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ARTICLE



Dangerous pipelines, dangerous people: colonial ecological violence and media framing of threat in the dakota access pipeline conflict

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ABSTRACT

Drawing on theories of settler colonialism, colonial ecological violence, and media framing this article considers how media framing contributes to the production of colonial ecological violence. Focusing on the case of the Dakota Access Pipeline (DAPL) I examine how local media deploys frames of risk and security in order to minimize or invalidate Indigenous responses to ecological harms as well as to legitimate violence against those who resist pipeline development.

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In August 2016, widespread media attention turned to a growing encampment of Dakota and Lakota people and their allies situated near the Standing Rock Indian Reservation. Calling themselves Water Protectors, their stated goal was to stop the proposed Dakota Access Pipeline (DAPL) from passing under Lake Oahe, the source of tribal drinking water.¹

This conflict, commonly known as No DAPL, which captured international attention, began long before the summer of 2016. The Standing Rock Sioux Tribe is a federally recognized tribe in the United States. Their reservation straddles the border of North and South Dakota and is a piece of what was agreed upon as the Great Sioux Reservation in the 1851 and 1868 Fort Laramie Treaties (Deloria 2004; Estes 2019). Plans to construct the Dakota Access Pipeline were announced in 2014 by Energy Transfer Partners (ETP) and state-level regulatory processes in North Dakota, South Dakota, Iowa, and Illinois were initiated shortly thereafter. In September 2014, a meeting between the U.S. Army Corps of Engineers, the Standing Rock Sioux Tribe, and ETP took place during which time the tribe made clear their opposition to DAPL. Yet ETP pushed on and encampments were established to block construction. Only months later did this struggle become a nationwide story.

While Indigenous people figure prominently in the national myth, in the United States they do not often make national news. In this regard, the coverage of resistance at Standing Rock was historic; nevertheless, the violent repression of the movement was typical of relations between the settler state and Indigenous resisters (e.g. Smith and Warrior 1996; Grossman 2017; Estes 2019). It is important, to situate No DAPL as primarily part of the ongoing Indigenous resistance to settler-colonial appropriations of land and resources, and to the ecological, as well as social

damages inflicted by settler practices and institutions – that is to say a resistance to colonial ecological violence (Brook 1998; LaDuke 1999; Cantzler and Huynh 2016; Whyte 2016, 2017; Estes 2017; Whyte 2018; Bacon 2018; Norgaard 2019).

Colonial ecological violence is a lens for considering how settler colonialism disrupts the relationships between Indigenous peoples and the ecology of their traditional lands, and generates specific harms for Native peoples and communities (Bacon 2018). This theory contends that the projects of elimination which function in settler-colonial societies broadly (i.e. genocide, termination, discursive erasure) also have specific ecological forms and that the mechanisms of eco-social disruption within a settler-colonial system are numerous because within such a system land is redistributed, privatized, polluted, renamed, and repurposed with neither the input nor consent of the original inhabitants.

The theory of colonial ecological violence draws connections between Indigenous studies, settler colonial studies, and environmental sociology. Bringing this concept into conversation with work on social movements, I argue that the print media framing of No DAPL contributed to colonial ecological violence through the erasure and misrepresentation of Indigenous peoples. In particular, through discourses of security and risk, media coverage of DAPL elaborated on existing settler-colonial tropes of savage versus civilized in order to invalidate, minimize, and erase Indigenous responses to ecological damage and to legitimate violent repression by misrepresenting Water Protectors as a threat to the nation and to the environment. This finding reflects broad trends in the policing of dissent and media framing while providing specific insights into the discourses employed to legitimate colonial ecological violence.

Invalidation-legitimation and colonial ecological violence

An invalidation-legitimation axis is central to settler colonialism – a unique form of colonialism where the invading population attempts to replace pre-existing societies through a variety of elimination projects including genocide (e.g. Wolfe 2006; Tuck and Wayne Yang 2013). This particular type of occupation insists upon the ‘invisibilization’ of its own history, structures, and dynamics to legitimate the settler social order and cast Indigenous social orders as either non-existent or inferior (Wolfe 2006; Veracini 2011).

The discursive production of invalidation-legitimation occurs notably through the erasure and/or misrepresentation of Indigenous peoples (e.g. Fryberg 2003; Fryberg and Townsend 2008; Tukachinsky, Mastro, and Yarchi 2017) and the proliferation of narratives that naturalize – and even romanticize – processes of settlement (Dunaway 2000).

Settlement narratives are abundant and diverse, even taking on physical manifestations such as national holidays like Thanksgiving, and local celebrations like ‘pioneer days,’ or ‘cowboy days’ which normalize and valorize settler colonialism (Schwartz 1982; Olick 1999; Kurtiş, Adams, and Yellow Bird 2010). These events and the identities they bolster are inherently connected to a set of environmental norms which serve the interests of the settler state and capitalism. As settler colonialism requires the ongoing appropriation of land/resources (Alfred 2009; Tuck and Wayne Yang 2013; Coulthard 2014), it also relies upon the legitimation of settler eco-social relations – such as mining, urbanization, industrial agriculture – and the denial, denigration, or criminalization of Indigenous eco-social practices, like whaling, burning, and ceremonies of renewal (LaDuke 2016; Baldy 2013; Bacon 2018; Norgaard 2019), thus contributing to colonial ecological violence.

The dominant narrative of the American West is one of romanticized colonial supremacy and ecological conquest. What have been called frontier, soldier, and cowboy strains of identity endure not only in popular culture but in the consciousness of contemporary people, particularly, though not exclusively, white men. Studies of those working in extractive industries reveal personal attachments to these identities (e.g. Miller 2004; Bell and York 2010; O’Shaughnessy and Krogman 2011). In the case of oil production, the salience of a frontier identity – the rugged individual engaged in risky work to benefit the nation through the advancement of civilization – is well documented and emerges in the DAPL coverage echoing sentiments around ‘taming the West’ (Herbstreuth 2014).

By contrast, the eco-social² norms of Indigenous peoples are generally unacknowledged, perverted, or cast as troubling to national wellbeing. So while Indigenous peoples in what is now called the United

States have been participating in diverse and distinctive eco-social relations with their homelands for many generations before settler arrival (e.g. LaDuke 1999; Coté 2010; Risling-Baldy 2013), settler colonialism structures contemporary relations between peoples and the lands they live on (LaDuke 1999; Vickery and Hunter 2016; Whyte 2016, 2018; Bacon 2018; Norgaard 2019)³. At the same time, settler-states’ ongoing appropriation of land is coupled with increasing encroachments and ecological degradations. New encroachments erode the capacity for what Kyle Whyte calls collective continuance, while often directly violating treaty-reserved rights and the federal trust responsibility which the United States has to federally recognized tribes (Deloria 2006; Geisler 2014; Cantzler and Huynh 2016; Whyte 2018). State-sanctioned resource extractions such as the Dakota Access Pipeline provide a starkly obvious example of this tendency.

Media coverage, repression and colonial ecological violence

To understand the unique features of media framing in the context of colonial ecological violence, I draw from several distinct and relevant literatures. Within sociology, it is well acknowledged that media framing is an important element of contentious politics. In the DAPL case, where U.S. culture consistently erases and/or misrepresents Indigenous peoples’ histories and contemporary claims, it is significant that research demonstrates the mutually constitutive nature of media discourse and ideology which gives media particular power in ‘allowing or disallowing other social actors to advance their ideological standings’ (Carvalho 2007, 225).

Analyses of media framing of Indigenous resistance in particular indicate that such coverage tends to over-emphasize disruptive tactics. Baylor’s (1996) analysis of American Indian protest coverage during the 1960s and 1970s suggests that ‘[u]nique attributes, details, and other important substantive points possessing little drama are likely to be sacrificed on the altar of media related methods of constructing news and audience ratings’ (251). Baylor concludes that the use of confrontational tactics to generate coverage is precarious since the framing is likely to ignore significant features of the political/social contestation, such as treaty rights. Canadian scholars also note the tendency of media to highlight disruptive First Nations protests, contributing to media bias against First Nations collective actions (Wilkes, Corrigan-Brown, and Myers 2010).

These framing practices may ultimately reinscribe settler narrative conventions of misrepresentation depicting Indigenous peoples as hostile or violent, which can have significant impacts on public perception of how police ought to respond to resistance. Research on repression

indicates an increase in militarized protest policing both materially – armored vehicles, high-powered weaponry – and tactically – managing protests through a lens of threat assessment (Gillham 2011; Wood 2014; Mihal 2015). Furthermore, Mihal (2015) demonstrates that mainstream media outlets through their framing ‘participate in the normalization and legitimation of police militarization’ even while sometimes being on the receiving end of repressive policing (183). These repressive tendencies are especially pronounced in response to both Indigenous-led and environmental protests (Wood 2014; Crosby and Monaghan 2018). So while the threat of resistance tends to be overemphasized in the media, the threat of ecological damage, and the threat such damage poses to Indigenous peoples, tends to be downplayed or dismissed, ultimately contributing to colonial ecological violence.

Methods

To understand how media contributes to colonial ecological violence I selected DAPL as my case because it represents the most visible instance of Indigenous-led political action in the U.S. during recent times. In conducting this research I considered DAPL coverage from four sources. To gain a general sense of the national coverage I looked at *The Washington Post* (WP) and *The New York Times* (NYT), which I selected based on their extensive readership and attention to DAPL (see Figure 1).⁴ I also consulted the DAPL coverage in *Indian Country Today*. While it is not a significant part of this particular study, I use *Indian Country Today* to assess the presence of particular themes likely to be ignored by settler media (i.e. colonialism and treaties). My primary analysis centers on the way No DAPL was framed for readers in the area closest to the action. These local readers were likely to have the most immediate interactions with DAPL

resisters, police forces, and with the companies employed for construction.

To center my attention on local print media I opted to analyze *The Bismarck Tribune* (BT) which is the largest print media outlet in North Dakota with over 50,000 local readers in the Bismarck-Mandan Metropolitan Statistical Area (Google Analytics 2018).⁵ Local media offers the longest sustained coverage (I focus on January 2015 – July 2017) and the most nuanced attention to on-the-ground conditions, and includes opinion writing about DAPL which demonstrates community responses to the conflict.

Using *LexisNexis* I collected all *Bismarck Tribune* articles containing ‘Dakota Access Pipeline’ (n = 977). I then drew a random sample of 50 articles to line-by-line code using a dozen theoretically motivated codes (e.g. activism, agriculture, colonialism, economy, environment, regulation, treaty). This list was expanded throughout the process. During initial coding I observed recurring themes of risk, safety, and security. Based on this finding, I generated a catalog of commonly used terms related to risk (*general risk codes*).⁶ Using these codes as keywords I limited my data set to only those articles which contained at least one of the general risk codes. As the initial coding suggested two sub-types of risk in the data, I then created a set of codes for each type (*people risk codes*⁷ and *environment risk codes*⁸) and assessed the number of articles containing each type (see Figure 1). I applied this procedure to the NYT and WP, then read the articles closely to assess any themes or trends among them.

Findings

In both the local and national media coverage of No DAPL general risk codes were found in the vast majority of articles. In *The Bismarck Tribune*, 87% contained one or more general risk code. *The New York Times* and

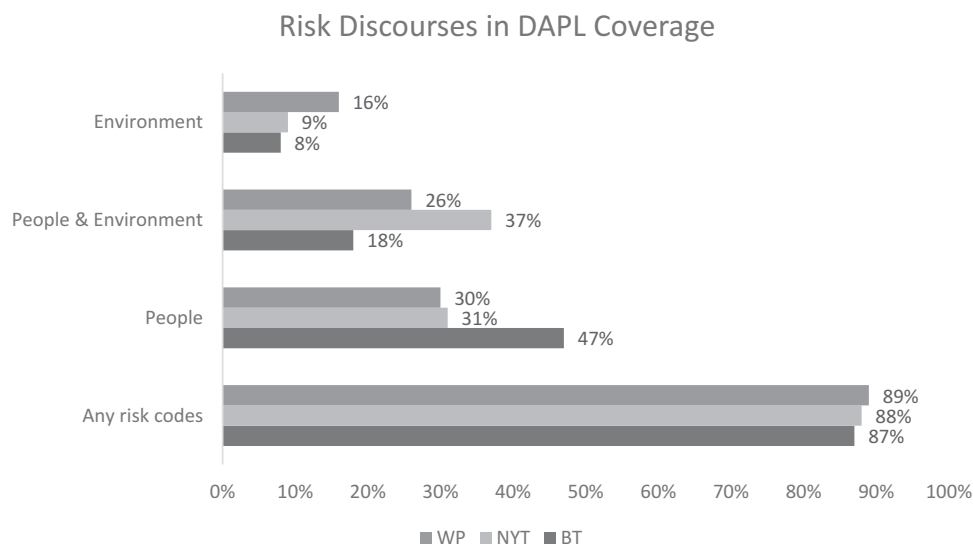


Figure 1. Risk discourses in DAPL coverage

The Washington Post both contained general risk codes in 88% and 89% of their coverage respectively.

In all cases environmental risk codes occurred less frequently than people risk codes. In *The Bismarck Tribune* environment codes were present in 26% of the coverage, but occurred without reference to people codes in only 8%. In *The New York Times* 46% of articles contain some environment code, but only 9% contain no people risk codes. In *The Washington Post* 42% of articles referred to environmental risk but only 16% did so without reference to people risk codes. On the other hand, people risk codes with no mention of environmental risk occurred in 47% of *The Bismarck Tribune* coverage, 31% of *The New York Times* and 30% of *The Washington Post*. This pattern strongly suggests that media frames emphasized the protest as risky while downplaying the environmental threat which generated the contention.

Frames of risk and security permeate the DAPL coverage from start to finish yet there are distinctive deployments of security discourse which emerge from the coverage, forming three stages (Table 1). In the section below I will consider how each of these deployments is consistent with the project of settler colonialism and the continuation of colonial ecological violence.

Lawsuit/regulatory stage: questions and assurances

In the earliest coverage, the risk/security frame is aimed at questioning or touting the safety of the pipeline itself. Articles during this period grant landowners – particularly farmers and ranchers – opportunities to express concerns about potential impacts to crops and future land values. Articles in this stage paired such concerns with industry and/or government claims which together constituted an official discourse aimed at allaying fears via a barrage of technical assurances. During this period of coverage, Indigenous issues are absent and conversation pivots on economic risks or rewards even when the environment is considered.

Table 1. Frequency of Coverage and Risk Codes in Dakota Access Pipeline Coverage.

	Bismarck Tribune	New York Times	Washington Post
Dakota Access Pipeline Articles	N = 977	N = 159	N = 95
Containing any Risk Codes	N = 847	N = 140	N = 84

Table 2. Stages of Coverage.

Lawsuit/Regulatory	1 January 2015 through 31 July 2016
Protest as Risk	Begins 1 August 2016
Protest as Pollution	Begins 6 December 2016

For example, the 17 January 2015 article, 'Official: Proposed pipeline would boost economy, be safe,' foregrounds the message of pipeline safety while also including landowner hesitations about potential ecological risks. Agriculturalist Orrin Geide states: '[w]e have two wells on that section ... So I'm a little concerned about if they have a leak contaminating our water source.' The article then supplies a refutation of this concern: Joey Mahmoud from ETP claims, '[t]here's not a minute that goes by that this pipeline will not be evaluated, controlled and reviewed to make sure it is operating in a safe condition ... We pay top dollar, and we try to work with landowners.' This article occurs during the initial regulatory decision rounds in South Dakota which pre-date North Dakota's regulatory process. Publication of this article in *The Bismarck Tribune* and ones like it which consider the regulatory proceedings of Iowa and Illinois, prepare the citizens of North Dakota for their own round of talks, but the lack of attention to Indigenous peoples suggests both a standard settler-colonial approach of erasure, and a serious oversight given the status of tribal nations and their legal role in the permitting process at the federal level.

When regulatory proceedings began in North Dakota, coverage continued to follow the established pattern. A May 24th article titled 'Landowners wary of huge pipeline project' provides readers with comments from a variety of concerned parties, including lawyers working on behalf of landowners. Despite contentions, both lawyers and ETP representatives seem to echo each other's concerns and their focus continues to be economic. Attorney Matt Kelly: '[w]e're not against the line ... Our big thing is we want to write the best easement that's ever been written in North Dakota to protect the landowner.' This claim is immediately followed by Chuck Frey, vice president of engineering for ETP, stating: "[w]e want to work with each of the landowners as best we can to have the least impact on their land and on what they use the land for" (Dalrymple 2015a). As an assurance this article references "state-of-the-art safety features" and the economic importance of the project overall. Clearly, what is primarily understood to be at risk in this article and throughout this stage of coverage are the private property rights of non-Native peoples.

Lawsuit/regulatory stage: erasure and anomalies

Like earlier articles during *The Bismarck Tribune's* coverage of the lawsuit/regulatory stage, the reporting on the North Dakota process includes no comments from Indigenous people nor any reference to the role tribal nations would play in permitting. Yet even a cursory glance at Indigenous media shows that Indigenous peoples in the area were aware of the project and concerned about potential impacts. As early as

March 2015, *Indian Country Today* was reporting tribal opposition to DAPL. Thus, the lack of local news attention regarding Indigenous resistance to the pipeline is not a result of inaction on the part of Native peoples, but rather evidence of a standard practice of Indigenous erasure.⁹

A little over one year after *Indian Country Today* first reported on DAPL, the first mention of Indigenous peoples occurs in *The Bismarck Tribune* coverage with a pair of front-page articles, titled 'Pipeline's crossing raises concerns' and 'Sioux spirit camp to protest Dakota Access Pipeline.' These articles launch an anomalous moment in the local media coverage of DAPL wherein Indigenous concerns about pipeline safety are explored in some detail, with multiple Indigenous people speaking on the issues.

The first article includes both non-Native landowners and tribal archaeologist Kelly Morgan expressing trepidation about 'how low oil prices, struggling and failing oil companies and a dwindling workforce might affect control and cleanup response to spills.' Morgan further asserts, 'Standing Rock Sioux Tribe is against any and all pipelines going across the water ... We can live without oil, but we cannot live without our water ... We know that pipelines break; we know there's spills.' This article then follows the pattern of risk assertion and official assurances with claims of pipeline safety (Holdman 2016a).

The second article, 'Sioux spirit camp to protest Dakota Access Pipeline,' directly mentions protest and allows people to express their concerns about the pipeline as a significant risk without immediately rebutting those claims with some form of official discourse. This article stands out for its high level of attention to Indigenous community members. The claims asserted in this article are regulatory in nature, and point to the specific concerns of Native peoples, not only with regard to water safety, but also with regard to protecting sovereignty. For example, the director of external affairs for Standing Rock says of the pipeline: 'It's within 1,000 feet of the reservation, but it completely ignores the existence of a tribal nation ... We're hoping to get the information out there that a tribal nation is put at risk for the interests of big oil and the state of North Dakota' (Donovan 2016a). This quote is significant in that it raises the critical issue of the tribe's status as a nation with a government-to-government relationship with United States, a status that should prioritize the needs and interests of the Standing Rock Sioux over and above the interests of North Dakota (Deloria and Lytle 1984).

This framing, which suggests Indigenous peoples have legitimate concerns about the safety of the pipeline, and are not themselves posing a public safety risk is short lived, persisting in only two more articles – one on April 15th (Donovan 2016b) and another on July 29th (Holdman 2016b). The July 29th article is near the end of the *lawsuit/regulatory phase*, and it

echoes the pattern established throughout this stage of coverage with one significant difference – in this case, the U.S. Army Corps of Engineers, and not Energy Transfer Partners (ETP), are the ones to defend the pipeline. Following the U.S. Army Corps of Engineers' decision to grant water crossing permits to ETP, the Standing Rock tribe filed a lawsuit with the support of attorneys at Earthjustice. Then-Tribal-Chairman Dave Archambault II asserted that a DAPL spill would 'constitute an existential threat to the tribe's culture and way of life.' The official response in this case came not from ETP but from the Corps' Omaha District spokeswoman, Eileen Williamson, who claimed 'that the agency's review of the pipeline found "no significant impacts to the environment or historic properties"' (Holdman 2016b). This shift suggests a partnership between the government and private industry. When the state-level permitting is over and public opinion is no longer the main hurdle to pipeline development, ETP steps back out of the public eye. The new hurdle is between the Standing Rock Sioux Tribe and the U.S. Army Corps of Engineers which in this article aligns itself with the interests of ETP, echoing their claims.

This anomalous moment of coverage represents what is possible and highlights what is absent from the vast majority of coverage. Reporting on DAPL could have seriously reported Indigenous perspectives. It could have brought public attention to questions of government-to-government relations and treaty reserved rights and it could have raised the question of how DAPL might pose a very distinct and serious threat to the people of Standing Rock and the region.

Protest-as-risk: media framing from dangerous pipelines to dangerous people

After the permitting decision and resulting lawsuit, resistance to DAPL intensified, and media framing dramatically shifted. As the story went national for the first time in August, local coverage intensified: in August *The Bismarck Tribune* published more articles about DAPL than they had in the entire preceding 19 months, and framing was no longer centrally about the pipeline, but rather about the opposition. Questions of pipeline safety diminished and were replaced by stories that apply risk framing to the Water Protectors themselves.

In *The Bismarck Tribune* on August 17th a front page article reframed the DAPL resistance as criminal: '[Sheriff Kyle] Kirchmeier said the protest has become unlawful as a result of criminal activity. He said his officers have been threatened and heard gunshots. The agency has gotten reports of pipe bombs, assaults on private security personnel, fireworks and vandalism' (Donovan 2016c). Over the next several days *The Bismarck Tribune* published front-page articles referencing reports of weapons on the site (Smith 2016a; Grueskin 2016a), though a separate article contended

The Morton County Sheriff's Department said in a statement on Aug. 19 no weapons were seen' (Grueskin 2016b). Allegations of weapons, though generally unsupported, reemerged throughout the active phases of the No DAPL encampments. By August 20th then-North-Dakota-Governor Jack Dalrymple issued an emergency declaration for southwest and south-central North Dakota, solidifying the official frame through which pipeline resistance would be presented to the general public.

This frame of protest-as-risk was also present in the 23 August 2016, *New York Times* article which introduced much of the nation and the world to No DAPL. Although my research is focused on local coverage, the presence of savage-vs-civilized tropes in the first *NYT* article 'Tension on the Plains as Tribes Move to Block a Pipeline' is noteworthy. Although acknowledging the ecological risks motivating tribal response, this article also plays on culturally available tropes of savagery and Indian warfare. The article opens with a description of Indigenous people 'streaked in yellow and black paint' on a 'new kind of battlefield, between a pipeline and American Indians who say it will threaten water supplies and sacred lands' (Healy 2016). The article then provides ETP's assertion that the DAPL project 'will infuse millions of dollars into local economies and is safer than trucks and train cars that can topple and spill and crash and burn,' as well as Kirchmeier's claim that 'he had received reports of weapons and gunshots around the demonstration, and that protesters were getting ready to throw pipe bombs at a line of officers standing between a rally and the construction site' (Healy 2016).

Despite the fact that claims of weapons and bombs were unsubstantiated, attempts to depict the Water Protectors as violent circulated in both the national and local media, crystalizing the *protest-as-risk* phase of coverage. For example, a Sept. 30th article notes, "'They have every right in the world to protest, but I don't think violence and weapons are the answer,'" said Stevens, adding he believes he saw a protester carrying a pistol recently' (Grueskin, Holdman, and Emerson 2016). Similarly an October 28th article titled 'Authorities investigate reports of shots fired' (Holdman 2016c). Articles produced during this period also demonstrate how the circulation of unsupported claims, the Governor's declaration, and the media's repetition of protest as risk, prompted Dakota people and their allies to expend energy and press time defending themselves with assertions of their commitment to nonviolence. In this period it seems the burden is on Water Protectors to prove their commitment to peace, instead of on ETP to demonstrate that they had engaged in meaningful consultation with the tribe or completed an adequate environmental impact statement. This coverage served as a powerful attempt

to legitimate state and corporate violence against Water Protectors which followed.

Throughout this phase of coverage, comments calling pipeline safety into question are repeatedly reduced to a one- or two-sentence summary. Sentences such as '[T]he Standing Rock Sioux and other Native American tribes fear the pipeline could pollute the Missouri River and harm sacred cultural lands and tribal burial grounds' appear in many articles with little or no attention to environmental risk. The choice of wording here is notable: the use of 'fear' instead of think, believe, argue, or assert may be subtly ascribing an irrational state to the Water Protectors, and thereby undermining their claims even while providing scant acknowledgement of them. In many cases, articles are framed entirely around the dangers posed by the Water Protectors with no mention of the pipeline as a risk. It was in this context of diminished attention to ecological risk and amid claims of emergency and criminality that private security forces hired by ETP used attack dogs against Water Protectors. In the local media, the first reports of this event frame it as a one-sided attack: '[t]hree private security officers at the site were injured by protesters ... One of them required hospitalization. Two security K-9s were also taken to veterinarians to be treated for injuries' (Ekroth 2016a). This article reports that '[w]itnesses ... say they saw protesters climb onto vehicles at the construction site and beat on them, trying to break the windows.' This factually inaccurate account remains dominant in follow-up reports, though some acknowledgement is made of injuries experienced by tribal members and allies.

Significantly, the company seizes upon this incident in order to restate ETP's 'commitment to safety.' But safety in this protest-as-risk phase takes on new meanings and coverage frames both the state and the pipeline company not only as arbiters of pipeline safety, but of public safety as well. ETP's presence in the coverage had waned since the U.S. Army Corps permitting, but in the wake of the declaration of emergency and the highly controversial use of attack dogs on No DAPL participants, ETP resurfaced vocally in the media. In a September 5th article, Vicki Anderson Grenado, a spokeswoman for ETP, asserted "[w]e are working with law enforcement to ensure that all offenders are arrested and prosecuted to the fullest extent of the law ... safety is ETP's top priority and the company is committed to having the appropriate safety measures in place" (Emerson 2016a). During the next few days, local media published more articles and letters which add to this framing, including one authored by Ron Ness, the president of the North Dakota Petroleum Council.

The letter by Ness (2016) is a revealing example of how the post-dog-attack coverage opens a space for industry to frame itself as not only safe ecologically, but invested in public safety and the rule of law writ

large. Ness claims:

Protesters and parties to the lawsuits have effectively declared that the laws of their states and the United States do not work for them, and are now attempting to assert themselves against those laws both in the courtroom and in public protest. There was a time and a place to discuss the merits of this pipeline project. The rules matter. It is beyond time to allow construction to continue

The colonial tone of his claims combines deployments of nationalism with attempts to frame the resistance as lawless, while conveniently erasing the unique concerns and status of Indigenous peoples, particularly a federally recognized Native nation. His article draws on pro-American sentiment promoting DAPL as a provider of an ‘invaluable American-produced natural resource.’ Then Ness claims:

Native American groups and their environmental activist allies are attempting to roll back progress of the pipeline through illegal occupation of construction sites, intimidating and threatening law enforcement and construction workers, shutting down public highways, and demonstrating in front of public buildings. Despite the fact that these groups did not take part in the review process of the project, including three public hearings held in North Dakota by the Public Service Commission

This is a gross erasure of history, treaty law, and government-to-government relations. The term ‘illegal occupation’ is shocking if one has any knowledge of the varied processes that enable the continued existence of United States, particularly in the Dakotas. Furthermore, Ness asserts that DAPL is safe – or at least desirable – by comparing it to the Garrison Dam. He writes ‘[t]his is a state-of-the-art infrastructure project that is arguably the biggest North Dakota infrastructure project since the Garrison Dam.’ On the surface this may not seem like a controversial statement, but from a perspective that takes colonial ecological violence into account, the Garrison Dam, part of the Pick Sloan Act, was a project that fundamentally harmed Indigenous peoples for the benefit of settlers. For example, the Three Affiliated Tribes lost over 152,000 acres of their reserved lands – over one quarter of their total land base – as a result of Garrison Dam (Lawson 2009 p. 59; Geisler 2014; Estes 2019).¹⁰ As such, comparing DAPL to Garrison may not be entirely inaccurate, but their similarity lies in their shared capacity for eco-social disruption, not in their desirability.

Protest-as-pollution: paternalism and faux environmentalism

Discourse significantly shifted again in early December and the undercurrent of vague paternalism in earlier coverage which suggested Water Protectors did not realize the dangers they were creating was amplified by news of an incoming winter storm.¹¹

Simultaneously, in the wake of the U.S. Army Corps’ December decision to not issue water-crossing permits to ETP, coverage continued to frame the Water Protectors as inherently dangerous and threatening to the community. On December 5, an article covered the development of an organization described as a ‘consortium of pro-law enforcement and pro-community groups’ committed to ‘[p]roviding 24-hour support to local businesses’ whom they felt were being threatened by DAPL resisters (Grueskin 2016d). While extended conversation about the pipeline as an environmental hazard became virtually non-existent,¹² it was replaced by a combination of open hostility, in which No DAPL was discursively likened to 9/11 terrorists (Smith 2016b) and called ‘lawless’ ‘radicals’ (Emerson 2016b), and of paternalism.

The next shift in framing ultimately portrayed Water Protector camps themselves as a major threat to the environment. This suggestion came in a few forms. First was the claim that delaying the pipeline put the environment at risk because ‘more Bakken crude will continue being shipped by rail or truck’ while ‘winter weather in North Dakota made those methods riskier than shipping by pipeline.’ Declaring that ‘[i]f this pipeline was up and flowing today, that oil would be moving safely and consistently to market without any interruption’ (Dalrymple 2016a). There were also suggestions that the Water Protectors’ discourse was a source of ‘pollution’ to the ‘legitimate concerns’ of the tribe. On Dec 20th Rep. Kevin Cramer is quoted as saying ‘the causes they promote, such as ending the use of fossil fuels, undermine the tribe’s original arguments ... The legitimate questions ... have been greatly diluted’ (Smith 2016c).

The more explicit focus on protests as pollution began in early January, first with an article highlighting conversations between tribal leadership and camp leadership around the issue of potential flooding and clean-up plans. “‘Because of this risk of flood, we’re worried about what’s going to be left at the camp,” said Tribal Chairman Dave Archambault II. “What we want to do is make sure none of that waste gets into the Missouri River” (Holdman 2017a). This concern about clean-up logistics was misappropriated by pipeline proponents in the weeks leading up to the forced evacuation.

A January 21st letter to the editor uses the risk of trash in the river as a reason to have the National Guard ‘go in and arrest who is left, then whoever is, and has been arrested, should be made to go in and tear down, drag out and clean up the mess before the snow melts and it floods, thus contaminating our river’ (Johnson 2017). Similarly, Gov. Doug Burgum, the newly elected governor of North Dakota ‘welcomed’ Trump’s decision to ignore Obama’s call for a more robust environmental impact statement, and said he ‘wants to work with the tribe to move people and camping supplies before a potentially dangerous flood that could cause an

“environmental or human disaster” (Grueskin 2017). The coverage contains multiple examples of Burgum’s continued concern about camps as a ‘public safety, and ... environmental disaster’; similar levels of concern about the pipeline as a potential threat to the environment and the public are not expressed. This framing legitimates the forced removal of Water Protectors and effectively clears the way for ETP to proceed with the Dakota Access Pipeline.

Treaties: the missing risk discourse

While much of this analysis has centered on the mischaracterization of Water Protectors as a threat it is also important to note that the coverage significantly fails to engage with the issue of treaties. Of the $n = 847$ articles containing any general risk code, only $n = 65$ contained any reference to treaties, despite the fact that numerous tribal officials were quoted and that comments from these same officials published in Indigenous news sources reflect deep and consistent attention to how DAPL violated or threatened treaty rights. The mentions in Indigenous news media begin as early as April 2016. By comparison, there is no mention of treaty rights in *The Bismarck Tribune* until August 2016, and the most extensive engagements with the issue occurs in letters to the editor, which suggests that although treaties may be of interest to some members of the public, they are not a major part of the official conversation as framed by the local media (Siyaka 2016; Omdahl 2016; Gipp 2016).

Since many claims against the pipeline pivot on treaty-reserved rights, the sparse coverage of treaties is alarming. More alarming is that this failure to engage in the central issue of federally protected rights results in knowledge gaps which fuel later depictions of the No DAPL movement as disorganized or unfocused, as if the Water Protectors and tribal government don’t understand the stakes of the conflict, or their own political status. Knowledge gaps also enable the discursive criminalization of Water Protectors. For example, when an encampment moved onto 1851 Fort Laramie Treaty land, Sheriff Kirchmeier rightly noted that the treaty dispute “cannot be worked out in Morton County ... [it] has to be worked out with the federal government” (Grueskin 2016c). While that is factual, his next suggestion that the encampment was therefore illegal and should be disbanded demonstrates a failure to understand that a dispute between sovereign nations cannot be policed by the county sheriff.

Conclusion

Analyses of conflicts over land and resources within the United States must be situated within the context of settler colonialism. Considerations of media coverage within this context must include attention not only to what is said – the continuing misrepresentation of Indigenous peoples and their sovereignty – and to

what is unsaid in accordance with the settler-colonial structure’s reliance on invisibilization for the legitimation of settler claims to place. Failure to do so replicates the very pattern of erasure which is so central to producing and maintaining colonial ecological violence.

In this analysis of local media coverage and No DAPL, I demonstrate how frames of risk mobilize and attempt to naturalize existing narratives about settler-colonial dominance over land and resources by prioritizing property rights and corporate interests while relying on narratives that depict Indigenous peoples as a threat to ‘civilization.’ I also suggest that not only was the dominant framing of risk strongly skewed toward pro-pipeline and pro-police sentiments, but that it was also generally deficient in its attention to ecological risks and the threats DAPL poses to Indigenous lifeways and treaty rights.

By erasing or mischaracterizing Indigenous connections to place, and the legal rights which Native nations have retained to their territories, and depicting Indigenous Peoples and their allies as threats, this type of framing contributes to colonial ecological violence and primes the public to accept or even initiate additional violent responses to Indigenous movements for collective continuance (Whyte 2018). This second point is especially salient given that protest of any kind is now increasingly assessed by both police and by media as a threat to the state, similar to terrorism (Wood 2014; Crosby and Monaghan 2018; Estes 2019).

A militarized police response to No DAPL was apparent and fit seamlessly with long histories of settler violence against Native peoples. It was also generally validated by the media framing of events¹³. Greater attention to the relationship between settler colonialism, media, and state repression may reveal more discursive mechanisms by which the settler state and corporate interests contribute to and seek to legitimate colonial ecological violence.¹⁴ Conversely, focus on Indigenous and independent media may reveal how these frames are resisted, and comparisons may illuminate the extent to which issues made central in Indigenous-led movements are completely erased in both local and national media coverage. A deeper understanding of these mechanisms and counter-frames may contribute to an enhanced capacity for Indigenous-led resistance and solidarity with such resistance in the future.

Notes

1. My use of the term Water Protectors in this paper reflects a respect for the self-definition of Indigenous peoples and their framing of their actions. This framing itself is a contestation with settler-colonial narratives and norms. That said, I do at times use the word protest to indicate organized and active resistance.
2. I use this term to mean relating to relationships between social life and ecology.

3. This structuring is effected in numerous ways; the imposition of private property and laws regulating land uses are two major examples.
4. First *New York Times* article on DAPL: 8/24/2016. First *Washington Post* article on DAPL: 9/08/2016.
5. Bismarck is approximately 90% white with an average income of around \$41,000 annually and a 9% poverty rate according to US Census 2017 ACS 5-year survey.
6. General risk codes: risk, threat, safe, hazard, damage, destroy, danger, dangerous, secure, security, safety, defend, protect.
7. People risk codes: violent, violence, attack, assault, weapon, crime, police, law enforcement, sheriff, arrest, criminal.
8. Environment risk codes: pollution, pollute, leak, spill, contaminate, climate change, blowout, toxic, global warming, contamination, poison.
9. 'Meskwaki Nation Opposes New Pipeline Threat That Could Rival Keystone XL' *Indian Country Today*.
10. More on the dam in relation to DAPL can be found in Estes (2019).
11. On a number of occasions police/government actions in opposition to the No DAPL movement were framed as for the good of the protestors. Consider for example Col. John Henderson, Omaha district commander's claim that plans to evict camps were because: 'I am genuinely concerned for the safety and wellbeing of both the members of your tribe and the general public located at these encampments' (Donovan 2016).
12. Some of the only substantive engagements with environmental concerns comes from letters to the editor (e.g. Wood 2016; Kreps 2016).
13. See Estes (2019) for comments on the communications of private DAPL security force, TigerSwan. These communications show remarkable similarities in assessment of Water Protectors and insurgents.
14. Similar tropes are unfolding in coverage of the Mauna Kea resistance in Hawaii.

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