practitioners restrict their identification of sacred locations to places that were historically visited by Indians, implying that at least for the federal courts, God is dead.”²³ This history of colonialism and religious oppression against American Indian traditions has led to many of the struggles at Standing Rock, where the land and water is neither considered a historical sacred place, or at least one warrant of protection, nor a new sacred place conceived out of new experiential revelations. By denying the “possibility of the continuing revelation of the sacred in [their] lives,” V. Deloria

¹⁹ V. Deloria, Jr. *God is Red*, 277.

²⁰ V. Deloria, Jr. *God is Red*, 277.

²¹ V. Deloria, Jr. *God is Red*, 277.

²² V. Deloria, Jr. *God is Red*, 277.

²³ V. Deloria, Jr. *God is Red*, 277.

argues that “federal courts, scholars, and state and federal agencies refuse to accord credibility to the testimony of religious leaders.”²⁴ Scholars, courts, and agencies inherently “demand evidence that a ceremony or location has *always* been central to the beliefs and practices of an Indian tribe and impose exceedingly rigorous standard of proof on Indians who appear before them.”²⁵

The convergence of the Missouri River and Cannonball River has historically been regarded as a sacred place by the Lakota and Dakota of the region due to the creation of sacred stones.²⁶ A whirlpool produces round, smooth stones noted by settlers in the region to look like cannon balls.²⁷ Using Deloria’s categories, this place would fall into the second category. There is “something mysteriously religious” regarding the sacred stones and their creation.²⁸ For Deloria, a belief in the sacredness of lands is “an integral part of the experiences of the people—past, present, and future.”²⁹ Sacred places are fundamental and foundational to beliefs and practices of American Indian peoples. They represent “the presence of the sacred in our lives.” Sacred places unveil a deep responsibility “to the rest of the natural world that transcend our own personal desires and wishes.”³⁰ Therefore, sacred places are to be defended. When the U.S. Army Corps constructed a dam along the Missouri River, they reconstructed the landscape thus creating what is now known as Lake Oahe. The reconstruction of the river consequently disrupted the flow of water and ending the natural whirlpool—and the creation of sacred stones. The belief system of the Oceti and the understanding of this place as sacred did not just simply

²⁴ V. Deloria, Jr. *God is Red*, 278.

²⁵ V. Deloria, Jr. *God is Red*, 278. See Courts opinion about Cheyenne Sioux’s religious claims at Lake Oahe for an example *Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers*, 2017 WL 908538 (March 7th, 2017).

²⁶ In *The World We Used to Live In*, Vine Deloria, Jr. relates a story of the sacred qualities of the stones found in the Cannonball area (151-152).

²⁷ For an account on the sacred stones and their disappearance, see Tim Mentz, Sr.’s account in “Grave Matters in Pipeline Controversy,” <http://whowhatwhy.org/2016/09/19/grave-matters-pipeline-controversy/>.

²⁸ V. Deloria, Jr., *God is Red*, 273.

²⁹ V. Deloria, Jr., *God is Red*, 271.

³⁰ V. Deloria, Jr., *God is Red*, 281.

end with the construction of Lake Oahe, but was reinterpreted and altered to understand that the water is source of sacredness. The lake became the new focal point for religious activity and rituals.³¹ The location revealed new revelations and new experiences, as attributed to V. Deloria's fourth category.

Tisa Wenger, in her acclaimed work on the status of religious freedom and American Indians, *We Have a Religion: The 1920s Pueblo Indian Dance Controversy and American Religious Freedom*, provides some insight in her complication of the terms of "religion," "sacred," and "profane." She asserts that these terms have been defined and continue to be defined by the "dominant Euro-American culture...in ways that do not fit Indian cultures and traditions."³² However, this is not to say that American Indian groups have not adapted and learned to articulate themselves in terms such as "religion" and "sacred," as seen in Deloria's work.³³ American Indians, in a variety of ways, "make use of these concepts in ways that do not necessarily fit the dominant mold."³⁴

This disconnect of conceptualization is evident in not just Federal Indian law, such as the denial of standing for the Cheyenne River Sioux's religious freedom claim in the legal dispute, but also in media representation.³⁵ Religion, in Wegner's analysis, has been defined in contrast to the secular and is often taken up in individual matters. The same dichotomy is revealed in the term "sacred," being contrasted to the "profane," or ordinary. To apply these definitions to American Indian traditions refuses a complex history of cultural suppression, adaptation, and a

³¹ Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers, 2017 WL 908538 (March 7th, 2017).

³² Tisa Wenger, *We Have a Religion: The 1920s Pueblo Indian Dance Controversy and American Religious Freedom* (Chapel Hill, NC: University of North Carolina Press, 2009), 237-238.

³³ Wegner, *We Have a Religion*, 10, 238.

³⁴ Wenger, *We Have a Religion*, 238.

³⁵ Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers, 2017 WL 908538 (March 7th, 2017).

situated identity.³⁶ So, when people at Standing Rock proclaim this is a ceremony, that the water and land are sacred, that situated place-based existence does not always relate in a readily translatable way to the broader public, the population of which has a predominantly Euro-American, Protestant situated identity.

Wegner contends that issues of religious freedom for American Indians today primarily “center around efforts to protect and regain control of the places that are central to their cultural integrity and traditions.” American Indians have often employed the term “sacred” to “communicate [the] power and significance [of places] to non-Indian ears.”³⁷ Generally, contestation of sacred lands and efforts to regain control over them have not been successful. Focusing upon sacred water, the Protectors placed their claims in the margins of what the law and public consider sacred or religious. Wegner ends her book with a quote by an unnamed informant of anthropologist Luke Lassiter who expresses that ‘sacred’ means it is something to be taken care of, that “rather than being set apart as ‘sacred’ or ‘religious’, they are ‘intrinsic to peoples’ everyday lives.”³⁸ The water in the Standing Rock Mni Wiconi movement was not just sacred but was something to be taken care of in everyday actions. As I will discuss later in my field notes, there was an understanding among some in the camp that the water had not been taken care of, therefore, collective, meaningful ceremonies and prayer were necessary to protect it.

Within the camps and in solidarity movements across the globe, protection of the sacred was expressed by some through distinct rhetoric of the Black Snake prophecy. The Cheyenne

³⁶ Wegner argues, though, that American Indians should be cautious of denying these terms as they play a vital part in the survival of traditions.

³⁷ Wegner, *We Have a Religion*, 252.

³⁸ Wegner, *We Have a Religion*, 266.

River Sioux invoked the Lakota end-of-time prophecy of the Black Snake within their request for a preliminary injunction that would have blocked construction while the court proceedings continued. Their filing on February 9th, 2017, states:

Long ago, Lakota prophets told of the coming of a Black Snake that would be coiled in the Tribe's homeland and which would harm the people. In the prophecy, the snake was black, slippery, in motion, and would devour the people. Although there can be no way of knowing when this prophesy emerged into the Lakota worldview, Lakota religious adherents now in their 50s and 60s were warned of the Black Snake by their elders as children. The Black Snake prophecy is a source of terror and existential threat to the Lakota worldview.

Lakota religious adherents today believe that the Black Snake has been made real. Lakota religious practitioners believe that the Dakota Access pipeline, a crude oil pipeline proposed to cross under their homeland is the black, slippery terror described in the Black Snake prophecy. And the coming of the Black Snake is not without consequence in the Lakota religious worldview.³⁹

How do we begin to understand the meaning and force of such claims? Some scholars of religion have analyzed prophecy as an “ecstatic religious behavior [as] a means of expression used by disenfranchised groups.”⁴⁰ Such analysis typically has focused on Abrahamic traditions. Of relevance to this project, I draw attention to the distinctive Indigenous features of prophecy as living tradition at Standing Rock. When using the term prophecy, I specifically point to the concept of “Native prophecy,” as presented by historian of religion Lee Irwin in his work, *Coming Down From Above: Prophecy, Resistance, and Renewal in Native American Religions*. According to Irwin,

Native prophecy is a creative and constructive metaphor for the reimagining and reinterpretation of religious meaning from a Native

³⁹ Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers, 2017 WL 90853 (document 98).

⁴⁰ Gerald T. Sheppard and William E. Herbrechtsmeier, "Prophecy: An Overview," in *Encyclopedia of Religion*, 2nd ed., edited by Lindsay Jones, 7423-7429, Vol. 11. Detroit: Macmillan Reference USA, 2005. Gale Virtual Reference Library (accessed January 26, 2017).

point of view. As a metaphor, prophecy brings Native values and epistemology into an association with innovative religious behavior, some of which is borrowed from non-Native prophetic sources, but all of which is contextualized as meaningful to Native participants.⁴¹

Prophecy, then, is a strategy of creative interactions with an adaptive religious world. In the foreword to Irwin's book, Phil Deloria (Dakota) states, "prophetic movements...were *not* simply a response to colonialism and invasion...They were *not* simply a 'revitalization' but an *ongoing vitality*, whose goals were based in Native patterns of practice and belief" (first two emphases are Deloria's; last is Irwin's).⁴² Prophecy is a product of experiences that shape attitudes towards the world.⁴³

In discussing intersections of textuality and prophecy, Arkotong Longkumer posits the crucial role language plays in "how cultural worlds are navigated."⁴⁴ Using the case study of the Gaidinliu notebooks from Nagaland, India, Longkumer discusses how Derridean concepts of text have been expanded by some scholars to include "images, designs, paintings, and musical notations...glyphs, marks on ceramic, footprints in landscapes."⁴⁵ Textuality, as noted by Longkumer, "is central to understanding the relationship between cosmology, the body, and the natural world."⁴⁶ Longkumer, in his discussion of textuality, pushes us to consider prophecy, dreams, and visions as a text. What is revealed, then, when analyzing the relationship between prophecy and textuality? Prophecy can be referenced through several textual frames, such as

⁴¹ Lee Irwin, *Coming Down from Above: Prophecy, Resistance, and Renewal in Native American Religions* (Norman: University of Oklahoma Press, 2008), 8.

⁴² Phil Deloria, foreword to *Coming Down from Above: Prophecy, Resistance, and Renewal in Native American Religions*, by Lee Irwin (Norman: University of Oklahoma Press, 2008), xii.

⁴³ In "Native American Spirituality", Vine Deloria argues that Native American spirituality is not a system of beliefs and faith but of experiences that shape a certain attitude to the world that then "keepers of the tradition" maintain (134).

⁴⁴ Arkotong Longkumer, "'Lines that speak': The Gaidinliu notebooks as language, prophecy, and textuality," *HAU: Journal of Ethnographic Theory* 6 (2016): 143.

⁴⁵ Longkumer, "'Lines that speak,'" 125.

⁴⁶ Longkumer, "'Lines that speak,'" 126.

“interpretation of dreams, visions, and predictions,” which are “used to explain the mundane and the fantastic; woven into stories of old; and often devoted to discussions of change.”⁴⁷ The Black Snake prophecy was being referenced in visions and the interpretation of the pipeline. It was woven into stories of the past as well as the future.

The Black Snake prophecy, in its jeremiad context, elicits a discussion of change if the sacred is to be protected. Including prophecy in textuality “illuminate[s] the relationship between text and community” and the “issues surrounding translatability.”⁴⁸ For many people at Standing Rock, their future hinged on preventing the construction of the pipeline. The prophecy as text reflects the present and real concerns of the community. The cosmological understanding of the Black Snake prophecy elicited specific acts of refusal towards the pipeline which were framed in various ritual acts. The Black Snake prophecy and the sacred nature of the land and water are products of new experiences and new revelations, thus ceremonies are performed in the space to signify the sacred nature.

Native prophecy can be viewed as “a creative [movement] meant to affirm Native identity by validating connections with the deepest spiritual sources of power and knowledge...”⁴⁹ The textuality of Native prophecy, predominantly passed down through oral traditions, illuminates creative interactions of an adaptive religious (or cultural) world. The religious context for prophetic rhetoric, like the Black Snake, is “the rich diversity of long-held and deeply valued Native ways of thinking, acting, and believing.”⁵⁰ The Black Snake prophecy and the response to it as seen in the NoDAPL movement has affirmed Indigenous identity in its

⁴⁷ Longkumer, “‘Lines that speak,’” 126.

⁴⁸ Longkumer, “‘Lines that speak,’” 126.

⁴⁹ Irwin, *Coming Down from Above*, 9.

⁵⁰ Irwin, *Coming Down from Above*, 13.

various connections to Indigenous knowledge. In analyzing prophecy at Standing Rock, I later include a discussion of Jeremiad prophecy and bring in a comparative analysis with Sweet Medicine's (Cheyenne) prophecy. To conclude, I discuss the status of the prophecy and Standing Rock as the camps have been closed and the pipeline has since been completed. Questions such as did the prophecy come to pass? did the prophecy fail? was an alternative approach found? or was the prophecy reinterpreted? are all important to this discussion.

In connecting prophecy with broader movements of sovereignty and self-determination, I offer the following discussion. Decolonization can commonly be understood as the physical withdrawal of colonizers from colonies. A more holistic representation is a process which acknowledges ongoing political, economic, social, and ideological colonial structures. It then seeks to resist and dismantle these oppressive structures through the intellectual work, leadership, and collaboration of (formerly) colonized peoples and their allies. This is productively framed by Aman Sium, Chandi Desai, and Eric Ritskes in their article, "Towards the 'tangible unknown': Decolonization and the Indigenous future." They state that decolonization is "not a rejection of colonialism." Instead, they assert that "rather than replace the dominant with the marginalized...the decolonizing project seeks to reimagine and rearticulate power, change, and knowledge through a multiplicity of epistemologies, ontologies and axiologies."⁵¹ At Standing Rock, decolonization was seemingly being invoked through religious discourse, rituals, and prophetic speech acts that acknowledged ongoing colonial structures while also recognizing a history of trauma and suppression. American Indian religious

⁵¹ Aman Sium, Chandi Desai, and Eric Ritskes, "Towards the 'tangible unknown': Decolonization and the Indigenous future," *Decolonization: Indigeneity, Education & Society* 1 (2012): 3.

practices and claims were not just being enacted for political reasons, but also as acts of cultural and religious expression.

A facet of decolonization is the enacting of refusal. Refusal, as a theoretical and methodological concept, recognizes a limit has been met. More than simply just saying “no,” or opposing power structures, refusal seeks to shift the power dynamics entirely. Building from Audra Simpson’s work on refusal in the Mohawk community against colonial recognition as well as on the works of her recent interlocutors, I contend that the NoDAPL encampments and occupation of Army Corps land were an act of refusal. In addition to the encampments, I include the Standing Rock Sioux Tribe’s legal battle against the U.S. Army Corps in my analysis of refusal. Refusal is generative, social, hopeful, and not just another word for resistance. I take the concept of refusal and, through my observations at Standing Rock, explore the role of religion in acts of refusal. Simpson’s notion of refusal stands on one community’s experience with border politics and citizenship in Canada and the U.S. In no way do I contend that the experience of the SRS is the same as that of the Mohawk. More so, Simpson is an Indigenous scholar theorizing on Indigenous refusal to recognition. Throughout my analysis, and specifically in my discussion of refusal, I think about what it means for a non-Indigenous scholar to theorize on Indigenous acts of refusal.

At the camps, the religious quality of refusal repeatedly hit me, and it is understanding this mode of refusal that this thesis is dedicated. For many Protectors, the water and the land are sacred, meant to be revered and defended from not just a settler state or an oil pipeline, but from the Black Snake. To set the stage for my analysis of religious refusal at Standing Rock, I provide a timeline of the legal battle between the Standing Rock Sioux and the U.S. Army Corps as well as key events that occurred in the encampments. Due to the breadth of events and the role of

social media, I narrowed my selection down to events that were covered in mainstream media. Next, I provide observations and analysis based on my two field visits to the camps. In my notes, I predominantly highlight the aspects of ceremony and ritual while also presenting a window into everyday camp life. It is important to note that because the whole event was considered a ceremony, every act was at some level taken to be a ritual act by most people in the camps. From there, I enter an examination of refusal as a theoretical and methodological approach and its specific manifestation in Indigenous activism and protests. My readings and reflection on refusal bring me to an analysis of ceremony and prophecy at Standing Rock and refusal being embodied through ritual acts.

TIMELINE AND BACKGROUND:

A Discussion of the Legal Contestation and Key Events Surrounding the Camps

Resistance to the Dakota Access pipeline through the establishment of prayer camps started in April 2016, growing exponentially after the formation of the Oceti Sakowin camp in July of that same year.⁵² The physical presence of resistance is relatively new in the timeline of the pipeline. I will lay out key events from the first filing of the pipeline permits to the U.S. Army Corps denying the easement grant on December 4th, 2016, including on the ground events and those in the litigation process. Where pertinent, I will also weave in personal accounts of my own experience at camp.

In December of 2014, the Dallas-based Energy Transfer Partners, the parent company of Dakota Access, applied to the federal government for a permit to build the 1,200-mile pipeline to carry North Dakota oil through the Dakotas and Iowa to an existing pipeline in Illinois.⁵³ The pipeline was projected to cost \$3.8 billion and carry half a million barrels of oil daily.⁵⁴ The proposed route skirts just north of the Standing Rock Sioux Tribe's ("Tribe") reservation and would cross under Lake Oahe, a Missouri River reservoir in North Dakota that serves as the Tribe's drinking water source. An article published by the *Bismarck Tribune* from August 18, 2016, references U.S. Army Corps documents that reveal the pipeline was originally routed north of the city of Bismarck.⁵⁵ This article has been a main source for advocates claiming that the

⁵² "A Timeline of the Dakota Access Oil Pipeline," *U.S. News*, February 22, 2017, <https://www.usnews.com/news/north-dakota/articles/2017-02-22/a-timeline-of-the-dakota-access-oil-pipeline>.

⁵³ Brandon Howard, "Timeline: History of Dakota Access pipeline," *Chicago Tribune*, January 24, 2017, <http://www.chicagotribune.com/news/nationworld/ct-dakota-access-pipeline-timeline-dapl-20161219-htmlstory.html>; "Standing Rock: Understanding the EIS Process," *Memories of the People* Weblog, entry posted January 30, 2017, <https://memoriesofthepeople.wordpress.com/2017/01/30/standing-rock-understanding-the-eis-process/>, (accessed April 19, 2017).

⁵⁴ Howard, "Timeline: History of Dakota Access pipeline."

⁵⁵ Amy Dalrymple, "Pipeline route plan first called for crossing north of Bismarck," *Bismarck Tribune*, August 18, 2003, http://bismarcktribune.com/news/state-and-regional/pipeline-route-plan-first-called-for-crossing-north-of-bismarck/article_64d053e4-8a1a-5198-a1dd-498d386c933c.html. See U.S. Army Corps of Engineers,

pipeline was moved from a predominantly white city to a Native American community. While the specter of racial bias is worrisome in such a context, there are some nuances concerning the specifics of the case at hand.

When the U.S. Army Corps of Engineers (ACE) evaluated the Bismarck route, they “concluded it was not a viable option for many reasons.”⁵⁶ In the agency’s environmental assessment, released in December of 2015, one reason mentioned was the “proximity to wellhead source water protection areas that are avoided to protect municipal water supply wells.”⁵⁷ In addition to protecting water sources for the large city, the “Bismarck route would have been 11 miles longer with more road crossings and waterbody crossings.”⁵⁸ More so, the North Dakota Public Service Commission requires pipelines to “stay 500 or more feet away from homes,” which the Corps stated would have been difficult.⁵⁹ The proposed Bismarck route would have crossed an area considered by federal pipeline regulators as a “high consequence area,” which is an area determined to have the most significant adverse consequences in the event of the spill.⁶⁰ The decision to not build the pipeline north of Bismarck was seemingly determined solely by the U.S. Army Corps in concern to the threat of the water supply. However, Water Protectors and allies to the movement made claims that the city of Bismarck and ACE engaged in extensive review processes that were not granted to Standing Rock after the reroute. Evidence indicating that meetings were held with the city of Bismarck and the city subsequently rejecting the pipeline is little, but the claim of inherent racism in the rerouting of the pipeline is a claim

“Dakota Access Pipeline Environmental Assessment,” project report, December 9, 2015, <http://www.nwo.usace.army.mil/Missions/Civil-Works/Planning/Project-Reports/Article/633496/dakota-access-pipeline-environmental-assessment/>.; “Standing Rock: Understanding the EIS Process.”

⁵⁶ Dalrymple, “Pipeline route plan first called for crossing north of Bismarck.”

⁵⁷ Dalrymple, “Pipeline route plan first called for crossing north of Bismarck.”

⁵⁸ Dalrymple, “Pipeline route plan first called for crossing north of Bismarck.”

⁵⁹ Dalrymple, “Pipeline route plan first called for crossing north of Bismarck.”

⁶⁰ Dalrymple, “Pipeline route plan first called for crossing north of Bismarck.”

that deserves to be considered. Especially in view of the historical forces of structures that shape the experience of everyday life as unfolded on the highly asymmetrical terrain at Standing Rock.

Dakota Access announced in a statement on January 25, 2016 that it had received permit approval by the North Dakota Public Service Commission, bringing the four-state crude oil pipeline a step closer to construction.⁶¹ In March of 2016, the state of Iowa approved the pipeline, making it the fourth and final state to grant permission.⁶² Subsequently, in the following month of April, the Sacred Stone prayer camp was established near Cannonball, North Dakota within the Tribe's reservation.⁶³ The founder of the Sacred Stone camp is LaDonna Brave Bull Allard, a member of Standing Rock, who's house sits on the site.⁶⁴ Sacred Stone camp is placed at the junction of the Cannonball River and the Missouri River, waters held to be sacred by the Oceti people. The physical presence of Water Protectors at sites regarded as sacred highlights the central Indigenous aspects of this movement, to be discussed later.

In the early months, the camp maintained a relatively low presence, both in physical numbers and presence on social media. This all changed in July of 2016 when the Army Corps granted pipeline permits for more than 200 water crossings.⁶⁵ In response, the Tribe filed suit in federal court, with the Cheyenne River Sioux joining as plaintiffs.⁶⁶ The Tribe's suit was

⁶¹ Ryan W. Miller, "How the Dakota Access pipeline battle unfolded," *USA Today*, December 2, 2016, <https://www.usatoday.com/story/news/nation/2016/12/02/timeline-dakota-access-pipeline-and-protests/94800796/>.

⁶² "A Timeline of the Dakota Access Oil Pipeline.

⁶³ "A Timeline of the Dakota Access Oil Pipeline.

⁶⁴ Rosanna Deerchild, "LaDonna Brave Bull Allard's land is home to water protectors at Standing Rock," *CBC Radio*, November 20, 2016, <http://www.cbc.ca/radio/unreserved/something-extraordinary-is-happening-at-standing-rock-1.3850506/ladonna-brave-bull-allard-s-land-is-home-to-water-protectors-at-standing-rock-1.3853339>. It is unclear at this point in my research if Allard owns the property outright or if it is leased through the Tribe. For more on Allard and who she is, see "Turtle Island Storyteller LaDonna Brave Bull Allard," *Wisdom of the Elders*, <http://www.wisdomoftheelders.org/turtle-island-storyteller-ladonna-brave-bull-allard/>.

⁶⁵ Howard, "Timeline: History of Dakota Access pipeline."; "Standing Rock: Understanding the EIS Process."

⁶⁶ Howard, "Timeline: History of Dakota Access pipeline." See, *Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers*, 205 F.Supp.3d 4, 2016 WL 4734356

assigned to U.S. District Court Judge James Boasberg. From there, the presence of Water Protectors increased exponentially, reaching into possibly the tens of thousands towards the end of 2016. Various solidarity events took place across the U.S. and Canada throughout the year, such as marches, protests, bank sit-ins, as well as social media campaigns of solidarity. The largest event of these took place on March 10th, 2017. The Native Nations Rising solidarity march was organized by Standing Rock Sioux Chairman Archambault and took place in Washington, D.C. Participants marched from the U.S. Army Corps building to the White House. Sister marches took place across the U.S., with one happening in Denver, Colorado as well.⁶⁷

Throughout the litigation and the growing presence of Water Protectors, Dakota Access continued to build. The first arrests of the movement occurred on August 10, 2016.⁶⁸ By the end of the camp based protest, the number of arrests exceeded 600.⁶⁹ In a Federal District Court in Washington, D.C., an important event took place on September 2 when Tim Mentz Sr., a tribal elder and the Tribe's historic preservation officer since 1985, testified that 27 graves and 82 stone sites were in the path of the pipeline.⁷⁰ The very next day, the Saturday of Labor Day Weekend, the company leapt over 15 miles of undisturbed land to bulldoze that area.⁷¹ The sequence of events has caused the Tribe to claim that Dakota Access intentionally desecrated graves out of malicious intent and to destroy evidence. Water Protectors had planned a march out to the site that day to offer prayers and song to those buried.⁷² Word began to spread that

⁶⁷ See, <http://nativenationsrise.org/>.

⁶⁸ "A Timeline of the Dakota Access Oil Pipeline."

⁶⁹ "A Timeline of the Dakota Access Oil Pipeline."

⁷⁰ Alan Gilbert, "Grave Matters in Pipeline Controversy," *Who What Why*, September 19, 2016, <http://whowhatwhy.org/2016/09/19/grave-matters-pipeline-controversy/>.

⁷¹ Howard, "Timeline: History of Dakota Access pipeline.," "A Timeline of the Dakota Access Oil Pipeline.," Gilbert, "Grave Matters in Pipeline Controversy.," Miller, "How the Dakota Access pipeline battle unfolded.," Standing Rock Sioux Tribe. "Standing Rock Sioux Tribe condemns destruction and desecration of burial grounds by Energy Transfer Partners," press statement, September 3, 2016, http://rabbitsliketrumpets.typepad.com/Press%20Release_Standing%20Rock%20Sioux_%2009032016.pdf.

⁷² Gilbert, "Grave Matters in Pipeline Controversy."

construction was happening at the cultural sites. In Alan Gilbert's account from that day, he states, "When word spread to the camp, hundreds of others, including some media, drove up to join in... When we came to the spot where the tractors were digging, everybody ran to the fence."⁷³ Gilbert relates what was seen that day when they arrived to the scene,

Given the train of abuses, the cultural disregard, the threat to the waters, the poverty and hopelessness of indigenous communities, the arrogance of the company, the Army Corps of Engineers and the Governor and police of North Dakota — many young people had simply had enough. The protesters pushed over the metal fence and confronted the bulldozers. They acted together in a kind of moving blockade and walked in the huge, gouged tracks of the tractors driving the machines back over the hill and down the other side. Some young men from the camp joined on horseback. We were all in the crowd.⁷⁴

Private security officers attacked Protectors with dogs and mace. This violent scene, the first of many, was filmed by Amy Goodman of *Democracy Now!*⁷⁵ She would later be charged, tried, and dismissed of chargers for inciting a riot.⁷⁶ In discussing the event, Archambault stated, "All the sacred markings are now part of huge overturned mounds of dirt containing random once-hallowed stones. They now symbolize nothing but desecration for money."⁷⁷

Just a few days later, on September 9th, 2016, Judge Boasberg denied the temporary injunction request sought by the Tribe in *Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers*. Noting the fraught context, Judge Boasberg acknowledged, "Aware of the indignities visited upon the tribe over the last centuries, the court scrutinizes the permitting process here

⁷³ Gilbert, "Grave Matters in Pipeline Controversy."

⁷⁴ Gilbert, "Grave Matters in Pipeline Controversy."

⁷⁵ "VIDEO: Dakota Access Pipeline Company Attacks Native American Protesters with Dogs and Pepper Spray," *Democracy Now!*, September 4, 2016, https://www.democracynow.org/2016/9/4/dakota_access_pipeline_company_attacks_native.

⁷⁶ "Judge Rejects 'Riot' Charges Against Amy Goodman in North Dakota," *Democracy Now!*, October 17, 2016, https://www.democracynow.org/2016/10/17/breaking_riot_charges_against_amy_goodman.

⁷⁷ Gilbert, "Grave Matters in Pipeline Controversy."

with particular care.” But it would seem the scrutiny was not enough. He continued, “Having done so, the court must nonetheless conclude that the tribe has not demonstrated that an injunction is warranted here.”⁷⁸ The Standing Rock Sioux immediately filed an appeal. About thirty minutes after the ruling, though, three federal agencies intervened in an unprecedented manner, requesting that the pipeline company voluntarily halt construction of the pipeline near Lake Oahe. In a joint statement, the Department of Justice, Department of the Interior, and Department of the Army stated:

The Army will not authorize constructing the Dakota Access pipeline on U.S. Army Corps of Engineers land bordering or under Lake Oahe until it can determine whether it will need to reconsider any of its previous decisions regarding the Lake Oahe site under the National Environmental Policy Act (NEPA) or other federal laws. Therefore, construction of the pipeline on Army Corps land bordering or under Lake Oahe will not go forward at this time. The Army will move expeditiously to make this determination, as everyone involved — including the pipeline company and its workers — deserves a clear and timely resolution. In the interim, we request that the pipeline company voluntarily pause all construction activity within 20 miles east or west of Lake Oahe.⁷⁹

The response by the Obama administration was a surprise to many, eliciting several responses across the board.

President Obama held his annual White House Tribal Nations Conference on September 26, 2016. This was his eighth and final one as President of the United States. He hosted approximately 500 Native American leaders to discuss current issues of Indian Country and Indigenous sovereignty—with issues surrounding DAPL being a central theme to the

⁷⁸ Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers, 205 F.Supp.3d 4, 2016 WL 4734356 (D.D.C. Sept. 9, 2016).

⁷⁹ United States, Department of Justice, “Joint Statement from the Department of Justice, the Department of the Army and the Department of the Interior Regarding Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers,” press statement, September 9, 2016, <https://www.justice.gov/opa/pr/joint-statement-department-justice-department-army-and-department-interior-regarding-standing>.

conference.⁸⁰ “I know many of you have come together, across tribes and across the country, to support the community at Standing Rock and together you’re making your voices heard,” the president said to applause. “And in a spirit of cooperation and mutual respect, we’ve made a lot of progress for Indian country over the past eight years, and this moment highlights why it’s so important that we redouble our efforts to make sure that every federal agency truly consults and listens, and works with you, sovereign-to-sovereign,” Obama continued.⁸¹ This statement would seemingly contrast the Obama administration continuing response to Dakota Access and the Standing Rock Sioux’s claims. Though the Obama administration released the joint letter stating further investigation into the consultation process needed to happen, the administration predominantly stayed out of the matter. Flagging the administration’s ambiguity on the matter, in November Obama would make a passing remark that they wanted to see how things “play out.”

In an ironic series of events, the U.S. Court of Appeals issued an order denying the Tribe’s appeal of the District Court ruling on the evening before Columbus Day—a federal holiday many Indigenous peoples find offensive.⁸² “The Standing Rock Sioux Tribe is not backing down from this fight,” Chairman Dave Archambault II said in a statement following the appeals court ruling. “We are guided by prayer, and we will continue to fight for our people. We will not rest until our lands, people, waters and sacred places are permanently protected from this destructive pipeline.”⁸³ Following the September clash with private security guards, which many

⁸⁰ “Fact Sheet: The 8th Annual White House Tribal Nations Conference,” *The White House: Office of Press Secretary*, September 26, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/09/26/fact-sheet-8th-annual-white-house-tribal-nations-conference>.

⁸¹ “President Barack Obama at White House Tribal Nations Conference,” *Indianz*, <https://www.indianz.com/News/2016/09/26/president-barack-obama-at-white-house-tr.asp>.

⁸² The order by the U.S. Court of Appeals for the District of Columbia Circuit on *Standing Rock Sioux v. U.S. Army Corps of Engineers* can be found here, http://earthjustice.org/sites/default/files/files/standing-rock_court-order-2016-10-09.pdf.

⁸³ Mary Annette Pember, “Breaking: Standing Rock Vows to Continue NoDAPL Fight in Wake of Court Injunction Denial,” *Indian Country Today Media Network*, October 10, 2016,

Protectors claim have links to Blackwater (a private security mercenary organization involved in the U.S. invasion of Iraq), independent media outlets flooded into the camps, including organizations such as *Democracy Now!*, *Unicorn Riot*, and the *Indigenous Environmental Network*.⁸⁴ Their Facebook LiveFeeds of various actions were a key part in the dissemination of on-the-ground firsthand accounts. Along with the increased presence of Protectors and independent media, the presence of police (local and outsourced) also increased.

October 24, 2016, the SRS Chairman issued a letter to U.S. Attorney General Loretta Lynch, requesting an investigation into civil rights violations citing the “militarization” of local law enforcement. “I am seeking a Justice Department investigation because I am concerned about the safety of the people,” Archambault said in his statement. “Too often these kinds of investigations take place only after some use of excessive force by the police creates a tragedy. I hope and pray that the Department will see the wisdom of acting now to prevent such an outcome.”⁸⁵ Another large clash with police would happen just days later, on October 27, 2016—once again contrasting with the statements of the Obama administration. Authorities moved in to clear Protectors from private land and dismantle a roadblock that closed a state highway. Protectors had set up a camp in the road as an attempt to block and delay construction. Heavily armed law enforcement officials surrounded Protectors and reportedly used pepper

<https://indiancountrymedianetwork.com/news/native-news/breaking-standing-rock-vows-to-continue-nodapl-fight-in-wake-of-court-injunction-denial/>.

⁸⁴ It is important to note, mainstream media, being CNN, Fox, ABCnews, and MSNBC, were largely absent in the coverage of the movement. If they did cover it, whether online or on television, it generally was done through second-hand accounts, reusing published coverage by independent media sources. However, their presence was seen in the wake of large clashes with police. Larger independent media sources such as *LA Times*, *Denver Post*, *New York Times*, *HuffingtonPost*, and even *BuzzFeed* also provided second-hand account of events as well as first-hand coverage following various events, whether on-the-ground or in the courtroom. For a discussion on the links between DAPL and Blackwater, see https://www.democracynow.org/2016/11/21/jeremy_scahill_tigerswan_security_linked_to.

⁸⁵ “A Call for Justice Dept to Act on DAPL Civil Rights Abuses,” *Indian Country Today Media Network*, October 25, 2016, <https://indiancountrymedianetwork.com/news/a-call-for-justice-dept-to-act-on-dapl-civil-rights-abuses/>.

spray, tear gas and a sound cannon.⁸⁶ The Morton County Sheriff's Office (MCSO) announced that 141 protesters were arrested, bringing the number of those arrested since the movement began to more than 400.⁸⁷

On November 2nd of 2016, after a Water Ceremony held on the Cannonball River, Protectors made their way to "Turtle Island."⁸⁸ Turtle Island is currently held as federal land under ACE jurisdiction. Protectors contest the jurisdiction and the presence of law enforcement, stating that not only does Turtle Island belong to the Tribe under the Treaty of 1851 but that the place is also a sacred burial ground. With the still warm weather, a makeshift bridge of plywood was constructed across the river to allow Elders access to Turtle Island to offer prayers.⁸⁹ The Protectors were met with a large law enforcement presence, some of whom subsequently tore down the bridge to block access. Determined to reach the other side of the river, many Protectors waded through the water to get across to Turtle Island. Others had canoes and motorized boats. However, Protectors were met with force by MCSO.⁹⁰ The Sacred Stone camp published the following statement on their Facebook page that day,

Police are currently desecrating the burial grounds of Alma Parkin and Matilda Galpin, the Indigenous women who once owned the Cannonball Ranch where Dakota Access is working day and night to finish their pipeline though they have no permits to cross the

⁸⁶ "Police fire pepper spray, bean bags as they oust oil pipeline protesters in N.D.," *Chicago Tribune*, October 28, 2016, <http://www.chicagotribune.com/news/nationworld/ct-dakota-access-oil-pipeline-protests-20161027-story.html>.

⁸⁷ Miller, "How the Dakota Access pipeline battle unfolded."

⁸⁸ Howard, "Timeline: History of Dakota Access pipeline.," "A Timeline of the Dakota Access Oil Pipeline."

⁸⁹ "11/2/16 Frontlines in the Water - Turtle Island," *#NoDAPL Archive – Standing Rock Water Protectors*, <http://www.nodaplarchive.com/turtle-island-november-2nd.html>. A note on my use of "Elder" is in order here. When citing to an Elder or Elders, I specifically reference on the ground discourse that addresses a vague, authoritative figure that should not be challenged. Often, campers would relate "the Elder's said so..." with no direct reference to who or why. On the other hand, I invoke the term "elder" to directly note an older, respected tribal member who is often reference as such (e.g., Tim Mentz, Sr.).

⁹⁰ Sarah van Gelder, "Building a Bridge to Turtle Island—Dispatch from Standing Rock," *Common Dreams*, November 3, 2016, <https://www.commondreams.org/views/2016/11/03/building-bridge-turtle-island-dispatch-standing-rock>.

Missouri River. They have unleashed pepper spray and tear gas on water protectors standing in the river with their hands in the air. In the last shot, notice the small tree on the top of the hill where the armored vehicles are staged. This is a grave site. This is unacceptable.⁹¹

This event came the day after President Obama stated he would let things “play out” a little more at Standing Rock before doing anything.⁹² Many participants and on-lookers took to Facebook to stream the event live. Many Protectors and supporters throughout social media shared an overwhelmingly negative response to the Obama administrations passive involvement.

The next big clash between law enforcement and Protectors would occur November 20-21, 2016. This clash took place at the Backwater Bridge on North Dakota Highway 1806, about a ¼ mile north of Oceti camp.⁹³ A barricade, comprised of concrete blockades, burned dump trucks, and razor wire, was constructed by MCSO following the October 27th event at the bridge. MCSO stated this blockade was necessary for safety reasons as the bridge had been damaged by Protectors.⁹⁴ The barricade had been another point of contestation between the Tribe, Morton County Sheriff, and the North Dakota state government, with the Tribe claiming it drastically cut off the Tribe’s economic income as well as prevented emergency services from getting through.⁹⁵ On the evening of November 20, 2016, a group of Protectors from Red Warrior attempted to remove parts of the barricade in an act of defiance. MCSO reacted by using rubber

⁹¹ Sacred Stone Camp’s Facebook page, accessed April 9, 2017, <https://www.facebook.com/CampOfTheSacredStone/>.

⁹² Rebecca Hersher, “Obama: Army Corps Examining Possible Rerouting Of Dakota Access Pipeline,” *NPR*, November 2, 2016, <http://www.npr.org/sections/thetwo-way/2016/11/02/500363689/obama-army-corps-examining-possible-rerouting-of-dakota-access-pipeline>.

⁹³ Howard, “Timeline: History of Dakota Access pipeline.”; “A Timeline of the Dakota Access Oil Pipeline.”

⁹⁴ Caroline Grueskin, “Police and protesters face off at Backwater Bridge,” *Bismarck Tribune*, November 20, 2016, http://bismarcktribune.com/news/state-and-regional/police-and-protesters-face-off-at-backwater-bridge/article_11111264-b9b3-5e7d-8ecc-40b17d324e7f.html.

⁹⁵ Rob Hoffman, “The standing Rock protesters are caught between Trump, law enforcement, and saving their water,” *ThinkProgress*, January 26, 2017, <https://thinkprogress.org/standing-rock-gets-trumped-542b38570102>. The Tribe’s casino is located near Fort Yates, ND, just a few miles south of the camps and the blockade.

bullets, tear gas, concussion grenades/flash-bangs, all at point blank range, as well as using a water cannon in subfreezing temperatures.⁹⁶ Many Protectors were injured and many experienced hypothermia, with a report of at least seventeen people taken to the hospital.⁹⁷

A young Protector from New York, Sophia Wilansky, sustained considerable damage to her arm, which she said happen when a concussion grenade was intentionally thrown at her.⁹⁸ This event has been under considerable scrutiny by the FBI, with MCSO claiming no concussion grenades were used that night but instead that they used flash-bangs.⁹⁹ More so, MCSO claims that Wilansky was injured when she tried to set off a homemade propane gas tank bomb along with several others under the bridge.¹⁰⁰ This high-intensity event resulted in increased tensions within the camp. The tension between the leaders of Red Warrior camp and the Elders would continue to build throughout the week leading to a rift on November 25th when the Elders named official leaders of the camp.¹⁰¹ Red Warrior camp would eventually leave in the following

⁹⁶ “Officials defend using water hoses on Dakota pipeline protesters in 20-degree weather,” *Chicago Tribune*, November 21, 2016, <http://www.chicagotribune.com/news/nationworld/ct-dakota-pipeline-protest-20161121-story.html>.

⁹⁷ Merrit Kennedy, “Police Protesters Clash Near Dakota Access Pipeline Route,” *NPR*, November 21, 2016, <http://www.npr.org/sections/thetwo-way/2016/11/21/502865857/police-protesters-clash-near-dakota-access-pipeline-route>.; John Hult, “Hundreds hurt as Dakota pipeline protesters clash with police,” *USA Today*, November 21, 2016, <https://www.usatoday.com/story/news/nation-now/2016/11/21/hundreds-hurt-dakota-pipeline-protesters-clash-police/94230378/>.; “A Timeline of the Dakota Access Oil Pipeline.”; “Officials defend using water hoses on Dakota pipeline protesters in 20-degree weather.”

⁹⁸ Sarah Sunshine Manning, “Bone and Muscle in Woman’s Arm ‘Blown Away’ As Hundreds Injured on Backwater Bridge,” *Indian Country Today Media*, November 22, 2016, <https://indiancountrymedianetwork.com/news/native-news/bone-and-muscle-in-womans-arm-blown-away-as-hundreds-injured-on-backwater-bridge/>.

⁹⁹ Flash-bangs are designed to make a large amount of light and a deafening boom. They are used by law enforcement to disorient suspects.

¹⁰⁰ Colin Moynihan, “Cause of Severe Injury at Pipeline Protest Becomes New Point of Dispute,” *New York Times*, November 24, 2016, https://www.nytimes.com/2016/11/24/us/dakota-pipeline-sophia-wilansky.html?_r=0. Bob Owens, “Is Pipeline Protester Wilansky Going to Face Charges as a Bomber?” *Bearing Arms*, January 5, 2016, <https://bearingarms.com/bob-o/2017/01/05/sophia-wilansky-going-face-charges-pipe-bomb-hurt/>; Julia Carrie Wong, “Standing Rock: injured protester’s father says police account is ‘bogus nonsense’,” *The Guardian*, November 23, 2016, <https://www.theguardian.com/us-news/2016/nov/23/standing-rock-dakota-access-pipeline-sophia-wilansky-injury>.

¹⁰¹ This move on behalf of the Elders was taken as an act of aggression by Red Warrior because one of the key features of the movement was that there was no defined leader(s), thus allowing this to be a movement of the people. By naming leaders, the Elders essentially told Red Warrior that they no longer could do anything without

weeks. I track and discuss the tensions and competing narratives between Red Warrior and the Elders below.

During the week of the U.S. federal holiday Thanksgiving, the camps would reach some of their highest numbers it had seen at that point. On the ground, some campers insisted that there were as many as 20,000 people there; although it is a bit difficult to track the actual number of people in camps.¹⁰² Many people came to the camps that week for a variety of reasons. Not only did the holiday allow more time for travel and participation but many of those who came did so to stand in solidarity in the Indigenous resistance to the holiday Thanksgiving (otherwise known as “Thanks-taking” in camp). Many also came as a response to the events of November 20th.¹⁰³ As a part of this resistance to Thanksgiving, there was a large direct action planned on that day. Several other actions happened throughout the week with rallies in Bismarck as well as at Backwater Bridge. Due to the massive increase in people and to keep another clash from happening, camp security blocked off access to the Backwater Bridge, only allowing those with media passes into the space. On the other side of camp, Protectors crafted a makeshift bridge to get across to Turtle Island with their endeavor being successful this time. The amount of people there was massive, including the presence of celebrities such as Shailene Woodley, Ezra Miller, Kendrick Sampson, and Matt McGorry. Elsewhere in the Standing Rock Sioux Reservation, Jane Fonda hosted a Thanksgiving meal for Protectors and the larger community.¹⁰⁴

permission. This would be met with considerable opposition by Red Warrior, who in response planned several actions on November 26—without permission.

¹⁰² Participants I know who had been in the camps for extended periods of time often related that at one point the camps were the fifth largest “city” in North Dakota. Again, it is a bit difficult to track these claims, but they reveal a discourse on the ground about how Protectors view the movement.

¹⁰³ The range of why people came that week represented here were told to me in conversations throughout the camp that week.

¹⁰⁴ Julia Brucculieri, “Jane Fonda and Shailene Woodley to Serve Thanksgiving Meals at Standing Rock,” *Huffington Post*, November 24, 2016, http://www.huffingtonpost.com/entry/jane-fonda-shailene-woodley-to-serve-thanksgiving-meals-at-standing-rock_us_58371539e4b09b6056004b71.

One of the biggest blows the Protectors would face at this time came on November 25th, when the U.S. Army Corps, along with the state of North Dakota, announced their first eviction notice for Oceti stating the camp needed to be disbanded by December 5, 2016.¹⁰⁵ Defending its positions, the ACE and then-Governor of North Dakota, Jack Dalrymple, stated a main concern with the rough North Dakota winter and the impending flooding in the area afterwards.¹⁰⁶ Largely, the response by the Oceti people was that they had been in the area for tens of thousands of years—they know how to survive in the winter. More so, the sentiment from Protectors was that if the ACE truly cared about the safety of the people, they wouldn't allow the pipeline to be built.¹⁰⁷ The eviction notice brought on more tension within the camp. Across the nation, U.S. veterans, connected through a large social media campaign, vowed to gather at Oceti on December 4th of 2016 to physically stand in-between Protectors and possible aggressive law enforcement.¹⁰⁸

On December 4th, Assistant Army Secretary for Civil Works Jo-Ellen Darcy declined to allow the pipeline to be built under Lake Oahe, in part asserting that alternate routes needed to be considered. In a responding statement, Energy Transfer Partners called the decision politically

¹⁰⁵ Martha Ann overland, "Army Corps of Engineers Tells Pipeline Protesters to Leave Camp by Dec. 5," *NPR*, November 25, 2016, <http://www.npr.org/sections/thetwo-way/2016/11/25/503379401/army-corps-of-engineers-tells-pipeline-protesters-to-leave-camp-by-dec-5>. "Orders could have little effect on pipeline protest camp," *Chicago Tribune*, November 28, 2016, <http://www.chicagotribune.com/news/nationworld/ct-dakota-access-pipeline-protest-20161128-story.html>. See U.S. Army Corps eviction notice, <http://rabbitsliketrumpets.typepad.com/EVICTION.pdf>.

¹⁰⁶ Dana Farrington, "N.D. Governor Issues Evacuation Order for Pipeline Protest Area," *NPR*, November 28, 2017, <http://www.npr.org/sections/thetwo-way/2016/11/28/503663673/north-dakota-governor-issues-evacuation-order-for-pipeline-protest-area>.

¹⁰⁷ These sentiments were related to me in personal conversations in camp shortly after the eviction notice was released.

¹⁰⁸ Melanie Eversley, "2,000 veterans to give protesters a break at Standing Rock," *USA Today*, November 30, 2016, <https://www.usatoday.com/story/news/2016/11/30/veterans-give-protesters-break-standing-rock/94698198/>; Daniel A. Medina, "Standing Rock Protest: Veterans Pledge to Protect Protesters," *NBC News*, December 2, 2016, <http://www.nbcnews.com/storyline/dakota-pipeline-protests/brutal-winter-conditions-deepen-pipeline-protesters-resolve-n690791>.

motivated and accused the Obama administration of delaying the matter until he leaves office.¹⁰⁹ This denial of the permits was celebrated heartily throughout Oceti camp, inspiring masses of dancing, drumming, and singing. Fireworks lit up the sky that night. But the news was taken as bittersweet. The Protectors celebrated the victory but knew the fight was not over.¹¹⁰ The construction of DAPL would continue despite the Obama administration ruling. Protectors also knew that the future of DAPL was still in limbo with a new presidential administration just weeks away. Due to the rapid and continuously changing events and litigation related to the movement, my analysis and discussion will be limited to contextualized events prior to the Obama administration's December 4th ruling refusing to grant the permits.

¹⁰⁹ “A Timeline of the Dakota Access Oil Pipeline.”

¹¹⁰ “Standing Rock celebrates as US Army Corps stops pipeline construction,” *USA Today*, November 25, 2016, <https://www.usatoday.com/videos/news/nation/2016/12/05/standing-rock-celebrates-us-army-corps-stops-pipeline-construction/95006160/>. “DAPL Easement suspended, But the Fight’s Not Over,” *Camp of the Sacred Stones* Weblog, entry posted December 5th, 2016, <http://sacredstonecamp.org/blog/2016/12/2/obama-administration-denies-final-easement-whats-next> (accessed April 17, 2017).

FIELD NOTES:
Observations of Camp Life and Ritual Acts

I visited the camps twice over an extended period. In what follows, I provide a brief discussion of my field notes and observations from both of my trips, providing comparative commentary where needed. I make observations of camp structure, camp life, ritual acts, and understandings of ceremony within the space. The camp structure, and overall camp life, changed over short periods of time as the movement shifted and grew. Instead of tracking the continuous camp changes, as I am not sure this can ever truly be pieced together, I will highlight the overarching themes of behavior, sacred spaces, and social divisions that presented themselves throughout the year. For a clear and concise recounting of my observations, I approach my field notes in a chronological order; discussing my first trip followed by my second. However, I do provide a few exceptions. In my notes from September/October, there are some observations that require an immediate contrast with my observations in late November.

While I personally stayed in the Rosebud camp, the Oceti Sakowin camp was the principal space for ritual acts that I observed. I will be discussing both spaces as they pertain to my experience and knowledge of the movement. I am unfamiliar with camp/ritual life of Sacred Stone camp beyond what I have seen on social media, therefore, I will not be speaking on Sacred Stone camp unless otherwise pertinent. In the same vein, I will not be speaking on other smaller camps, such as Treaty Camp or Last Days Camp, unless necessary. My primary focus for analysis will be Oceti as I discuss ritual life and ceremonies. The ritual life and ceremonies at Standing Rock were scaled, with direct actions being framed by ritual acts which were connected to a larger cosmological understanding of prophecy. Therefore, all seemingly mundane acts, such as raising a fist or cooking were framed by the Black Snake/Eagle and Condor prophecy.

Having left Boulder, Colorado well before the sun began to rise; I drove straight through to the camp sites on my own. With notes from friends who had already visited, my directive was to set up camp in Rosebud, located on the south side of the Cannonball River. Rosebud, or Sicangu, camp was established in August of 2016 by members of the Rosebud Sioux Tribe. The camp sits on tribal land as part of the SRS reservation. The road into the camp continues east and eventually leads to the west entrance of Sacred Stone camp. Across the river sits Oceti camp, originally known as the overflow camp with Sacred Stone being the dominant camp. Eventually, as the movement grew, the overflow camp transitioned to the main camp with Rosebud and Sacred Stone being used as secondary spaces. Both Rosebud and Sacred Stone offer different atmospheres for people who may not have wanted to stay in the large and active Oceti camp.

I arrived at Rosebud camp on Friday, September 30th, 2016. I had reached my destination around 6pm with the sun beginning to set. I quickly set up my one-person campsite close to the communal area, for safety reasons as well as a desire to be near the space people primarily engaged in. After setting up my tent, I carted my donation items over to the kitchen/pantry area. Dinner was being served around this time as well. At Rosebud, every meal began with a prayer, followed by a circle greeting. This entailed every person circling the group shaking everyone's hand and offering a greeting. Essentially, the circle wrapped in around itself where every person both offered and received a greeting. Again, this occurred at every meal. This same practice was still occurring when I returned in November.

The Rosebud camp had a small kitchen, communal/cooking fire, and a storage tent. The camp also had ritual spaces such as a sacred fire and a sweat lodge. By my return in late November, the kitchen would be expanded as well as the following added features: a mess hall, a pantry tent, a vegetable storage tent, a donation tent, a tipi construction site, a compost area, a

pen for pigs and chickens, and a second sweat lodge. The sacred fire, originally just the pit with a constructed medicine wheel, would be “upgraded” to a full-blown structure ready to fend against the impending North Dakota winter. Rosebud camp was small at this point, hosting maybe 75 people consistently, with various people coming in and out over the weekend. That weekend, I was told by someone who had been living in the camp for about 3 weeks they figured there was around 150 people there with possibly 2,500 to 3,000 people across all the camps. I integrated myself into the kitchen, helping with meal prep, cooking, and dishwashing. Jobs were shared in order for the camp to function properly and everyone was expected to help in one way or another. There was construction, water gathering, kitchen duty, dish duty, clean up, security, and many other small jobs that were performed for the efficiency of the camp. This same model was employed in both Oceti and Sacred Stone as well.

The camps, or prayer camps as they are called, were structured so that Water Protectors knew that camp life itself was being regarded as a ceremony, and one must conduct themselves in a ceremonial manner, as a standing ideal for behavior. A large portion of actions were framed by ritual acts, such as prayer, songs, chants, drumming, or smudging. These ritual acts were done in relation to the prophecy. Signposts of “Direct Action Principles” were stationed throughout the main camp. The Direct Action Principles were a significant avenue of conveying not just the features of the movement but how those goals are embodied. As articulated on such signs, the Direct Action Principles were presented as such:

1. We are ~~protesters~~ protectors.
2. We are peaceful and powerful.
3. ‘_____isms’ have no place here.
4. We are non-violent.
5. Respect the locals.
6. We are proud to stand. No masks.
7. No weapons (or what could be considered one.)
8. Property damage does not get us closer to our goal.

9. All campers must get an orientation.
10. Direct action training required for all taking action.
11. No children in potentially dangerous situations.
12. We keep each other accountable to these principles.
13. This is a ceremony. Act accordingly.

In addition, a large sign was posted at the front entrance to Oceti camp stating, “no guns, drugs, or alcohol.” More importantly, this sign clearly stated that this was a “*prayer camp*.” Before even entering the space, participants were instructed to act and behave a certain way that aligns with and actively constructs the mission of the movement and the rules of the community. Sacred Stone camp had similar signs at their entrance gate, warning of no use of guns, drugs, alcohol but also a clear statement of the nature of the space.

Walking through Oceti camp Saturday afternoon, October 1st, 2016, to observe the structure and camp life, it was immediately clear how ritual acts framed day to day practices that otherwise appear mundane.¹¹¹ Every meal began with a prayer and offering to ancestors. Drumming and song filtered through the mundane acts of cooking, wood chopping, or construction. At night, ritual acts took a more structured aspect, with gatherings around the sacred fire as well as sweat lodges that had been erected. Ceremony was largely constituted in these restricted spaces, the sacred fire and sweat lodges. The central feature of Oceti was the sacred fire and the Sacred Fire stage. This was the primary communal space for Oceti with a posting of Direct Action Principles, listings of people looking for rides, listings of where someone had set up camp and for others to come find them, one of the kitchens was located just to the side, seating for Elders under a tarp canopy, as well as the emcee station hooked up to a

¹¹¹ Here, in my use of ritual acts, I acknowledge that there are multiple types of ritual acts occurring throughout the day. Specific Oceti rituals, pan-Indigenous rituals, and non-Oceti Indigenous rituals had all occurred in the camps and in the sacred fire space. When discussing a particular ritual act, I designate who is performing the act.

mic system. The emcee would make announcements throughout the day about anything and everything: when food was ready, when someone was looking for someone, if a lost item was found, to announce that something was lost, to broadcast jokes, and diverse range of other things. Most notably, gift giving, dancing, and song were offered in this space. When a visiting tribe, international group, organization, or otherwise-marked group came, it was expected that they provide a gift or offering to the camp, which symbolized the Tribe. In return, they were acknowledged and made to feel welcomed.

Somehow, this evolved into the giving of flags joined with a song, prayer, or dance. These flags, a symbol of solidarity and unification, lined the roads and boundaries of camp. The flags “symbolically and literally frame the protest and the people involved in it,” as noted by Greg Johnson and Siv Ellen Kraft in their collective field notes.¹¹² They also estimated approximately 300 flags at the time of late September, early October. Although a communal space, the understanding that this was also a sacred space structured specific behavior and mannerisms. Therefore, no photography or videoing were allowed unless otherwise specified.¹¹³ As the movement shifted and grew, this restriction was also placed on drones, with no filming of sacred spaces allowed. During my subsequent trip in late November, I was told that the media

¹¹² Greg Johnson and Siv Ellen Kraft, “Standing on the Sacred: Ceremony, Discourse, and Resistance in the Fight against the Black Snake,” *Journal for the Study of Religion, Nature, and Culture* 11 (forthcoming).

¹¹³ Johnson and Kraft discuss that the restriction of photography and protocols in the space reflect the “pervasive language of ceremony” as seen at Standing Rock. For a discussion of photography and sacred spaces in the Hopi context, see Kevin R. Kemper, “Sacred Spaces: Cultural Hybridity and Boundaries for Visual Communication about the Hopi Tribe in Arizona,” *Visual Communication Quarterly* 19 (2012): 216-231. Kemper argues that restriction of photography and video in sacred spaces is a way for the Hopi to exercise sovereignty over visual communication about them. The Hopi “exert control over images and ideas in shared spaces, or where tribal and nontribal cultures coexist.” Such resolutions reflect a history of misappropriation of photos and other images in stolen spaces by colonizers. This example of photography in Hopi sacred spaces can be easily mapped into the Lakota context at Oceti camp.

tent would review photos and footage, drone or otherwise, and asserted authority to delete any materials that did not follow their prescribed guidelines.

While observing the camp that afternoon of October 1st, an Aztec dance troupe from Minneapolis was performing throughout the camp. They made their way through camp in a counterclockwise path, stopping to perform at designated spots. It is unclear to me if each spot was specified in advanced or decided upon spontaneously. Watching them perform near the entrance to Red Warrior Camp, established within Oceti boundaries, they offered that particular performance to Red Warrior in thanks for what they have offered to “the battle.” They finished with a final performance in the Sacred Fire stage area. After dancing, the troupe leader spoke about the prophecy of the South American condor and the North American eagle coming together to defeat the black snake finally coming true. This prophecy was one of several articulated in the discourse of Standing Rock, both on the ground and in the media. For me, this was the first time hearing any sort of prophetic rhetoric in relation to Standing Rock, even having been tracking the movement online for about two months at this point. Since then, it seemed impossible to find a discussion of Standing Rock without some relation to a prophetic utterance—especially that of the black snake.¹¹⁴

At Rosebud, I particularly helped in the kitchen. There, I developed friendships with several of the women who were central leaders in the camp. Through these connections, I continued to be kept informed about on-the-ground occurrences after leaving. The grandmas of the camp created a “Women’s Circle,” to address issues regarding women in the camp as well as brainstorming what women could do to help the success of camp. I was brought into the

¹¹⁴ The coming of the Black Snake and the Eagle and Condor killing the Black Snake are two different prophecies. I discuss the differences and invocations of both later.

“Women’s Circle,” where I sat in on a larger discussion of gender at Standing Rock. There were defined ritual markers surrounding women regarding their involvement in ceremonies during menstruation as well as appropriate dress during ceremony. In September/October, these protocol markers were seen on a small scale, regarding specialized ceremonies. By my return in November, the discussion of protocol markers was heard on a larger scale as the concept of ceremony had shifted. These ritual markers of menstruation and dress illuminates a distinct cognizance of ceremony in the camps pertinent to my observations of how ceremony was being enacted and performed.

My principal reasoning for visiting the camps in late September, early October was to get a sense of on-the-ground actions and rhetoric; to form an awareness of camp life and converse with those participating about their reasons. Because it was a last-minute decision to go to Standing Rock, I did not apply for an IRB. At the camps, I did not interview or record anyone I talked with. Instead, I observed and listened. My observations informed my return to the camps in late November. Again, I did not apply for an IRB nor did I conduct interviews or record anyone. My November trip was to specifically continue observing the distinct religious rhetoric framing the movement. Comparing September/October to late November highlights the increased and deepened religious discourse within the movement.

From my first visit to my last, the presence of law enforcement and use of surveillance had also heavily increased. In September/October, small puddle planes would fly low over the camp consistently through day and night. A camper told me this was intended to be a form of psychological warfare to keep them paranoid. By November, large flood lights stood between the north side of camp and the pipeline, illuminating camp throughout the night. A professor from University of Colorado Boulder in the ethnic studies department related her experience at

Standing Rock, noting how the lights were another form of psychological warfare—a constant reminder of surveillance and presence of not only law enforcement but also the pipeline. The bridge blockade had also been established by this time, backed by heavily armed law enforcement from several agencies, tanks, Humvees guarded by razor wire and concrete blocks. The size of the camp had also grown exponentially; with claims in the camp that around 20,000 people were there. Again, though, it is a bit difficult to track such claims.

During the events of “Backwater Sunday,” I was caravanning to Standing Rock with several other CU graduate students. We spent much of our trip watching and tracking the LiveFeed of what was taking place at the Backwater Bridge, including the injury of Sophia Wilansky. When we arrived at camp on November 21st, 2016, the atmosphere was tempestuous. Throughout the next few days we heard personal accounts from people involved, whether they were on the frontlines, helping with medical needs, or getting injured people to hospitals. Various emotions flooded throughout the camps over the week—anger, sadness, vulnerability, and the desire for justice (or possibly even vengeance). The response to Backwater Sunday by leaders and participants alike would produce various outcomes in the weeks that followed.

Since my last visit, the expression of prophetic idioms, religious rhetoric, ritual acts, and the framing of ceremony had heightened. Where ceremony and ritual was once contained in distinct ritual spaces, the whole of camp was now a ritual space in a more palpable sense. In September/October, the conceptualization and enacting of ceremony had transformed from localized, specific acts to a broader usage of the whole movement being a ceremony. My intent here is not to analyze why this shift occurred or analyze social movements in general, but to think in a focused manner about the role of religious discourse in acts of refusal. An example of this growth can be observed in the ritual markers surrounding women. Women were asked to

abstain from ceremonies during menstruation as well as to dress in skirts when partaking in ceremonies. During my first trip, this was understood to be specific ceremonies such as a sweat or dance. By November, women were asked to wear skirts at *all* times as per one prevailing interpretation of the principle, “This is a ceremony. Act accordingly.” Ritual guidelines no longer pertained to just particular ritual acts but to the camp as a whole, in a much more explicit way than I had previously experienced. Likewise, menstruating women, generally absent from ritual acts, were instructed to stay in their personal camp space and not interact with anyone or anything.

During my visit in November, I continued to help in Rosebud camp as they prepared for winter. I also continued observing ritual acts such as the morning Water Ceremony. Every morning, well before the full rise of the sun, an Uncle got on the mic to wake everyone up for the day. “You are not here to sleep,” he would state. “You are warriors. Here to protect the water. Get up!” While Rosebud seemed to take a little longer getting up for the day, Oceti was gearing up and going at 5:30 am or 6 am by the time Uncle got to the mic.¹¹⁵ Shortly after, drumming and song would echo his morning calls. On some days, it seemed like they were driving around in a truck or car, drumming and making the morning wake up call. Other days, it seemed stationary from the Sacred Fire stage. On Tuesday night, as I was hanging out by the Sacred Fire, it was announced that a morning Water Ceremony would take place at 8am. Having arrived on Monday evening, I cannot speak for Monday morning but there was no Water Ceremony on Tuesday.

¹¹⁵ Like Elder, “Uncle,” as a non-biological familial marker, denotes someone with a level of authority. While Elder is generally gender neutral, Uncle and Aunty distinguish gender.

The ceremony started out at the Sacred Fire stage. The leaders were two or three women, whom I assumed were in their thirties or forties, accompanied by a group of men drumming and singing. They had everyone circle together, standing shoulder to shoulder. There were so many people gathered that the “circle” wrapped around the surrounding buildings and up and down the roads. My estimation was that about 150-200 people had come. One of the women, the main speaker, conveyed that the reason “Backwater Sunday,” as it had been dubbed, occurred was because they forgot to pray to the water—they forgot why they were there. To restore balance and bring the goals of the movement back into focus, morning Water Ceremonies needed to be restarted and happen every morning. As the men sang and drummed, one person walked around with a bucket of burning sage for everyone to smudge and another person followed behind with a bowl of loose tobacco.

We were instructed that we would march down to the north bank of the Cannonball River as one group and spread out across the bank as far as we could reach. The leaders and Elders gathered in the center, on a make-shift dock, where they performed songs and offered prayers.¹¹⁶ Everyone was invited to pray individually as well as in whatever ways they felt comfortable in. After, everyone would toss their little bundle of tobacco into the water as an offering to the spirits, to the water, and to life. Having tossed my tobacco in, I climbed back up the ridge of the bank to continue watching. On one part of the bank, a group from Aotearoa was performing Haka (a traditional Maori ritual performance). In another place, a couple of women, whom I assumed to be Muslim by their wearing of a traditional hijab, were praying. And in another location, a Buddhist monk, wearing his full robes, was also prostrating. People from all over the

¹¹⁶ Before walking to the bank, the woman on the mic announced that Elders be allowed to go first and stand near the dock.

world, from different communities, from different faiths all gathered together to pray to the water. This ceremony happened every morning for the rest of my time there.

Specifically framed sacred spaces, themselves, had been expanded since my last trip. The Sacred Fire stage was the emphasized sacred space, and continued to be, as this was the space for communal ritual acts. Over those 2 months, though, the creation of the Seven Council Fires space within Oceti camp marked a momentous occasion for the Oceti people. The Seven Council Fires, or all tribes comprising of the Oceti people, have not gathered together since the Battle of Greasy Grass in 1876.¹¹⁷ For 140 years, the Oceti people have not been in one communal place. This was highly significant for the community. The Seven Council Fires was constructed in a circle with a tipi placed for every language group—the Eastern Dakota (Mdewakanton, Wahpekute, Sisseton and Wahpeton), the Western Dakota (Yankton and Yanktonai), and the largest, the Lakota (Teton).¹¹⁸ There was a sacred fire in the center. The cyclical construction not only fostered a communal “togetherness,” but also represented a Native ontology of time. For many American Indians, time is understood as cyclical and the temporal plane can be crossed through spiritual actions. Ritual acts that occurred in this space were both communal and private. There was a fire keeper and anyone could visit the fire throughout the day or night, however, tribal spiritual leaders, each representing a regional group, would perform private ceremonial gatherings.

On the morning of Thanks-taking Day, as it was known throughout camp, I watched the Water Ceremony from the Rosebud side of the river as the first snow of the season dusted the ground. As breakfast was wrapping up, we got word that there was an action taking place at the

¹¹⁷ Otherwise known as the Battle of Little Big Horn.

¹¹⁸ Feraca and Howard, “The Identity and Demography of the Dakota or Sioux Tribe,” 81. These regional language groups are broken down further into sub-regional and dialectic groups.

Backwater Bridge, where access had previously been restricted. When arriving at the bridge, people were returning to camp as the Elders requested everyone leave.¹¹⁹ Word spread that the action was unsanctioned, with Red Warrior leading it. Standing to the side of the road watching everyone return, there were chatters that another event was happening at Turtle Island and it was clear people were making their way across the marsh. My companions and I returned to our campsites to gather supplies to trek out to Turtle Island. By this time, our group had increased by one after I met a former graduate of the Religious Studies Department here at CU. While hanging around Rosebud camp, a flurry of events began to occur.

There were rumors throughout that MCSO, stationed again at Turtle Island, had live ammo—instead of the usual rubber bullets. The various people in charge of the camp gathered into vehicles in a hurry, calling all those with a media pass to go with them. A main prerogative of the actions was to record everything since there was an absence of mainstream media doing so. They would eventually set up in the marsh just east of Sacred Stone, across the river from both Turtle Island and where Protectors were gathering. One of the CU graduate students I traveled with had a media pass, in the haste of events they got caught into going with the group. Concerned for their safety, I expressed if they wanted to stay, they didn't have to go. One of the prominent people who had been a part of Rosebud camp overheard and declared, "this is what you came for." This expression is not an outlier in sentiments by many Water Protectors, but was a mantra. In this framing, the notion of sacrifice and putting oneself in harm's way was necessary for the water must be protected at all costs. Articulated this way—as a possible cost of defending the sacred—such a statement reflects prevalent warrior attitudes I experienced in the camps.

¹¹⁹ When walking to the bridge, I was told by those by those leaving back to camp that "the Elders said...", without ever noting who in fact were the Elders or gave the orders. Everyone was expected to follow these orders and those who did not were publicly scolded.

While my colleague joined the media groups across the river, the rest of our group and I made our way to the action site.

There was heavy law enforcement present during the Thanks-taking Day action. Fortunately, though, there were no violent incidents between law enforcement and Protectors. Similar to the November 2nd action, Protectors attempted to construct a floating bridge to get across to Turtle Island to pray. Protectors worked on constructing the bridge amidst burning tobacco and sage, drumming, and singing. Eventually, a large procession entered into the space led by smudgers, drummers, and singers. The procession stopped behind the construction crew to offer prayer before relating the Direct Action Principles once again. Once the prayer was completed and people were reminded of their mission (in a sense), the crowd dispersed with a select group built a fire and set up an area for elders to sit. Women singers surrounded the fire and the elders and offered continuous song throughout the day while holding banners or raising a fist.

The bridge was successfully constructed and established across the waterway. Others constructed a canoe pulley system to bring people to the bank of Turtle Island. Elders, dancers, drummers, and singers gathered on both sides of the river offering prayers and songs to those buried on the mound. MCSO repeatedly announced over bullhorn that they were taking this as a sign of aggression as well as stating that the camps would not be raided, seemingly acknowledging the constant worry and rumors that Oceti, on ACE federal land, would be raided. Protectors responded with various calls such as “you’re on sacred land,” “this is treaty land,” and “go home to your family and eat your turkey.” The action would go on all day continuing into the next but most people left by the evening. Camp continued to be tense. The action was called

off mid-way through, as the Elders became fearful for the heavy law enforcement presence.¹²⁰ In terms of social hierarchies, when the Elders make an order everyone was expected to follow. The situation became strained, though, when people refused to leave; mainly under the directive of Red Warrior representatives.

Friday was, again, tempestuous, as emotions rose and competing groups challenged one another. I spent much of Friday morning with friends in Pueblo camp, helping organize the kitchen and construct a yurt. Pueblo camp was preparing for a traditional Pueblo ceremony where only Pueblo people were invited. After helping around, my two friends from Sandia Pueblo and I explored more of Oceti before they planned to leave the next day. Their community had come together to purchase thousands of dollars of supplies and firewood (for the ceremony) and they had been entrusted to deliver it. Eventually, we made our way to the Sacred Fire where an Indigenous group from Mexico, the Purépecha people, was offering prayer, song, and blessing.¹²¹ The leader, who intoned the prayers, only spoke Spanish. There was no translator but the message seemed to carry throughout the crowds—solidarity. The situation turned awkward, to say the least, when in the middle of their song, a drum line of Lakota men entered the space. They had marched up the road, coming south from the river into the Sacred Fire stage.

The procession was led by prominent leaders holding Eagle Staffs and the Chanunpa, or Sacred Pipe.¹²² Behind them stood five younger men followed behind by family and friends.

¹²⁰ Discussions throughout the action began to change as people shared among each other that the Elders said to lead, with no clear distinction of who said what.

¹²¹ The Purépecha a group of Indigenous Peoples located in the northwestern region of the Mexican state of Michoacán.

¹²² The Eagle staff is commonly made much like a shepherd's staff, wrapped in buffalo skin, and adorned with eagle feathers. For a contemporary discussion of the Eagle Staff, its use, and its meaning see, Sonny Skyhawk, "What Is the Eagle Staff?" *Indian Country Today Media*, November 11, 2011, <https://indiancountrymedianetwork.com/news/what-is-the-eagle-staff/>. For more on the Sacred Pipe, see John Neihardt, "The Offering of the Pipe," in *Black Elk Speaks*, ed. John Neihardt (Albany, NY: State University of New York Press, 2008).; John L. Smith, "A Short History of the Sacred Calf Pipe of the Teton Dakota," *Museum News* 28

They walked into the space drumming and singing, the sounds competing with and drowning out the song of the Purépecha. The crowd obviously didn't know what to do in the situation as both groups continued with their singing and drumming. The Lakota group's song ended and they stood there at the edge of the crowd as the Purépecha finished their offering. The visiting group had gone to Wal-Mart and purchased several duvets to offer to the leaders of Oceti. Phyllis Young, one of the key leaders and tribal Elders of Oceti accepted the gifts and reciprocated with gifting the Purépecha leaders with Pendleton blankets, a traditional ceremonial gift of wrapping the blanket around the receiver.

When this ceremony of gift-giving was over, the Lakota men went up the "platform" and immediately began their ceremony. The group was led by Chief Arvol Looking Horse, a highly visible Elder throughout Indian Country. He has been an authoritative voice since the Red Power movement. He spoke of the increased violence and disobedient behavior that is prevalent in the camp—seeming to passively address Red Warrior camp actions. The Elders had decided to appoint clear and defined leaders of the movement. They chose five younger men who had been present in the camp since the beginning. This was clearly a shocking moment for many in the crowd as one of the prevailing characteristics of the movement had been that there was no defined leadership, that this is a movement of and for the people.¹²³ They announced that no action or event would be allowed unless otherwise approved by the new leadership. Red Warrior, the leading group in organizing direct actions, took this as a personal attack. Chief Looking Horse finished by placing a blessing on the five men.

(1967): 1-37.; Arvol Looking Horse, "The Sacred Pipe in Modern Life," in *Sioux Indian Religion: Tradition and Innovation*, ed. Raymond J. DeMallie and Douglas R. Parks (Norman, OK: University of Oklahoma Press, 1987).

¹²³ A *New York Times* article by David Treur, "An Indian Protest for Everyone," discusses this feature of not having clear, defined leadership.

When he was finished, a representative of Red Warrior came up to the microphone. There, he announced that Red Warrior would be hosting a concert with well-known Indigenous artists at the direct action training site, located at the northeast corner of camp closest to the pipeline. Earlier that week, Oceti had announced they would be hosting a concert at the Sacred Fire stage. The tension between the two groups was becoming explosive at this point. Shortly after, word reached camp that the U.S. Army Corps had issued an eviction notice for December 5th. Camp was in constant chatter about what approach would be taken. More news began to come in that U.S. military veterans were planning to come to Oceti and physically stand in between law enforcement and Protectors. There was so much uncertainty around what this eviction notice meant, but to those in Oceti leadership and Red Warrior, it appeared to foster tension.

The Red Warrior concert was characterized by young rap and hip-hop artists.¹²⁴ They all expressed that their performance, whether rap, hip hop, song, or spoken word poetry, was just as much a prayer as traditional forms of singing. The concert went on for several hours, with the different artists taking the stage and the occasional speech against the pipeline being spoken. On the other side of camp, at the Sacred Fire stage, there was a different kind of concert happening. The Elders had invited a folksier artist to play music as people danced. At the same time, they were building a new structure for the area, something sturdier than PVC pipe and tarps, to shield the mic and stage area from the eventual snow. As guitars strummed and people danced along, the thud of hammers meeting nail chimed in. Walking into the area, numerous people were round dancing around the fire. There were so many people that the circle had five rings to

¹²⁴ For more on the connection between marginalized groups and rap/hip hop see Russel A. Potter, *Spectacular Vernaculars* (New York, NY: State University of New York, 1995), on hip hop as “resistance vernacular.”

accommodate all those who wanted to dance. Everyone seemed to be having a great time, the atmosphere seemingly more lighthearted than that of the Red Warrior concert. There were no speeches or statements against the pipeline—it was just good music and fun dancing.

The week at Standing Rock was almost over. The next two days, were quieter with people preparing to fight against the eviction notice. Despite the Elders putting out the memo that no actions would be held without authorization of the new leaders, Red Warrior continued to plan actions in Bismarck. The new camp directive was to get all winter feature structures completed. The eviction notice emphasized the reason for forcing people to leave was safety concerns for the danger of the impending North Dakota winter. At the Red Warrior concert, one of the speakers asserted that if the ACE and North Dakota government really cared for their safety, they would not build the pipeline. Back at Rosebud, working in the tipi construction area, one of the women leaders joked that they had been on this land here for tens of thousands of years, they know how to survive the winter.

My time in the camps allowed me to observe in person how Protectors on the ground were thinking and talking about the movement, the water, and the pipeline. The Black Snake, invoked in two different prophecies, must be stopped. In one prophecy, the Black Snake is coming, therefore, any ritual actions that can detour the coming is vital. In the words of Dana Yellow Fat, the pipeline will be stopped through prayer.¹²⁵ On the other hand, the Black Snake can be defeated by the coming together of the Eagle and the Condor. Both prophecies, though, require an enacting of ceremonies and ritual acts. In the Mni Wiconi movement, I observed how non-traditional ceremonial acts, such as direct actions, marching, occupying a space, and even

¹²⁵ Emily McFarlan Miller, “Sioux anti-pipeline action sustained by Native American Spirituality,” *Religion News Service*, November 24, 2106, <http://religionnews.com/2016/11/24/sioux-anti-pipeline-action-sustained-by-native-american-spirituality/>.

chaining oneself to a bulldozer are all seen as ritual acts, as prayer. In this sense, the rhetoric of Mni Wiconi is heavily religious, at least as indicated by references to ceremony, prayer, and prophecy. At the same time, the rhetoric speaks to acts of refusal. This is an occupational decolonization movement that invokes treaty and sovereign rights in refusal to neocolonialism.

REFUSAL: An Analysis of How Indigenous Peoples Challenge Power Structures

So how does a protest become a ceremony? How does a ceremony become a protest? My goal is to address this idiom and to think about what historical, political, and social processes are being invoked and/or challenged in claiming that this is not a protest, but a ceremony. I argue that thinking about prophecy and ritual acts as a mode of refusal highlights the construction of ceremony as protest and protest as ceremony. Mohawk anthropologist Audra Simpson, in her work analyzing Mohawk refusals of recognition, pinpoints that the community deeply cares about ceremony and tradition, but those concerns are hinged to “nationhood, citizenship, rights, justice, proper ways of being in the world, the best way to be in relation to one another, political recognition, [and] invigoration of [language].”¹²⁶ In the Standing Rock Mni Wiconi prayer camps, as well as in acts of solidarity across the globe, this also holds true. Decolonization and religious acts are not mutually exclusive. For it is through prayer and ceremonial acts that decolonization can be achieved. To support my argument, I will provide context of refusal as an analytical tool before discussing prophecy and ritual as a mode of refusal.

Many of the Water Protectors in the Standing Rock Mni Wiconi movement position their refusal in distinct and experienced religious traditions. Before discussing refusal at Standing Rock, I will explore Indigenous activism and its history leading up to Standing Rock. Referring to Alfred and Corntassel’s definition of “Indigenous,” it is precisely this *oppositional, place-based existence* that characterizes Indigenous activism.¹²⁷ Numerous examples of Indigenous activism that laid the foundation for Standing Rock to occur include, but are not limited to, the

¹²⁶ Audra Simpson, “On Ethnographic Refusal: Indigeneity, ‘Voice’ and Colonial Citizenship,” *Junctures* 9 (2007): 68.

¹²⁷ Alfred and Corntassel, “Being Indigenous: Resurgences Against Contemporary Colonialism,” 597.

Occupation of Alcatraz, the Occupation of Wounded Knee, the Oka Crisis, Idle No More, and Mauna Kea. Indigenous activists have often “fought for their collective survival and recognition of their basic existence,” in many instances through “(re-)claiming a particular place or site.”¹²⁸ One of the more long-standing and most powerful tactics of Indigenous resistance in the U.S., as well as Canada, has been to occupy contentious sites. Indigenous occupations occur in rural and urban settings, each embodying struggles over land and water.

The Red Power Movement of the 60s and 70s started with the Occupation of Alcatraz. The act of reclaiming the island was done through several attempts with the fourth, and most successful, occurring November 20, 1969. Around one hundred American Indians snuck onto the Island under the cover of night with the help of the Island caretaker. When they disembarked on the Island, the group celebrated immediately with a powwow, characterized by singing, drumming, and dancing. During their occupation, they painted all over the buildings; establishing the Island for Indians only. They wrote poems, sang, issued proclamations, and adorned the structures with symbols of their occupation. The group, calling themselves “Indians of All Tribes,” occupied the Island until June 11, 1971 when the General Services Administration (GSA) removed the remaining occupiers.¹²⁹

The Occupation of Wounded Knee by members of the Oglala Sioux and the American Indian Movement is one of the more well-known Indigenous occupations in the United States.¹³⁰ Armed protesters took refuge in Wounded Knee, South Dakota in 1973 amidst political tension on the Pine Ridge reservation. During their occupation, protesters came together over a demand

¹²⁸ Barker, “‘A Direct Act of Resurgence, a Direct Act of Sovereignty’,” 45.

¹²⁹ Dean Rader, *Engaged Resistance: American Indian Art, Literature, and Film from Alcatraz to the NMAI*, (Austin: University of Texas Press, 2011), 8-10.

¹³⁰ Barker, “‘A Direct Act of Resurgence, a Direct Act of Sovereignty’,” 45.

of treaty rights and calling out the failure of the U.S. to fulfill those obligations. The occupation resulted in multiple shootouts between occupiers and U.S. Marshalls, FBI, and local law enforcement. Members on both sides suffered severe and fatal injuries throughout the seventy-one days of occupation.¹³¹

The Occupation of Wounded Knee exemplifies a common perception that Indigenous activism takes place in rural, out of site locations that are away from the public domain. In fact, though, many acts of resistance and of refusal take place in suburban or urban spaces like that of the Oka Crisis or Idle No More. The Oka Crisis of 1990 was a 78-day standoff between Mohawk warriors and Canadian police. The Mohawks of Kanehsatà:ke attempted to stop a golf course expansion that threatened burial grounds as well as Pines that were sacred to them.¹³² The movement was started by women and their cries against land expropriation; it was then taken up by the “Warrior” society. The Warriors at Oka, as noted by Simpson, “illustrates the violent, vigorous defense of territory.”¹³³ This suburban occupation not only highlights multiple levels of Indigenous occupations, but how women manage refusal.¹³⁴ These latter characteristics—urban occupation and the role of women—would distinguish the Idle No More movement twenty-two years later.

Idle No More was founded in 2012 by four women as a movement to protest legislation in Canada that they felt would weaken environmental laws that protect lands First Nations people hold sacred.¹³⁵ This ongoing movement takes place online and within urban spaces. This was a

¹³¹ B. D’Arcus, “Contested boundaries: native sovereignty and state power at Wounded Knee, 1973,” *Political Geography* 22 (2003): 415-437.

¹³² A. Simpson, *Mohawk Interruptus*, 147-151.

¹³³ A. Simpson, *Mohawk Interruptus*, 148.

¹³⁴ A. Simpson, *Mohawk Interruptus*, 148.

¹³⁵ Jack Jenkins, “The growing indigenous spiritual movement that could save the planet,” *ThinkProgress*, September 30, 2016, <https://thinkprogress.org/indigenous-spiritual-movement-8f873348a2f5#.xakisbpis>.

loosely organized grassroots political protest that sought to engage with the public and the political and encourage a community discourse as well as organizing direct action protests. The hashtag—#IdleNoMore—was used heavily across social media, connecting the movement with people near and far. The hashtag became a rallying cry for the community, urging people to engage politically. For those farther away from the larger cities, where actions took place, people could still be involved and present through social media.¹³⁶ Idle No More shifted how to think about occupations in different spaces, such as malls, schools, roads, government buildings, and social media.¹³⁷

This same tactic was adopted by Mauna Kea and Standing Rock. The occupation of Mauna Kea was in response to the proposed construction of the Thirty Meter Telescope (TMT). Some Native Hawaiians argue that the TMT would disrupt and desecrate their sacred mountain, Mauna Kea. The occupation occurred on the mountain, but the movement spread throughout social media, with the use of #WeAreMaunaKea. It also appeared in urban spaces with public and political engagement as well as protests. These movements embody an oppositional, place-based existence and an assertion of that existence through self-determination. As expressed by Noelani Goodyear-Ka'ōpua in her article, which was later submitted as evidence in the TMT court hearings, "...this settler colonial strategy of expropriation and normalization rears its head regularly against Indigenous communities and movements who insist on protecting ancestral connections to lands and waters."¹³⁸

¹³⁶ Barker, "A Direct Act of Resurgence, a Direct Act of Sovereignty," 43-44; 47-51.

¹³⁷ For more on alternate spaces and Indigenous sovereignty, see Kevin Bruyneel, *The Third Space of Sovereignty: The Postcolonial Politics of U.S.-Indigenous Relations* (Minneapolis, MN: University of Minnesota Press, 2007).

¹³⁸ Noelani Goodyear- Ka'ōpua, "Protectors of the Future, Not Protesters of the Past: Indigenous Pacific Activism and Mauna a Wākea," *South Atlantic Quarterly* 116 (2017): 184.

Indigenous activism is not solely just about resistance or protesting perceived injustice, but is typified by its ‘insisting’, by its acts of refusal. In a 2016 issue of *Cultural Anthropology*, various scholars from different fields worked on a collaborative collection regarding “refusal” as both a theoretical concept and methodology. After introducing the refusal as a theoretical concept, all four contributors take up the term and its relation to their work: Tibetan refusal of citizenship, Kahnawà:ke Mohawk ethnographic refusals, military refusal in Israel, and vaccine refusal in the U.S. To refuse is to say no, but it is so much more than that. Refusal is about the social as much as the political:

To refuse can be *generative* and *strategic*, a deliberate move toward one thing, belief, practice, or community and away from another. Refusals *illuminate limits and possibilities*, especially but not only of the state and other institutions. And yet, refusal cannot be cast merely as a response to authority, or an updated version of resistance, or a concept to subsume under already existing scholarly categories. Instead, [refusal can] be about the social as much as the political, *to be a concept in dialogue with exchange and equality* (emphasis mine).¹³⁹

Referring to Marcel Mauss’ discussion of refusal in *The Gift* (1967), refusal can be the “cutting of social relations.” More so, it can be seen in “some instances as the raising anew of obligations and rituals.”¹⁴⁰ But why refusal and not resistance? Resistance has often been conceptualized as a response to “the nature and forms of domination.”¹⁴¹ Refusal, on the other hand, can be furthered as “an element of social and political relations,” to be employed methodologically rather than just on theoretical deductions.¹⁴² Thus, refusal is genealogically linked to resistance, but aims to

¹³⁹ Carole McGranahan, “Theorizing Refusal: and Introduction,” *Cultural Anthropology* 31 (2016): 319.

¹⁴⁰ McGranahan, “Theorizing Refusal,” 319.

¹⁴¹ Lila Abu-Lughod, “The Romance of Resistance: Tracing Transformations of Power through Bedouin Women,” *American Ethnologist* 17 (1990): 41.

¹⁴² McGranahan, “Theorizing Refusal,” 320.

think critically about the social nature that “underlies all relationships, including political ones.”¹⁴³

Simpson relates ethnographic refusals by the Kahnawà:ke Mohawk in *Mohawk Interruptus* with a single word: “enough.” The limits and possibilities were expressed by one of her interviewees in that one word. Refusal, then, is the embodiment of a limit being reached—there is a refusal to continue a certain way. Refusal is not just about the political action but can also be of politics itself. Building from Simpson’s earlier works, refusal is generative. It is not necessarily an end of something, but that end gets reproduced in new ways.¹⁴⁴ Additionally, refusal is social and affiliative. It produces and reproduces community.¹⁴⁵ As stated before, refusal is not simply another word for resistance.¹⁴⁶ If resistance seeks to oppose those in power, refusal seeks to rethink and restructure the hierarchical relationship altogether.¹⁴⁷ Lastly, refusal is hopeful, and more, it is willful. There is insistence in refusal, specifically on the possible over the probable; for “if we follow probability there is no hope, just a calculated anticipation authorized by the world as it is.”¹⁴⁸

Using this approach and concept of refusal, I contend that Indigenous activism as seen in Wounded Knee, Idle No More, and Mauna Kea—and specifically Standing Rock—are not just

¹⁴³ McGranahan, “Theorizing Refusal,” 320.

¹⁴⁴ A. Simpson, “On Ethnographic Refusal.” See also Erica Weiss, “Refusal as Act, Refusal as Abstention,” *Cultural Anthropology* 31 (2016): 351-358.

¹⁴⁵ Carole McGranahan, “Refusal and the Gift of Citizenship,” *Cultural Anthropology* 31 (2016): 334-341; Elisa Sobo, “Theorizing (Vaccine) Refusal: Through the Looking Glass,” *Cultural Anthropology* 31 (2016): 342-350.

¹⁴⁶ Audra Simpson, “Consent’s Revenge,” *Cultural Anthropology* 31 (2016): 326-333.

¹⁴⁷ McGranahan, “Theorizing Refusal,” 323. For more on challenging power structures, see Elizabeth Povinelli, *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism* (Durham, NC: Duke University Press, 2002); James Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven, CT: Yale University Press, 1990).

¹⁴⁸ Mary Zournazi, with Isabelle Strengers, “A ‘Cosmos-Politics’—Risk, Hope, Change,” in *Hope: New Philosophies for Change*, ed. Mary Zournazi (Annandale, Australia: Pluto Press Australia), 244-272, quoted in Carole McGranahan, “Theorizing Refusal: and Introduction,” *Cultural Anthropology* 31 (2016): 323.

merely protests or moments of resistance but are *acts of refusal*. Each of these movements brought to light the “limits and possibilities” of the settler state and institutions which are premised on the dispossession of Indigenous peoples. Indigenous activism is not just simply a “response to authority” or revised resistance process nor is it to just be lumped under other modes of activism. Indigenous activism is incomparable as it reflects an oppositional, place-based existence that connects to broader global politics. Indigenous refusal is generative, as the next movement or action builds off the last; taking strategic successes and adding new elements each time as well as dropping some, too. Of more impact for the community, Indigenous refusal tends to produce a resurgence of cultural practices and beliefs. They are not just simple oppositions to power, but are rooted in an insistence to rearticulate the power dynamics. For, as Simpson discusses in her recent article, “Consent’s Revenge,” it is an “unequal scene of articulation,” which she deems as the ‘settler colonial present’:

How, then, do those who are targeted for elimination, those who have had their land stolen from them, their bodies and their cultures worked on to be made into something else articulate their politics? How can one articulate political projects if one has been offered a half-life of civilization in exchange for land? These people have preexisting political traditions to draw from—so how do they, then, do things? *They refuse to consent to the apparatuses of the state* (emphasis mine).¹⁴⁹

Simpson’s community and research subject, the Kahnawà:ke Mohawk, were making “very deliberate, willful, intentional actions...in the face of the expectation that they consent to their own elimination as a people, that they consent to have their land taken, their lives controlled, and their stories told for them.”¹⁵⁰ For the Mohawk, their refusal was against various forms of citizenship, and the exclusions citizenship produces, in addition to voting and paying

¹⁴⁹ Simpson, “Consent’s Revenge,” 328.

¹⁵⁰ Simpson, “Consent’s Revenge,” 327-328.

taxes. For the Oglala Sioux and AIM, their refusal was against the failure of the U.S. to fulfill treaty negotiations. For the First Nation peoples of Canada, their refusal was against a settler state that continually neglected and refused the existence of Indigenous peoples or, alternatively, worked to coopt their political will. For the Kanaka Maoli on Mauna Kea, their refusal is against a settler state that illegally occupies their land and refuses consultation, and more so, to seek *consent* from the people who consider Mauna Kea sacred. For the Oceti people at Standing Rock, their refusal is against a settler state that has not fulfilled treaty obligations and refuses appropriate consultation with the people directly impacted by the construction of a pipeline.

For the Standing Rock Water Protectors, land and water are central to their refusal.¹⁵¹ My analysis here is to consider refusal in religious practices and rituals. If refusal is about the social and the political, why not the religious as well? Due to their place-based existence, many Lakota and Dakota peoples in this area hold the river and surrounding land as sacred and to be protected. Thus, their religious expressions in honoring and protecting the land and water are also acts of refusal. Disputes over land and water are not just merely contestations of property rights and who has access; these entities spiritual and religious meaning for the Tribe and other tribal communities in the area.¹⁵² LaDonna Brave Bull Allard brought this issue to national attention because the pipeline would desecrate the burial ground of her son and father. Contested lands in the case, such as Turtle Island, have been marked as burial grounds and/or sites with culturally significant objects. The water, *mni*, is sacred. It is the sustainer of Earth and life as embodied in

¹⁵¹ For members of the community who are pro-pipeline, land and water are still a part of their experience. In these conversations I had with people not against the pipeline, it seemed that they just conceptualized it differently. On a similar note, the possibility of reward outweighs the risk. For a community with extremely high poverty rates, the possibility of economic development is hard to pass up for some members.

¹⁵² In a request for temporary injunction, the Cheyenne River Sioux claimed that a pipeline under the river would pollute the water, which is essential for their religious ceremonies. Under the Religious Freedom Restoration Act, they stated the pipeline would do irreparable damage to their religious practices. The request and religious claim were both denied standing in court.

the rallying cries of the movement, “Mni Wiconi, Water is Life.” But this settler colonial present, the “unequal scene of articulation” has neglected these considerations.

As I have argued, a crucial and essential aspect of Standing Rock is the affirmation that this is not a protest, but a ceremony.¹⁵³ There is expressed rejection of the term “protest.” Protest is understood to be the colonizer’s term, establishing that anyone who resists the dominant power is in the wrong, and perhaps criminal. More so, participants further refuse the term “protester.” Instead, they call themselves Water Protectors. In the beginning of the movement, there was a more direct engagement with the term protester, with activists directly stating, “We are Water Protectors, not protesters.” By my trip in November, there had been a shift to using only the term protector, outright refusing to acknowledge the term protester. Instead of “protests,” Protectors hold “actions” or “rallies.” But the terms actions or rallies still hold more weight than just their basic usage, for actions and rallies are also ceremonies. Therefore, ceremonial mannerisms are expected. By framing this as a ceremony and as a religious event, protectors not only refuse the position and power of the settler state, but make a deliberate move toward their beliefs, practices, and community.

This discourse of protest or ceremony has been taken up within media. On September 2nd, 2016, BBC News published one of the earlier overviews of camp and camp life. Written in the opening statement, “Indigenous people from across the US are living in camps on the Standing Rock reservation as they protest the construction of a new oil pipeline.”¹⁵⁴ An NPR article from December 11th, 2016, uses the same language, “In the midst of it all, a large group of protesters

¹⁵³ This same understanding of being a ceremony and not a protest is also present in the Mauna Kea movement.

¹⁵⁴ “Life in the Native American oil protest camps,” *BBC News: Us & Canada*, September 2, 2016, <http://www.bbc.com/news/world-us-canada-37249617>.

remains at the temporary camps on the northern edge of the Standing Rock Sioux Reservation.”¹⁵⁵ To provide another example, David Treuer (Ojibwe) wrote an op-ed in *The New York Times* titled, “An Indian Protest for Everyone.” He highlights new and creative strategies of Standing Rock making it different from other ‘Indian protests’. He goes on to make contrasting observations with the Civil Rights movement and Dr. Martin Luther King Jr., “Like African-Americans, we have fought for and won some of our civil rights. But we have always fought for something quite different than that, too. We have fought for the recognition that we are American and Indian, and that as Indians we belong to sovereign nations and have treaty rights that have always been our rights.”¹⁵⁶

Mainstream media categorized the movement as a protest, with a possible slight acknowledgement that participants call themselves “protectors”—therefore reproducing the colonial discourse that this is a protest with protesters.¹⁵⁷ This is because Indigenous Peoples are still known through the means of colonialism.¹⁵⁸ Simpson argues that “Knowing and representing people required more than military might; it required the methods and modalities of knowing”, such as categorization.¹⁵⁹ Both “military might” and “techniques of knowing” are at play at Standing Rock. While Simpson is discussing representation within anthropology, I push her ideas of “techniques of representation” into media to consider how “voice” is en masse with sovereignty.¹⁶⁰ As was seen unveiling at Standing Rock, “when the people we speak of speak for

¹⁵⁵ Ariel Zambelich and Cassi Alexandra, “In Their Own Words: The 'Water Protectors' Of Standing Rock,” *NPR*, December 11, 2016, <http://www.npr.org/2016/12/11/505147166/in-their-own-words-the-water-protectors-of-standing-rock>.

¹⁵⁶ David Treuer, “An Indian Protest for Everyone,” *The New York Times*, November 26, 2016, https://www.nytimes.com/2016/11/26/opinion/sunday/an-indian-protest-for-everyone.html?smid=tw-nytopinion&smtyp=cur&_r=1.

¹⁵⁷ Any reference to Water Protectors was generally in cases in scare quotes, providing a sense of delegitimation.

¹⁵⁸ Simpson, 2007; 2014; 2016.

¹⁵⁹ Simpson, *Mohawk Interruptus*, 95.

¹⁶⁰ Simpson, *Mohawk Interruptus*, 95-97.

themselves, their sovereignty interrupts anthropological portraits of timelessness, procedure, and function that dominate representations of their past and, sometimes, their present.”¹⁶¹

Independent media outlets tend to be better at allowing the Indigenous voice to set the parameters for their representation in journalistic writing. This is an example of an interruption of dominant representations. However, it is easy to see why much of the coverage on the event is from participants themselves covering the story through social media. Those at camp tended to broadcast actions live on Facebook, giving a personal first-hand view of police violence allowing for an interruption of representation.

NoDAPL seems to have all the qualities of resistance, recognizing and thinking about the nature and forms of domination while protesting it.¹⁶² Standing Rock, as a movement, cannot wholly be thought of as just defying those in power. Many participants and members of the Tribe reject power dynamics, in their various forms, outright. The Tribe itself is negotiating these various forms within as both a governing entity and a community. Some members of the Tribe as well as some participants in the camp called for an explicit nation-to-nation relationship of equal grounds. They asserted that the SRS be recognized as an independent, sovereign nation; not just a nation within a nation. As a government represented by Chairman David Archambault II, some tribal members and participants aligned themselves with Archambault’s call to respect the quasi-sovereign nation status as granted through the federal government. They call out the U.S.

¹⁶¹ Simpson, *Mohawk Interruptus*, 97.

¹⁶² For more on resistance, see Lila Abu-Lughod, “The Romance of Resistance: Tracing Transformations of Power through Bedouin Women,” *American Ethnologists* 17 (1990): 41-55; Susan Seymour, “Resistance,” *Anthropological Theory* 6 (2006): 303-321; Dimitrios Theodossopoulos, “On De-Pathologizing Resistance,” *History and Anthropology* 25 (2014): 415-30. In considering the intersection of resistance with myth and ritual, see Bruce Lincoln, *Discourse and the Construction of Society: Comparative Studies of Myth, Ritual, and Classification*, 2nd ed. (London: Oxford university Press, 2014); Stuart Hall and Tony Jefferson, *Resistance Through Rituals: Youth subcultures in post-war Britain*, 2nd ed. (New York, New York: Routledge, 2006).

government for not following due process and abiding by the National Historic Preservation Act to engage in full and complete consultation.

Both groups strived to articulate a relationship entirely different than the one currently in place. Some wanted to completely flip the power dynamics on its head to challenge and rethink a true nation-to-nation relationship. Others challenged that, not to necessarily displace current law, but that the U.S. government actually follow the law and fulfill its obligations. Though this latter push takes on a liberalism approach, rather than radicalism as seen by some Protectors, it still strives to challenge and rethink the power dynamics of one where the U.S. upholds its end of treaty rights and law. This re-articulation is being challenged in the courtroom but was also challenged through ritual actions. And it is this latter process that scholars should seriously consider; and not just scholars of American Indian traditions but scholars of religion broadly, especially those centering on ritual studies, social movements, lived traditions, or the environment.

So far, I have analyzed Standing Rock by providing a frame of Indigenous activism and the theorization of refusal. Aspects of the Mni Wiconi movement has sought to complicate power dynamics with the settler state, create a generative atmosphere with a centering of cultural traditions and practices, produce and reproduce community within social and political relationships, as well as inciting hope for the “willful aspect of refusal brings us back to transformation and generation, to the possibility of acting to spark change.”¹⁶³ Water Protectors and members of Standing Rock repeatedly proclaimed that the movement was a ceremony, meant for people to be peaceful and prayerful. Here, I move into my discussion of ceremony, prayer, and prophecy; for some, the pipeline is an embodiment of a prophecy coming to pass.

¹⁶³ McGranahan, “Theorizing Refusal,” 323.

Standing Rock was a refusal, but it is just as equally a ceremony. Refusal was being embodied and enacted through ceremony, prayer, and prophetic rhetoric in which ritual acts can be thought of as acts of refusal.

**CEREMONY, PRAYER, AND A PROPHECY:
The Black Snake Prophecy and Ritual Acts as Refusal**

Simpson, McGranahan, Weiss, and Sobo argued that refusal is not the same as resistance, though they are related. Resistance seeks to oppose or defy the dominant power. Refusal, on the other hand, “rejects this hi-erarchical relationship, repositing the relationship as one configured al-together differently.”¹⁶⁴ There is no denying that Standing Rock, or NoDAPL, or Mni Wiconi, whichever name is used, was an act of refusal by some participants who engage in a variety of methods to express their refusal. Many participants and members of the Tribe are not just merely opposing the United States government and the oil industry; the whole relationship between American Indian tribes and the U.S., as well as private corporations, was being challenged and rejected. In the legal setting, the Tribe, as a governing entity led by Archambault, is challenging the modes of consultation as expressed in the National Historic Preservation Act. Many Water Protectors, on the other hand, have challenged the social structures that promote and rely heavily on extractive resources. But Standing Rock was not just a protest or political movement, for it was also a ceremony. The Mni Wiconi movement provides a contemporary, in the moment example to think about ritual acts, not just political acts, as refusal. At Standing Rock, political acts were framed by ritual acts which were related to the presence of the prophecy and larger cosmological beliefs. Thus, acts of refusal were inherently enacted in some relation to the prophecies and their interpretation among Protectors.

There is a rich tradition of prophetic religious movements among North American Indigenous communities. Of course, vibrant religious traditions were practiced long before

¹⁶⁴ McGranahan, “Theorizing Refusal,” 323.

contact, including traditions of prophecy.¹⁶⁵ Religious expression continued to adapt to the arrival of European colonizers and the force of U.S. government.¹⁶⁶ Contemporary Native prophetic movements sprang up again during the Red Power movement and the rise of Indigenous activism and continue to define the ongoing vitality of Indigenous religions.¹⁶⁷ Contemporary movements, while still articulating traditional prophetic themes, are characterized by new, current themes of environmental destruction, ethics, ecology, and unity among tribes.¹⁶⁸ What is seen from these prophetic movements, even at Standing Rock, is that religious movements and religion(s) become an integral part of acts of refusal. Such movements demonstrate the interrelation between Indigenous religion(s) and sovereignty. Thinking of protests and acts of refusal as ritual acts provides a unique contemplation of lived tradition, especially in an era where Indigenous communities are actively engaging in challenging power relations through various methods of refusal.

At a 2010 International Indigenous Leadership Gathering, hundreds of audience members listened to distinguish cultural leaders from around the world. Discussions centered on Indigenous prophecy. Phil Lane, Jr., Dakota and Chickasaw Chairman of Four Worlds International Institute, was quoted as saying, “There is something that’s going to make us

¹⁶⁵ Traditions and practices pre-contact include Adena-Hopewell and Mississippi Temple mound cultures, the Natchez and the prophetic figure of the Great Sun, and the Ani-Kutani prophetic figure of the Cherokee. For further discussions on these traditions, see Lee Irwin, *Coming Down from Above: Prophecy, Resistance, and Renewal in Native American Religions* (Norman: University of Oklahoma Press, 2008), 12-41.

¹⁶⁶ Traditions and practices post-contact include Munsee religious leader Papounhan, Delaware prophet Neolin, Delaware prophet Wangomen, Seneca prophet Handsome Lake, as well as the Redstick revolt. For further discussions on these traditions and more see Lee Irwin, “Freedom, Law, and Prophecy: A Brief History of Native American Religious Resistance,” *American Indian Quarterly* 21 (1997): 35-55; Joel Martin, *Sacred Revolt* (Boston, MA: Beacon Press, 1991); Sam Gill, *Mother Earth: An American Story* (Chicago, IL: University of Chicago Press, 1987).

¹⁶⁷ Willard Johnson, “Contemporary Native American Prophecy in Historical Perspective,” *Journal of the American Academy of Religion* 64 (1996): 576.

¹⁶⁸ W. Johnson, “Contemporary Native American Prophecy in Historical Perspective,” 1996.

become a race of spiritual beings. And it's (*sic*) environmental collapse."¹⁶⁹ Chief Arvol Looking Horse, Lakota carrier of the White Buffalo Calf Woman's bundle stated, in referencing the Mayan calendar,

The brothers from the south say 2012 will be a big ceremony... Now it's 2010. It's your choice. It's always been your choice. Go back to your sacred places and ceremonies to bring the energy back. We can create the energy shift through our ceremonies and prayers...I know there are going to be many more good gatherings. It's a way of life. We can honor the grandfathers, the four winds, the ceremonies, and go back to our traditions.¹⁷⁰

Prophecy in correlation to past, present, and future are highlighted in both testimonies by Lane and Looking Horse. In the two statements, Indigenous concerns and place-based existence are present, and primary. This constant negotiation of tradition and rituals, as seen at Standing Rock, reflects a unique adaptability of Indigenous religious traditions. This adaptation has been a key part of survival post-contact.¹⁷¹ Religious vitality in the face of a looming apocalypse thus becomes a refusal of colonization and an enacting of decolonization.

The first utterance of the Black Snake did in fact not occur in the Standing Rock contestation. Though it is not my aim to track the historical invocations of the Black Snake prophecy, it is important to note that the Black Snake prophecy was called upon during the protests Keystone XL (KXL) pipeline. KXL, financed by TransCanada, was a proposed pipeline to carry tar sands from the Athabasca River Basin in Alberta all the way to the Gulf of Mexico. In an unprecedented decision, though, then-President Barack Obama denied KXL its presidential

¹⁶⁹ Dianna Meili, "Gathering Consolidates Global Indigenous Prophecy," *Windspeaker* 28 (2010): 4. <https://colorado.idm.oclc.org/login?url=http://search.proquest.com/docview/741699740?accountid-14503> (accessed March 2, 2017).

¹⁷⁰ Meili, "Gathering Consolidates Global Indigenous Prophecy," 1

¹⁷¹ Wegner, *We Have a Religion*, 2009.

permits in November of 2012.¹⁷² This was a historic and major victory for First Nations and American Indians as well as environmental groups who fought against the pipeline. The KXL protests were predominantly spearheaded by the non-profit Honor the Earth. Honor the Earth was founded to raise awareness and financial support for Indigenous environmental justice. Key people in the organization include Winona LaDuke and Tom Goldtooth.¹⁷³

Protests of KXL, such as the Reject and Protect encampment, were also characterized by ritual acts and prophetic rhetoric. Each morning, the Reject and Protect encampments, established on the National Mall in Washington, D.C., began with a ceremony around the sacred fire, which was kept burning throughout the week-long encampment. Much like with the encampments at Standing Rock, there was an understanding that Native ceremonies were outlawed for much of the twentieth century.¹⁷⁴ In *Yes! Magazine's* coverage of the Cowboy Indian Alliance and the KXL protests, it is noted, "Part of embracing ceremony is slowing down to a more human pace of organizing—one where priority is given to relationships."¹⁷⁵ The article opens up by focusing on Faith Spotted Eagle, a Dakota/Nakota elder of the Ihanktonwan tribe in South Dakota, and a vision she had about stopping the pipeline. In the refusal of the KXL and the continuous exploitation and dispossession of Indigenous peoples for natural resources, the prophecy of the Black Snake was a central facet. For many years, the "Lakota people [wondered] what the prophecy meant and when it would come to pass."¹⁷⁶ With news of a proposed pipeline, a long, tube shaped structure that would transport black oil, "some Lakota people began to

¹⁷² "Keystone XL," *Honor the Earth*, http://www.honorearth.org/keystone_xl (accessed April 19, 2017).

¹⁷³ *Honor the Earth*, <http://www.honorearth.org/pipelines> (accessed April 19, 2017).

¹⁷⁴ Kristin Moe, "How a 'Black Snake' in the Heartland Brought Spirit to American Environmentalism," *Yes! Magazine*, May 6, 2014, <http://www.yesmagazine.org/peace-justice/black-snake-in-the-heartland-spirituality-american-environmentalism>.

¹⁷⁵ Moe, "How a 'Black Snake' in the Heartland Brought Spirit to American Environmentalism."

¹⁷⁶ Moe, "How a 'Black Snake' in the Heartland Brought Spirit to American Environmentalism."

wonder if the snake appeared at last.”¹⁷⁷ In the camps at Standing Rock, I met a few people who had been a part of the refusal to KXL. The fire keeper at Rosebud Camp expressed to me, “we defeated one pipeline with prayer. We’ll do it again.” However, now with the construction of DAPL completed, the question of apparently failed ritual is pertinent and will be addressed subsequently.

As a reminder, the Black Snake prophecy as stated in the Cheyenne River Sioux’s court filing is as follows:

Long ago, Lakota prophets told of the coming of a Black Snake that would be coiled in the Tribe’s homeland and which would harm the people. In the prophecy, the snake was black, slippery, in motion, and would devour the people. Although there can be no way of knowing when this prophecy emerged into the Lakota worldview, Lakota religious adherents now in their 50s and 60s were warned of the Black Snake by their elders as children. The Black Snake prophecy is a source of terror and existential threat to the Lakota worldview.¹⁷⁸

A different utterance of the Black Snake prophecy is that of the Eagle and Condor. As related back in my field notes, the leader of an Aztec dancing group proclaimed the prophecy of the South American condor and the North American eagle coming together to defeat the black snake was finally coming true. In Johnson and Kraft’s article, Johnson notes that in his return to the camps in November, the utterance of the Condor and Eagle was much more prominent than his initial visit in late September. Contrasting from my experience, during my return in late November I did not hear about the Eagle and Condor prophecy. This is not to say it wasn’t being invoked, but that my primary interaction with prophetic rhetoric focused on the killing of the Black Snake. Expressed to me several times was that the Black Snake must be killed because it

¹⁷⁷ Moe, “How a ‘Black Snake’ in the Heartland Brought Spirit to American Environmentalism.”

¹⁷⁸ Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers, 2017 WL 90853 document 98).

threatens the very life of the people at Standing Rock and beyond. Specifically, the Black Snake *will* be killed through prayer. Native prophecy, as proposed by Irwin, is “a creative and constructive metaphor for the reimagining and reinterpretation of religious meaning from a Native point of view.”¹⁷⁹ Native prophecy as a metaphor bridges “Native values and epistemology” with “innovative religious behavior.”¹⁸⁰

Thinking about the construct of prophecy and its successes and failures, I look to Armin Geertz. Geertz takes up prophecy specifically in the Hopi community in his book, *The Invention of Prophecy: Continuity and Meaning in Hopi Indian Reservation*, arguing that prophecies are directly related to the knowledge of certain kivas/spiritual communities. He makes some integral observations of prophecies that can be applied broadly. In his discussion, “The Logic of Prophetic Rhetoric,” Geertz claims,

Under the guise of precognitive authority [prophecy] is more often than not a mechanism that incorporates contemporary affairs into the framework of traditional religious values, evaluates those affairs in terms of conceived tradition, and interprets and judges those affairs on the authority of conceived tradition.¹⁸¹

While I take issue with Geertz’s language of “guise,” which could be taken to imply insincerity, his analysis has some relevance to my interpretation of prophecy at Standing Rock. In its innovation, the Black Snake prophecy as invoked at Standing Rock “incorporates contemporary affairs,” the construction of a pipeline, “into the framework of traditional religious values.”¹⁸² Following this, Geertz asserts that “prophecy is therefore more than a connotative device,” but is also a “rhetorical device constrained by its own rhetorical logic.” With its precognitive authority,

¹⁷⁹ Irwin, *Coming Down From Above*, 9.

¹⁸⁰ Irwin, *Coming Down From Above*, 9.

¹⁸¹ Armin Geertz, *The Invention of Prophecy: Continuity and Meaning in Hopi Indian Reservation* (Berkeley: University of California Press, 1994), 51.

¹⁸² Geertz, *The Invention of Prophecy*, 51.

statements “are told under the pretense of anterior precognition (i.e., before the fact), even though in actual fact it is posterior “precognition” (i.e., after the fact).”¹⁸³ The ‘precognitive’ function of prophecy is actually tied to past experiences, informing Geertz’s argument that prophecy is a posterior “precognition.” Phil Deloria, in the foreword to *Coming Down from Above*, reinforces this idea by asserting “prophecy rests fundamentally upon a remembered purity of past condition, particularly in relation to a present from which there seems no possible escape.”¹⁸⁴ However, Geertz asserts that there are in fact some statements that are anterior and space should be given to them, stating “they cannot properly be labeled precognitive until the fact occurs.”¹⁸⁵ Prophecy is not merely spiritual but also social, political, ideological, economic, and ecological. Prophetic rhetoric is not just a prediction of the future; “rather is has moral, ethical, and religious ideals attached to it that require the message be spread to others, who then form a movement.”¹⁸⁶

Prophetic rhetoric, as Geertz terms it, is authoritative as it consists of dogmatic statements which receive their authoritative status from Indigenous ontology.¹⁸⁷ More so, prophetic rhetoric is conditional; statements presuppose their opposite or at least one or two alternatives.¹⁸⁸ Prophetic rhetoric is open ended with its use of metaphors that can be understood, misunderstood, debated, and interpreted.¹⁸⁹ Prophetic rhetoric is reflective in its use of metaphors and allusions; this is often deliberated among various interpretations.¹⁹⁰ It can often justify

¹⁸³ Geertz, *The Invention of Prophecy*, 51.

¹⁸⁴ Phil Deloria, foreword to *Coming Down From Above: Prophecy, Resistance, and Renewal in Native American Religions*, by Lee Irwin (Norman: University of Oklahoma Press, 2008), xi.

¹⁸⁵ Geertz, *The Invention of Prophecy*, 52.

¹⁸⁶ P. Deloria, *Coming Down From Above*, xi-xii.

¹⁸⁷ Geertz, *The Invention of Prophecy*, 52.

¹⁸⁸ Geertz, *The Invention of Prophecy*, 52.

¹⁸⁹ Geertz, *The Invention of Prophecy*, 53.

¹⁹⁰ Geertz, *The Invention of Prophecy*, 55.

political tactics.¹⁹¹ Prophetic rhetoric is inflective and emotive. It is changeable, absorbing new details and interpretations which can be considered as a “living ongoing process.”¹⁹² Prophecies and traditions use language capable of provoking intensely emotional reactions. The imagery used in prophetic statements often elicits such emotional responses as it “conjure[s] up ethnic or national identity and thus awaken powerful emotions and volitional resources.”¹⁹³ Irwin also frames prophecy as a rhetoric connecting to its primacy of spoken word, “Native prophets have emphatically expressed their views as a means to convince their listeners of the importance of religious knowledge and move them into a new frame of reference or into a modification of older ways of thinking or doing.”¹⁹⁴ The rhetorical aspects of prophetic teachings are intrinsic to the impact and motivating effects of the prophetic message; therefore, the rhetorical aspect is rarely separate from moral concerns.¹⁹⁵

Prophetic speech acts, specifically grounded in Native epistemologies, seek to bring about a future where Indigenous rights are guaranteed and sacred sites protected through present day actions. Prophecy is central to the refusal at Standing Rock. The battle cries of “Defend the Sacred!” and “Kill the Black Snake!” offer a unique articulation of that refusal. At Standing Rock, not only is the government or pipeline being refused, but the prophecy itself is being refused. To “Kill the Black Snake,” is to stop the prophecy from coming true. Recently, at the Denver Native Nations Rise March on the 10th of March 2017, a tribal spiritual leader declared that all prophecies have a detour, and that Standing Rock was the call to find the detour. To ensure that the prophecy was “rerouted,” in a sense, ceremony and prayer became primary acts

¹⁹¹ Geertz, *The Invention of Prophecy*, 56.

¹⁹² Geertz, *The Invention of Prophecy*, 56.

¹⁹³ Geertz, *The Invention of Prophecy*, 57.

¹⁹⁴ Irwin, *Coming Down From Above*, 9.

¹⁹⁵ Irwin, *Coming Down From Above*, 9.

of establishing the detour. At Standing Rock, the presence of prophecy in the refusal allows for a deeper discussion of lived tradition in the movement as both prophecy and refusal are generative, social, and willful.

With two different prophecies being invoked at the camps by different groups, there are ostensibly two different rhetorical structures. The prophecy of the Eagle and Condor states that the two hemispheres will come together to defeat the black snake. In this invocation, there is a global aspect as well as a desire to bring about this prophecy. The black snake *will* be killed because now the Eagle and Condor have come together. In a different reading, the prophecy states that a black snake will come and kill the people. In that sense, the ceremony was to ensure the prophecy does not come to pass, that a “detour” be found. Through refusal, as expressed in social and political actions and embodied in protests, the pipeline can be stopped. With the pipeline “failing,” the black snake would be killed and the detour around the prophecy found. However, the pipeline has been built. Thus, as seen in Geertz’s analysis of prophetic rhetoric, there is essentially a fail-safe mechanism threaded through the rhetorical structure.¹⁹⁶

The Black Snake prophecy, understood to be an existential threat to the Lakota worldview, rests on a premise of pessimism, of impending death. However, there is also a premise of hope, that if something can be done differently, if the Black Snake can be killed, the people can survive. In many Western contexts, this rhetorical style is known as jeremiad prophecy, referencing the Prophet Jeremiah.¹⁹⁷ The rhetorical structure of jeremiads follows as “promise, failure, and prophecy of future greatness.”¹⁹⁸ Another Indigenous prophecy, Sweet

¹⁹⁶ Geertz, *The Invention of Prophecy*, 51-57.

¹⁹⁷ S. David Sperling, “Jeremiah,” *Encyclopedia of Religion*, edited by Lindsay Jones, 4826-4811, Vol. 7. Detroit: Macmillan Reference USA, 2005. Gale Virtual Reference Library (accessed April 19, 2017).

¹⁹⁸ Elizabeth Vander Lei and Keith D. Miller, “Martin Luther King, Jr.’s ‘I Have a Dream’ in Context: Ceremonial Protest and African American Jeremiad,” *College English* 62 (1999): 88.

Medicine's prophecy, can also be characterized as jeremiad. This prophecy warns of what is to come, being the end of his people due to cultural contact. During a sweat lodge, a friend asked Sweet Medicine why he was so sorrowful. Sweet Medicine replied with, "Yes, it is true I am troubled. Listen to me carefully." He said these four times. "Our great-grandfather spoke thus to me, repeating it four times."¹⁹⁹ Again, we see the invoking of genealogy and the passing down of knowledge. He goes on saying,

[Great-grandfather] said to me that he had put people on this earth, all kind of people. He made us, but he also made others. There are all kinds of people on earth that you will meet some day, toward the sunrise, by a big river. Some are black, but some day you will meet a people who are white—good-looking people, with light hair and white skins.²⁰⁰

Here, Sweet Medicine is prophesizing the coming of people who are a different color. The notion of posterior "precognition," as presented by Geertz can be applied.

Sweet Medicine goes on to describe these white men, saying that the Cheyenne will recognize them by the "long hair on their faces" and "they will wear things different from your things—different clothing."²⁰¹ The white men will give material objects never before seen (mirrors and sugar). He then immediately warns, "But do not take the things they give you."²⁰²

As they look for pretty stones (gold),

They will be people who do not get tired, but who will keep pushing forward, going, going all the time. They will keep coming, coming. They will try always to give you things, but do not take them. At last I think that you will take the things that they offer you, and this will bring sickness to you (smallpox blankets).

¹⁹⁹ D.M. Doolling and Paul Jordan-Smith, "Sweet Medicine's Prophecy" in *I Become Part of It: Sacred Dimensions in Native American Life* (New York: Parabola Books, 1989), 255.

²⁰⁰ Doolling and Jordan-Smith, "Sweet Medicine's Prophecy," 255.

²⁰¹ Doolling and Jordan-Smith, "Sweet Medicine's Prophecy," 255.

²⁰² Doolling and Jordan-Smith, "Sweet Medicine's Prophecy," 55-256.

He continues to warn of all the things the “white men” will do, such as kill the buffalo, use of guns, introduction of cattle (and mad cow disease), introduction of alcohol, and the introduction of the horse.²⁰³ He warns that once they have the horse, they will act foolish traveling and going off everywhere with their arrows, “[f]rom that time you will act foolishly. You will never be quiet. You will want to go everywhere. You will be very foolish. You will know nothing.” This language of sorrow and demise is a key emotive rhetoric to these apocalyptic prophecies. Finally, Sweet Medicine ends his prophecy with the demise of his people due to the “white men,”

These people will not listen to what you say... You people will change: in the end of your life in those days you will not get up early in the morning; you will never know when day come; you will lie in bed; you will have disease, and will die suddenly; you will all die off. At last those people will ask you for your flesh [repeated four times], but you must say, ‘No.’ They will try to teach you their way of living. If you give up to them your flesh [children], those that they take away will never know anything... They will tear up the earth, and at last you will do it with them. When you do, you will become crazy, and will forget all that I am now teaching you.²⁰⁴

It’s hard to miss the pessimistic language of this prophecy. Sweet Medicine and the Cheyenne people were in the midst of their entire world changing and this prophecy, as well as others, shows a warning of maintaining the status quo:

I have seen in my mind that some time after I am dead...light-skinned bearded men will arrive with sticks spitting fire. They will conquer the land and drive you before them. They will kill the animals who give you their flesh that you may live, and they will bring strange animals for you to ride and eat. They will introduce war and evil, strange sickness and death. They will try and make you forget Maheo, the Creator, and the things I have taught you, and will impose their own... ways. They will take your land little by little, until there is nothing left for you. I do not like to tell you this, but you must know. You must be strong...because you are the

²⁰³ Doolling and Jordan-Smith, “Sweet Medicine’s Prophecy,” 256-258.

²⁰⁴ Doolling and Jordan-Smith, “Sweet Medicine’s Prophecy,” 258.

perpetuators of life and if you weaken, the Cheyenne will cease to be...²⁰⁵

The jeremiad plays a powerful rhetorical tool for Standing Rock in slightly different manner than seen in Sweet Medicine. In their discussion of why the jeremiad was a popular rhetorical structure in the African American civil rights movement, Vander Lei and Miller argue “The jeremiad fit ceremonial protests because it too framed dissent within a celebration of past promises and hope for future fulfillment of them.”²⁰⁶ The March on Washington for Jobs and Freedom and the subsequent famous “I Have a Dream Speech” by Martin Luther King, Jr., is their exemplar of “ceremonial protest.”²⁰⁷ The March on Washington and MLK, Jr’s speech, though, are a “product of African American rhetorical traditions of ceremonial protest.”²⁰⁸ In my previous section on Indigenous activism and refusal, I highlighted key facets of what may be understood as “American Indian rhetorical traditions of ceremonial protest.”

Witnessed in the Black Snake prophecy at Standing Rock, there are the basic characteristics of the jeremiad: promise, failure, and fulfillment. There is the consideration of promises being met, such as in the treaties and promise of consultation. Next, there is the failure to fulfill such promises, eliciting a threat or warning of consequence. There is the physical aspect of consequence seen in thousands of people standing against the government. But there is also a warning in that the water, a substance in which *everyone* shares, will be polluted, endangering the lives of millions. Finally, there is a sense that promise will be achieved. In jeremiad fashion,

²⁰⁵ Sweet Medicine's prophesy, as told by members of the Strange Owl family on the Lame Deer Indian Reservation, Montana, 1967, recorded by Richard Erdoes
(http://archive.adl.org/education/curriculum_connections/cheyenne_way.html)

²⁰⁶ Vander Lei and Miller, 87.

²⁰⁷ Vander Lei and Miller, 84.

²⁰⁸ Vander Lei and Miller, 84.

the Black Snake prophecy, interpreting the pipeline to be the black snake, details the inhumanity of the exploitation of Indigenous peoples.

The Ghost Dance, while not necessarily jeremiad, is an important historical event with deep connections to Standing Rock. The Ghost Dance was a prophetic movement that took hold among tribes at two different times: 1870 and 1890.²⁰⁹ The 1870 movement began with Wodziwob, a Paviotso man. Wodziwob fell into a trance where he imagined the return of the spirits of deceased Indians. This returning would change the earth into a paradise for Indians. Key features of his vision were “Eternal life for all Indians and the disappearance of all whites.”²¹⁰ The 1890 Ghost Dance spurred out of the visions of Wovoka, a prophet among the Northern Paiute. Wovoka shared to the faithful that, “if they practiced the prescribed rituals and led honest, peaceful lives, they would soon be reunited with their deceased friends and loved ones on a reborn earth.”²¹¹

The Lakota Ghost Dance is the “exemplar of Native American prophetic movements” and the one “most familiar to scholars of religion in America.” Thus, it gets “invariably” used in discussions of Native American religions.²¹² The Lakota Ghost Dance is historically a part of the Standing Rock NoDAPL movement as the Standing Rock Sioux were one of the major Oceti groups involved in the Ghost Dance under the guidance of their chief, Sitting Bull. As described in my field notes, Sitting Bull is often invoked among various groups at Standing Rock to legitimize a belief or authority. For the Elders, Sitting Bull was a prophet, a prayer warrior, and

²⁰⁹ Russell Thornton, *We Shall Live Again: The 1870 and 1890 Ghost Dance Movements as Demographic Revitalization* (Cambridge: Cambridge University Press, 1986), 1.

²¹⁰ Thornton, *We Shall Live Again*, 2.

²¹¹ Gregory Smoak, *Ghost Dances and Identity: Prophetic Religion and American Indian Ethnogenesis in the Nineteenth Century* (Berkeley, CA; University of California Press, 2006), 1.

²¹² Joel Martin, “Before and Beyond the Sioux Ghost Dance: Native American Prophetic Movements and the Study of Religion,” *Journal of the American Academy of Religion* 59 (1991): 677.

serves as an example to be centered in prayer and song. For Red Warrior, Sitting Bull was a fighter, a true warrior for his people.²¹³ Direct action, whether building a bridge to Turtle Island or chaining oneself to a bulldozer, is itself a prayer.

With regards to refusal, the Ghost Dance challenged and sought to restructure power dynamics altogether. Pointing back to Wodziwob, the power dynamic would be shifted so much so that white colonizers are removed from the equation altogether. For American Indians who partook in the Ghost Dance, it was an “abiding part of their road as well as an expression of their identity as Indian peoples.”²¹⁴ That identity is situated in a social and political history of a place-based existence, to refer to Alfred and Corntassel. Therefore, the Ghost Dance, situated in that place-based existence, “emerged from long-standing religious beliefs, predicated on constant religious innovation, which allowed [participants] to engage in a discourse with the colonizers...”²¹⁵ Smoak, in discussing that situated identity, states,

The religion was enduring and meaningful not only because it emerged from deep cultural practice but also because of its syncretic, incorporative nature. The Ghost Dance religion was not rigid, tradition-bound belief system. On the contrary, it provided flexible doctrine that held the power to explain native peoples’ current situation and prophesy their survival. It could be used to rally resistance to the cultural oppression of the assimilation program as well as draw together socially and politically diverse individuals in a reservation community. And it held the power to unite ethnically plural peoples as Indians.²¹⁶

This protest, or “religious revolt” as deemed by Joel Martin, was an act of refusal characterized by its religious beliefs and religious innovation. At Standing Rock, in the prayer

²¹³ See “We Stand Like Sitting Bull,” *Camp of the Sacred Stones* Weblog, entry posted December 16, 2016, <http://sacredstonecamp.org/blog/2016/12/15/00igz777x151rksi4j5pkacgnlzva4> (accessed April 19, 2017).

²¹⁴ Smoak, *Ghost Dances and Identity*, 196.

²¹⁵ Smoak, *Ghost Dances and Identity*, 203.

²¹⁶ Smoak, *Ghost Dances and Identity*, 196.

camps and among many Native Water Protectors, this movement was an expression of their identity as Native peoples. Their expression has “emerged from long-standing religious beliefs, predicated on constant religious innovation.”²¹⁷ Through that, they engaged with colonizers, with the settler state, rejecting this hierarchical relationship to rearticulate the structures altogether. Prophecy, then, became a strategy for Standing Rock in that Native identities are affirmed in the movement through “validating connections with the deepest spiritual sources of power and knowledge.”²¹⁸ The prophecy and prophetic rhetoric was invoked in specific ritual acts which framed the day to day and political life of Standing Rock. At Standing Rock, “Native values and epistemology” become entwined with “innovative religious behavior,” such as a ceremony taking place as a protest.²¹⁹

²¹⁷ Smoak, *Ghost Dances and Identity*, 203.

²¹⁸ Irwin, *Coming Down from Above*, 8.

²¹⁹ Irwin, *Coming Down from Above*, 8.

CONCLUSION

In much the same ways that prophecy is transformative, so too is refusal. In discussing Idle No More, Glen Clouthard states, “resurgence draws critically on the past with an eye to radically transform the colonial power relations that have come to dominate [the] present.”²²⁰ The ongoing vitality of American Indian religious traditions, in adapting and evolving through its relations with the settler state, continues to challenge a system that has sought its end. Is Standing Rock a protest? Or is it a ceremony? The Standing Rock NoDAPL movement is both. Tribal sovereignty is grounded in a connection to land, to a place-based existence. Jeff Corntassel gave a lecture, “From Mauna Kea to Standing Rock,” at Northeastern State University in late January 2017. In talking about Indigenous resurgence, he was quoted as saying, “Resurgence is about honoring and nurturing those relationships we have with the land, culture, and community.”²²¹ I argue that these movements should be viewed as refusals. Simpson, Corntassel, Wenger, and Coulthard all have provided context that acts of refusal are not mutually exclusive from religious traditions. Here, I also look to Greg Johnson’s work on considering traditions as frequently entailing discursive strategies in the articulation of sacred claims. Through the interactions between sovereignty claims and sacred claims, Indigenous traditions are “being lived, expressed, and challenged in the contemporary moment.”²²²

Pua Case, a Kanaka Maoli woman heavily involved in the Mauna Kea movement who went to Standing Rock, was featured in a *ThinkProgress*. As noted in the interview, “she wasn’t

²²⁰ Glen Coulthard, *Red Skin, White Masks: Rejecting Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014), 157.

²²¹ Sean Rowley, “Sequoyah Fellow discusses ‘resurgence’,” *Tahlequah Daily Press*, January 31, 2017, http://www.tahlequahdaily.com/news/sequoyah-fellow-discusses-resurgence/article_3306bd2a-cddb-50cc-9681-7e4d31036885.html.

²²² Greg Johnson, “Materializing and Performing Hawaiian Religion(s) on Mauna Kea,” in *Handbook of Indigenous Religion(s)*, ed. Greg Johnson and Siv Ellen Kraft (Leiden: Brill Publishers, Forthcoming), 156.

there just to protest; the sacredness of the land is especially important to her, so she was also there to *pray*.” “We are not here to be anything but peaceful,” Case told *ThinkProgress*, “but we are here.” She further stated, “Standing Rock is a prayer camp. It is where prayers are done.”²²³ Prayer, though, can come in unconventional or not normatively accepted forms as seen as Standing Rock. As noted with Red Warrior, prayer is seen in Direct Actions. Caro “Guarding Red Tarantula Woman” Gonzales urges that “When people are chaining themselves to bulldozers, that is prayer.”²²⁴ Building from preceding movements, some form of prayer or sacred ritual is present in virtually all actions. Phyllis Young, Oceti camp coordinator, stated that the movement had been sustained for so long due to the tribe’s spiritual belief. She pointed out that those beliefs had been banned for more than a half-century. “Now we’re adults in our spirituality,” Young said. “We took back, and we evolved, so now we exercise our freedom of religion in our way, which is peaceful in prayer.”²²⁵

A decade after his passing, Vine Deloria, Jr., from Standing Rock, continues to be a prominent and respected voice on Native studies and federal Indian law, especially regarding his view that American Indian activists and their efforts to reclaim tribal ceremonies reveals a dilemma for “today’s religious Indian.”²²⁶ With a place-based existence, there is an obligation to take care of the land, the land where generations of ancestors are buried and where sacred events have taken place. The land (and water) is to be protected.²²⁷ Deloria relates that the Occupation of Wounded Knee was spurred by ethical outrage, “but the place itself was not originally sacred

²²³ Jack Jenkins, “The growing indigenous spiritual movement that could save the planet,” *ThinkProgress*, September 30, 2016, <https://thinkprogress.org/indigenous-spiritual-movement-8f873348a2f5#.xakisbpis>.

²²⁴ Jack Jenkins, “The growing indigenous spiritual movement that could save the planet,” *ThinkProgress*, September 30, 2016, <https://thinkprogress.org/indigenous-spiritual-movement-8f873348a2f5#.xakisbpis>.

²²⁵ Emily McFarlan Miller, “Sioux anti-pipeline action sustained by Native American Spirituality,” *Religion News Service*, November 24, 2106, <http://religionnews.com/2016/11/24/sioux-anti-pipeline-action-sustained-by-native-american-spirituality/>.

²²⁶ V. Deloria, Jr., *For This Land*, 122.

²²⁷ V. Deloria, Jr., *For This Land*, 127.

to the tribe.” The massacre and the subsequent years of government exploitation and oppression “had made the site one of the most revered places of the Sioux people.” He goes on to explain that the concept of sacred land and the reverence to it evolve as historical events place new meanings.²²⁸

At Standing Rock, the convergence of the Missouri River and Cannonball River were considered sacred as a natural whirlpool helped to form smooth, round stones. The stones held phenomenological properties.²²⁹ When the Army Corps damned the river, creating Lake Oahe, the whirlpool disappeared. At camp, there was this question of whether the area had lost its sacrality due to the alteration of the landscape. Someone noted, and rightfully so, that “if this place wasn’t sacred before, it is now.” Even as the last person left the campsite, Standing Rock will never quite truly be over as the energy has spilled into places near and far. This reflection is indicative of V. Deloria’s fourth category, there have been new experiences and new revelations within the space.

V. Deloria, in discussing ‘Indian activists’, noted that there is often a demand from non-Indians that they be militant in their political actions.²³⁰ This is not to say that activists have not taken on more militant roles as seen at Occupation of Wounded Knee or Alcatraz.²³¹ But a younger generation of Indian activists is being awoken, which has created “a significant demand for the restoration of traditional religious ceremonies.”²³² This younger generation, in a need to restore these ceremonies, has been a bridging agent between refusal and ceremony. In an interview with *ThinkProgress*, Greg Johnson observes that “[Indigenous] protests are

²²⁸ V. Deloria, Jr., *For This Land*, 127.

²²⁹ V. Deloria, Jr., *For This Land*, 151-152.

²³⁰ V. Deloria, Jr., *For This Land*, 134.

²³¹ V. Deloria, Jr., *For This Land*, 125.

²³² V. Deloria, Jr., *For This Land*, 128.

increasingly led by young, creative organizers who are ‘generating’ religion through their activism.” In Indigenous refusal at Standing Rock, and in other movement such as Mauna Kea, “demonstrators are actively creating *new* religious expressions.”²³³ Acts of refusal, both ritualized and political, can be understood as the embodiment of these new religious expressions.

Mni Wiconi, as an act of refusal, was a prophetic movement defined by its attempts to project traditional values and religious practices into the future. The tribe and participants were confronted with an apocalyptic-like moment of environmental destruction along with ongoing challenges to their self-determination. Religious vitality in the face of a looming apocalypse thus becomes a refusal of colonization and an enacting of decolonization. For Indigenous communities, decolonization (or an assertion of sovereign rights) and religious movements are not mutually exclusive. Prophecies, and acts of refusal, draw on the past, situated in a present context, to imagine a different future.

In the Standing Rock prayer camps, traditions were being lived, expressed, and challenged *through* refusal. Acknowledging the possibility of protest as ceremony and ceremony as protest, the scholar of religion is forced to consider unconventional modes of ritual act and prayer, such a chaining oneself to a bulldozer, as ceremonial. Such a view allows us to reevaluate ritual acts in a variety of protests movements, both Indigenous and non-Indigenous. Standing Rock as a religious gathering and political movement began in the year 2016 and, though the camps are now dismantled, the movement itself is in no way ready to stop. Much like the Ghost Dances, Standing Rock has moved on to other places, such as Trans-Peco pipeline in Texas, Oak Flats in Arizona, or Sabal Palm in Florida. Standing Rock is not an isolated moment

²³³ Jack Jenkins, “The growing indigenous spiritual movement that could save the planet,” *ThinkProgress*, September 30, 2016, <https://thinkprogress.org/indigenous-spiritual-movement-8f873348a2f5#.xakisbpis>.

nor is there any one frame to view this movement. In that regard, scholarship on the issue is still new and will not likely end anytime soon. What I have offered here is a view of Standing Rock as a religious movement centered in prophecy and ritual acts. In no way, though, could I talk about prophecy, prayer, or ceremony as somehow inherently separate from the issues of sovereignty, self-determination, or decolonization. Refusal, as a theoretical category and a methodology, provides a relevant and necessary frame to contemplate Standing Rock. For not only was tradition being lived, expressed, and challenged in the camps, but so was refusal.

EPILOGUE

Following the U.S. Army Corps' denial of the easement needed for the Dakota Access Pipeline to drill under Lake Oahe, celebrations tempered by skepticism spread throughout the camps and among allies the world over. The question on many peoples' mind, though, was what happens next? Two-days before the inauguration of current president Donald Trump, January 18, 2017, the Army Corps announced they were launching a full environmental study of the pipeline's disputed Lake Oahe crossing that, if executed fully, could take up to two years to complete.²³⁴ This was viewed as another major victory, but one clouded in apprehension. Under the new Trump administration, these actions have since been reversed with the permits granted and the new environmental impact study halted. On January 24, 2017, current President Donald Trump signed an executive memorandum that instructed the Army to expedite the review and approval process for the unbuilt section of the Dakota Access Pipeline.²³⁵ The U.S. Army Corps granted the easement on February 7, 2017, allowing the Dakota Access Pipeline to cross under the Missouri River at Lake Oahe.²³⁶ More so, they issued a memo saying they intended to terminate the public comment period and rescind its notice of intent to prepare an environmental

²³⁴ Department of Army, DoD, *Notice of Intent to Prepare an Environmental Impact Statement in Connection with Dakota Access, LLC's Request for an Easement to Cross Lake Oahe, North Dakota*, *Federal Register* 82, no. 11 (January 18, 2017): 5543-5544.; "Army plans Dakota access oil pipeline environmental study," *Chicago Tribune*, January 18, 2017, <http://www.chicagotribune.com/news/nationworld/ct-dakota-access-oil-pipeline-study-20170118-story.html>.; "Standing Rock: Understanding the EIS Process."

²³⁵ Executive Office of the President, "Construction of the Dakota Access Pipeline: Memorandum for the Secretary of the Army," *Federal Register* 82, no. 18 (January 24, 2017): 8661-8662.; Athena Jones, Jeremy Diamond, and Gregory Krieg, "Trump advances controversial oil pipelines with executive actions," *CNN*, January 24, 2017, <http://www.cnn.com/2017/01/24/politics/trump-keystone-xl-dakota-access-pipelines-executive-actions/>.; "Standing Rock: Understanding the EIS Process."

²³⁶ Rebecca Hersher, "Army Approves Dakota Access Pipeline Route, Paving Way For The Project's Completion," *NPR*, February 7, 2017, <http://www.npr.org/sections/thetwo-way/2017/02/07/513951600/army-approves-dakota-access-pipeline-route-paving-way-for-the-projects-completion>.

impact statement.²³⁷ Energy Transfer Partners immediately began construction near the crossing under Lake Oahe.

In response to the new actions, the Cheyenne River Sioux filed a request for temporary injunction to block the construction of the final piece of the pipeline. This litigation filed by the Cheyenne River Sioux made specific religious freedom and religious rights claims regarding the water of Lake Oahe and the Missouri River, claims which have not been addressed in previous court hearings.²³⁸ This filing would be considered by many to be a “hail Mary.” This is not to say that religious language and the threat to sacred land and burial grounds have not been noted within motions filed by EarthJustice on behalf of the Tribe. The Cheyenne River’s request is just the first filing specifically invoking the Religious Freedom Restoration Act (1993).²³⁹ Other legal organizations helping with the Tribe’s suit, including the Native American Rights Fund and the University of Colorado Boulder American Indian Law Clinic, have also noted distinct religious language in their filings.

The litigation surrounding DAPL has focused primarily upon the lack of consultation with the Tribe as adherent to Section 106 of the National Historic Preservation Act (1966), the Treaty of 1851 and the Treaty of 1868, as well as the lackluster Environmental Impact Statement.²⁴⁰ On March 7, 2017, Judge Boasberg refused to grant standing for the religious freedom claim under the Religious Freedom Restoration Act (1993).²⁴¹ The fact that the court

²³⁷ Department of Army, *Notice of Termination of the Intent to Prepare an Environmental Impact Statement in Connection With Dakota Access, LLC's Request for an Easement To Cross Lake Oahe, North Dakota*, *Federal Register* 82, no. 32 (February 17, 2017): 11021.

²³⁸ *Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers*, 2017 WL 90853 (document 98).

²³⁹ *Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers*, 2017 WL 90853.

²⁴⁰ “Standing Rock: Understanding the EIS Process.” The EIS by the Army Corps and DAPL is lackluster because they used outdated documents and cut corners to expedite the process. EIS’s can often take years while the EIS on DAPL was completed in a matter of months.

²⁴¹ *Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers*, 205 F.Supp.3d 4, 2017 WL 908538 (D.D.C. Mar. 7, 2017).

has so far failed to engage religious claims is indicative of the impasse that faces Indigenous claimants who wish their religious lives to be audible in U.S. courts. In what can be seen within the courts treatment of these claims is that it has thus far failed to see or hear the nexus between religious lives, Federal Indian law, sovereignty, and decolonization.²⁴²

Outside of litigation, the newly appointed governor of North Dakota, Doug Burgum, signed an executive evacuation order on February 15, 2017 for the Oceti Sakowin camp “to be evacuated no later than” 2p.m. on February 22nd, 2017. Anyone in the camp afterwards would be subject to arrest.²⁴³ Most Protectors and campers left, but many stayed to hold their ground.²⁴⁴ One of the main contested points around the evacuation was the Tribe and the Oceti camp repeatedly asked for time to properly clean up. In Lakota beliefs, the structures could not simply be dismantled; there needed to be a purification of the land.²⁴⁵ Police in full riot gear arrested 46 people as the camp cleared. The battleground of Mni Wiconi has not ended, but has shifted. Chase Iron Eyes, a member of Standing Rock Sioux who unsuccessfully ran for U.S. Congress, stated, “The battleground has shifted to the legal courts and the court of public opinion.”²⁴⁶ Iron Eyes has been a prominent voice in the call for people to stay in the camps regardless that the Tribe issued for people to leave.

²⁴² See V. Deloria, Jr., *God is Red*; Tisa Wenger, *We Have a Religion*.

²⁴³ State of North Dakota, Office of the Governor, *Executive Order 2017-01* (February 15, 2017), <https://ndresponse.gov/sites/resp/files/documents/press-release/Executive%20Order%202017-01.pdf>.

²⁴⁴ Alan Taylor, “Dakota Access Pipeline Protesters Burn Their Camp Ahead of Evacuation,” *The Atlantic*, February 22, 2017, <https://www.theatlantic.com/photo/2017/02/dakota-access-pipeline-protesters-burn-their-camp-ahead-of-evacuation/517506/>.

²⁴⁵ Blake Nicholson and James MacPherson, “Most Dakota pipeline protesters leave as remnants of camp go up in flames,” *Chicago Tribune*, February 22, 2017, <http://www.chicagotribune.com/news/nationworld/ct-dakota-access-pipeline-camp-20170222-story.html>.

²⁴⁶ Blake Nicholson and James MacPherson, “Dakota Access oil pipeline camp cleared of protesters; dozens arrested,” *Chicago Tribune*, February 24, 2017, <http://www.chicagotribune.com/news/nationworld/ct-dakota-access-pipeline-20170223-story.html>.

The fight against the Dakota Access Pipeline, whether in the courtroom, on the frontlines, in front of government buildings, or in bank lobby's, has been long and tiring. But the fight is not over with yet. The call at the end of the camps was for Protectors to go off to other sites where people and the Earth alike are threatened. The spirit of Standing Rock has moved on into other venues and this historical movement will be hard to forget for many participants; especially Indigenous peoples who continue to fight for their sovereignty, for the land, for the air, and for the water. Whether the Black Snake has succeeded in weaving its way through the land, the Black Snake can still be defeated. Through the rhetorical structure of prophecy, the Black Snake is continuously interpreted and invoked from Keystone XL to Dakota Access to TransPecos to Sabal Palm. Here, I end my discussion with the end of the Mni Wiconi camps, a symbol of refusal, of ceremony, and of life.

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