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“Broken Promises”

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Let me say it first, as I will say it last: This is not over yet. As you probably know, there has been good news from Standing Rock this week, and good reason to celebrate, for the moment. It's winter in North Dakota, which is no time for a camp out, and folks are going home, mostly. The Army Corps of Engineers, under direction from the twilight of the Obama administration, has rescinded its approval for construction of a 30 inch diameter crude oil pipeline that was intended to carry between 470 and 570,000 barrels of oil daily from the Bakken and Three Forks production areas in North Dakota to Patoka, Illinois to link with other existing pipelines. As proposed, this pipeline would have cut through lands of historical and religious significance to the Sioux tribes, and run under the Missouri River and Lake Oahe, where any break or spill would have permanently contaminated the natural water supply, as well as the sacred sites.

Where does it all start? Does it start when our attention was captured, back in September, or October, when we began hearing about the camp at Standing Rock, the protests, the request for support – when we all started to ask, “What’s going on in North Dakota, anyway?” But of course you have to go back further than that, perhaps to late July, when the Standing Rock Sioux Tribe filed a lawsuit in federal court against the Army Corps of Engineers, charging that granting permits for a crude oil pipeline through treaty lands and under the Missouri River at Lake Oahe violated the Clean Water Act, the National Historic Protection Act, and the National Environmental Policy Act. A flurry of legal maneuvering between Dakota Access Pipeline LLC (often referred to as DAPL) and the Tribe sought to allow or prevent continuing work on the pipeline during the time that the original lawsuit was pending. DAPL made a determined effort to render the Tribe’s request moot by simply completing construction either before injunctions were issued, or in spite of those injunctions. That’s when public protests and physical confrontations began, as tribal members, particularly tribal youth, and their supporters, attempted to prevent continuing construction until such time as the legal challenges had been resolved.

But consider going back to May 2014, when the initial proposals for the pipeline presented a route that crossed the Missouri River north of the state capital of Bismarck, North Dakota. By September of that year, the proposal had been re-routed to tribal land for a variety of reasons, including less mileage, fewer roadway, river, and wetland crossings, as well as less difficulty avoiding houses and municipal water supply sources. While it is not true that this change was made because of objections on the part of white citizens in Bismarck – there was in fact little public awareness of the plan at that point – it seems clear that one factor in DAPL’s planning was a sensitivity to the potential impact of pipeline accidents on homes and water supplies in the city, defined as a ‘high consequence area’. Such potential impact was considered negligible on the sacred burial grounds and water supply of the Standing Rock Tribe.

You could go back to 1992, when federal law established the right of Native American tribes to be consulted about plans by federal agencies to undertake or approve construction projects on or near any lands that the tribe considers to be of sacred or archeological significance to its history. In the expedited process by which the Army Corps of Engineers approved the DAPL plan, this consultation with the Standing Rock Sioux did not take place. Moreover, this past October when the Tribe identified to the court the evidence for burial sites that would be of both historic and sacred significance, the DAPL construction crews proceeded to deliberately and wantonly destroy those specific sites in an effort to prevent a legal decision protecting them.

You could go back to 1980, when the Supreme Court ruled that the entire Black Hills area was unjustly seized from the Sioux in the first place, and ordered the government to pay appropriate reparations. The tribes, however, have been steadfast in refusing this money, insisting that possession of the land itself, or at least some form of co-ownership and shared control, is the only real justice possible.

You could go back a century before that, when the U.S. Government, incited by rumors of gold to be found in the Black Hills,

conducted what was called "the Great Sioux War," in abrogation of the 1868 Treaty of Fort Laramie. That treaty had ended Red Cloud's War, and guaranteed the Lakota ownership of the Black Hills, and further land and hunting rights in South Dakota, Wyoming, and Montana. The Powder River Country was to be henceforth closed to all whites, and the treaty specified in that in addition, "the country north of the North Platte River and east of the summits of the Big Horn Mountains shall be held and considered to be unceded Indian territory... no white person or persons shall be permitted to settle upon or occupy any portion of the same; or without the consent of the Indians first had and obtained, to pass through the same." The story of the federal effort to force the Native Tribes to cede the Black Hills for white mining and settlement, to remove them from their lands, and to force right of way for the Northern Pacific Railroad across buffalo hunting grounds is one of military force, violence, deceit, cynical manipulation, and total disregard for either legal rights or human rights of native people.

Or, you could go back as far as the late 15<sup>th</sup> century, when the Catholic church in Europe promulgated the Doctrine of Discovery. This papal decision provided that any Christian ruler was entitled to take possession of any lands not already under the jurisdiction of any other Christian ruler, and to consider the non-Christian inhabitants of that place essentially as enemy combatants in a state of war, to be killed, enslaved, dispossessed, and perhaps if possible converted to Christianity, at the will of whoever discovered them. Fast forward to 1823, when the United States Supreme Court, as articulated by Chief Justice John Marshall, adopted this same doctrine as having justified the English colonizing of North America, and continuing to authorize Christian Americans to take possession of lands, "notwithstanding the occupancy of the natives, who were heathens, and, at the same time, admitting the prior title of any Christian people who may have made a previous discovery." According to this policy, the term "unoccupied lands" referred to "the lands in America which, when discovered, were 'occupied by Indians' but 'unoccupied' by Christians". This legal precedent has never been reversed in federal law, and remains part of the basis for decisions about Native American tribal matters to this day. This heap of trouble did not arise recently, and it's not over yet.

It is also possible that the place to start is in 1781, when James Watt patented the first steam powered engine. It was the innovation of a practical way for turning the stored energy of fossil fuels, specifically coal and oil, into useful power, that enabled the evolution of homo colossus, as we discussed last week. Since that time, the species homo sapiens has evolved this new sub-species that is dependent for its survival success on prosthetic tools and devices that consume the non-renewing detritus of long ago plant and animal populations of the earth. The trouble with being a detrivore, which is what you and I and all the citizens of 'developed' nations are, is that we have massive populations increases when our nutrient of choice is readily available – this is known biologically as 'exuberance,' or 'bloom,' – followed by rapid die-off whenever that resource is exhausted. And we have just enough self-awareness to have become nervous, lately, about what exactly happens to us, and our grandchildren, and our cherished 'lifestyle', when the fossil fuels run out. We can watch the algae blooming in a pond in response to an annual influx of nutrients, and see it die off again when its exuberance has consumed the feast which will not occur again for many months, and not feel bad – until we start to understand the similarity of our own situation to that of the hapless phytoplankton. With this image uncomfortably in our minds, what are we to do now?

One possibility, surely, is to begin to imagine creatively how we might sustain the genus homo colossus on the basis of something other than the detritus nutrients of fossil fuels. Can we move from being an obligate detrivore – that is, a creature that has no choice about consuming non-renewable resources – to supplying our need for power in some more sustainable way? This may or may not be physically possible on this planet in the long run, and even if it is, we may or may not figure out how to do it before we exhaust the current resources and our die off begins. Another creative possibility would be to make an effort to accelerate and steer the evolutionary process toward something that succeeds homo colossus in this genetic niche that we have carved out. Perhaps we can find a satisfying lifestyle that can be sustained with renewable energy sources, enabling us to move beyond the bloom and bust cycles of a detrivore species.

Less appealing, but not hard to envision, would be a de-evolution back to homo sapiens, by which we lose the survival abilities once developed on the basis of intense energy consumption. But there is another, even less useful choice, and it is the one exemplified by DAPL and much of the fossil fuel industry in general. This is the frantic and irrational behavior of the addict, whose felt need is so imperious that they have minimal control over their own self-destructive actions, and little or no conscience regarding damage done to others. Just as the tobacco industry once knew quite well that its products were both addictive and cancer-causing, the petroleum and coal industries of today are well aware that the resources they are exploiting are finite; no one is in a better position to understand this than the corporations with the most investment and expertise. Yet such is the demand of our culture that there is money to be made by assuaging our denial, regardless of the risks to our immediate safety or our long term well-being. Oil tankers run aground and foul oceans and beaches; oil carrying trains derail and burn, polluting and destroying communities; pipelines rupture, spilling hundreds of thousands of gallons of toxic crude oil across the landscape and into the aquifers. It is the same destruction as drug culture, only writ large and legal. And still we drive our recreational vehicles and fly around the world in jets and ship raw materials and manufactured goods back and forth across the oceans in mammoth diesel powered ships. To make any meaningful change in our cultural dependence upon the drug of fossil fuels will require a huge adjustment in both thinking and acting; the kind of humility and determination that it takes for any addict to get and stay sober. This is far from over; we have barely begun to consider whether we are going to make any effort to avert the die off, or other calamities, that lie ahead if we take the addict's way, and change nothing.

Meanwhile, the events at Standing Rock shimmer on the horizon like an invitation to a world of imagined possibilities. What if? What if there were people who felt responsible for the well-being of the earth, and future generations? What if governments decided to start keeping their promises, even when it was not entirely convenient? What if there was something more important to protect than corporate profits? What if people were educated in the traditions of respect, non-violence, reverence, self-awareness, even prayer, in order to be ready for

effective resistance? What if white allies came when they were invited, and didn't take over, but followed the leadership of those at risk? What if ancient enemies discovered their common ground? What if we paid attention to events that people on the ground were showing us and telling us, rather than to the mainstream media? What if a lot of people were willing to put themselves in harm's way for the sake of a principle, and an ideal? What if making sure that everyone could eat together, and sing together, and stay warm, took priority over proving how wrong others are, and how righteous you are?

It was in the wake of the arrival, beginning last Sunday on December 4, of an estimated 4,000 military veterans, intending to bear witness and protect the protestors, that the Corps of Engineers announced that the easement needed for the pipeline to cross federally controlled land underneath Lake Oahe would not be granted, and that additional Environmental Impact Statements would be required before construction can resume. Before the vets, tribal water protectors, and outside allies began to depart from the camp, many of the veterans, led by organizer Wes Clark, Jr., made an emotional confession of historic military complicity in the oppression of Native Americans.

"We fought you. We took your land. We signed treaties that we broke," acknowledged Clark, speaking as a representative before a group of tribal elders. "We stole minerals from your sacred hills. We blasted the faces of our presidents onto your sacred mountain. Then we took still more land, and then we took your children and we tried to eliminate your language. ... We didn't respect you. We polluted your Earth; we've hurt you in so many ways. We've come to say that we are sorry," he said, bowing his head. "We are at your service, and we beg for your forgiveness."

Lakota medicine man Leonard Crow Dog gently placed his hand on Clark's head, and fellow Sioux spiritual leaders offered prayers and songs of cleansing and forgiveness. As Crow Dog laid his hand on Clark's bowed head, he told the hushed hall: "Let me say a few words of accepting forgiveness: World peace. World peace," he repeated quietly. Suddenly, someone shouted, "World peace!" and cheers rose up across the cavernous auditorium.

Well, we don't have world peace; not yet. This isn't over, not by a long way. It is likely that the Trump administration will seek to reanimate the pipeline project, particularly so since both the Governor of North Dakota and Trump himself have potentially lucrative investments in DAPL and its parent corporations. However, that will be easier to say than to do, given what is now the legal status of the process; it is likely to be mired in the courts for some time to come, regardless of federal agendas. The tribal water protectors and their allies are not going away. In fact, the UU YUUrt may be one of the structures allowed to remain at the campsite, with a skeleton staff, until spring, for the sake of ongoing watchfulness; it is not clear yet, but this is a possibility, depending on what the Tribe's leadership requests. One of the things that Standing Rock has taught us all is about ways to follow the leadership of people at risk, rather than having allies from far away come barging in and throw their accustomed privilege around.

The other thing that we know now, more surely than ever before, is that resistance is NOT futile – it is anything but futile. Even if it did not succeed in its immediate object, resistance is the living breath of hope. It is what has sustained the indigenous peoples of this land from generation to generation down the whole shameful history of broken promises, oppression, and genocide that “Christian” culture has inflicted on them.

“We've been fighting this fight our whole lives, and now there is no doubt in our minds that our generation can change the future,” says Eryn Wise of the International Indigenous Youth Council. “We know that the next presidency stands to jeopardize our work, but we are by no means backing down. We will continue protecting everywhere we go, and we will continue to stand for all our relations. We say Lila wopila (many thanks) to everyone who has supported the resurgence of indigenous nations. This is just the beginning.”

Like I said, it's not over yet. Not nearly.