9-12th Grade Native American Land Rights

Who is responsible to the land?

Donny Bajour, Signpost From Standing Rock, from Smithsonian Collections. Accessed from: Signpost From Standing Rock

Supporting Questions

1. What is the Dakota Access Pipeline (DAPL)?
2. Who impacts the use of land?
3. Who is impacted by land use?
4. Who owns the land?

9-12th Grade Native American Land Rights

Who is responsible to the land?

Standards and Content Angle	**D2.Civ.5.9-12** Evaluate citizens' and institutions' effectiveness in addressing social and political problems at the local, state, tribal, national, and/or international level. **D2.Geo.2.9-12** Use maps, satellite images, photographs, and other representations to **explain relationships** between the locations of places and regions and their **political, cultural, and economic** dynamics.
Staging the Compelling Question	Watch a brief news clip about the Mní Wičhóni School in Standing Rock. Generate questions about the video.

Supporting Question 1	Supporting Question 2	Supporting Question 3	Supporting Question 4
What is the Dakota Access Pipeline (DAPL)?	Who impacts the use of land?	Who is impacted by land use?	Who owns the land?
Formative Performance Task	**Formative Performance Task**	**Formative Performance Task**	**Formative Performance Task**
List information to explain the who, what, where, when, and why of DAPL.	Create an annotated graphic organizer, web, or map to explain how people impact the use of land.	Add to the previous graphic (or create a new graphic) to show how different people are impacted by land use.	Develop a claim supported by evidence explaining who has the strongest claim for the land DAPL will cross.
Featured Sources	**Featured Sources**	**Featured Sources**	**Featured Sources**
Source A: Maps of the DAPL **Source B:** "Dakota Access Pipeline," *Harvard Environmental & Energy Law Program* **Source C:** "What to Know about the Dakota Access Pipeline Protests," *Time* **Source D:** "Bismarck Residents Didn't Even Have to Fight…" *WNYC*	**Source A:** "Dakota Access Pipeline," *NPR* **Source B:** "Integrating Climate Change-Related Factors…" OECD *Previous Supporting Question's sources*	**Source A:** "Treaties Still Matter," Native Knowledge 360 **Source B:** "The Dakota Access Pipeline, the Standing Rock Sioux Tribe, and the Law," *The Atlantic* **Source C:** "The Youth Group that Launched a Movement ..." *New York Times* **Source D:** "In Conversation: Standing with Standing Rock" *EarthJustice* **Source E:** "Standing Rock Sioux Chairman Takes #NODAPL to the United Nations," Video	**Source A:** Interview with Stephanie Charging Eagle, WoLakota Project **Source B:** Amici Brief on Behalf of Standing Rock Sioux Tribe **Source C:** "The Dakota Access Pipeline, the Standing Rock Sioux Tribe, and the Law," *The Atlantic*

Summative Performance Task	**ARGUMENT** Who is responsible to the land? Construct an argument (e.g., detailed outline, poster, essay) that evaluates the controversies surrounding the Water Protectors and the Dakota Access Pipeline, using specific claims and relevant evidence from historical and contemporary sources, while acknowledging competing views.
	EXTENSION Convert your argumentative essay into an op-ed essay.
Taking Informed Action	**UNDERSTAND** Research another conflict between Indigenous group(s) and business/government interests over resource extraction in North America (e.g., Wet'euwet'en-LNG Canada, Black Hills-Azarga Uranium, Atlantic Coast Pipeline). **ASSESS** Evaluate the interests, claims, desires, and influence of different stakeholder groups. **ACT** Create a public service announcement (PSA) for your local community with a call to action, where viewers are encouraged to contact a stakeholder on behalf of a just and fair policy.

Overview

Inquiry Description

This inquiry leads students through an investigation of questions around Indigenous People's land rights. Focusing on the construction of the Dakota Access Pipeline (DAPL), students explore how disputes over treaties and historical land bases complicate the already contentious issue of resource extraction.

Students are progressively introduced to land rights issues centering on the experiences of Indigenous People. The inquiry begins by presenting information about DAPL, focusing primarily on the details of the pipeline itself and sharing the different perspectives about its construction. Next, students explore the different stakeholders connected to DAPL (and stakeholders of land use, more broadly), allowing them to evaluate the different levers of power influencing how land is used. This set of perspectives is followed by students' investigation into who is impacted by land use, and the implications for land use, from energy extraction to cultural destruction. In the last supporting question, students address the more complicated question of land ownership and stewardship. The inquiry culminates in students' construction of arguments in response to the compelling question—*Who is responsible to the land?*—where they consider the responsibilities of many different stakeholders and re-frame "responsibilities" as legal, cultural, and moral questions.

The compelling question's prepositions were chosen intentionally. Rather than asking "who is responsible *for* the land," the question asks about responsibility "*to* the land." In consultation with expert Sarah Pierce, Director of Education Equity at NDN Collective, the compelling question's particular framing was designed to emphasize the inherent kinship and relationship between people and land, further situating this inquiry in the intellectual tradition of Indigenous Peoples.

Note: It is important to note that this inquiry requires prerequisite knowledge of the Fort Laramie Treaty and the conflict that led to its signing. If needed, teachers can provide additional resources related to the treaty.

This inquiry is expected to take ten 60-minute class periods. The inquiry time frame could expand if teachers think their students need additional instructional experiences (e.g., supporting questions, formative performance tasks, featured sources, writing). Teachers are encouraged to adapt the inquiry to meet the needs and interests of their students. This inquiry lends itself to differentiation and modeling of historical thinking skills while assisting students in reading the variety of sources.

Structure of the Inquiry

In addressing the compelling question—*Who is responsible to the land?*—students work through a series of supporting questions, formative performance tasks and featured sources in order to construct an argument supported by evidence and counterevidence from a variety of sources.

Context of the Inquiry

This inquiry was developed through a collaboration between C3Teachers and a team of Summit Learning curriculum fellows and is part of a larger collection of inquiry projects designed to meet the needs of states and districts, who are increasingly calling for ethnic and gender studies' inclusion in curriculum. Schools need

culturally relevant materials that represent inclusive histories and experiences of people in the communities they serve. This project, and others in the collection, represent a diverse set of identities and perspectives.

Content Background

Though the inquiry uses DAPL as a case study, students should consider how it represents enduring struggles related to Indigenous peoples' sovereignty and cultural sustainability. The blueprint for this inquiry was written to provide a framework to allow tribes, states, or regions to adapt it to their local communities.

Climate justice and responsibly accessing environmental resources are two of the most pressing issues facing society, pitting big business and government on one side versus Indigenous communities and other climate activists on the other. By complicating these disputes, students build a context for assessing the enduring questions plaguing land use: Who is most affected by mining, fracking, drilling, and transportation of natural resources? Who decides where extraction takes place and the lands and waterways over, and through which, these resources can travel? What role, if any, do treaties between the United States and Canadian governments and First Nations/Tribes play in answering these questions? In the case of treaties that have already been broken, what boundary lines do we use to determine decision rights?

Notes on Language

Where appropriate, Lakota words are used in the inquiry or the inquiry sources. Below is a list of notable terms and phrases:

Makoce, the land

Unci Maka, grandmother earth

Mní Wičhóni, water is life

Mni Sóta Maḳoce, Dakota homelands

Mní Wičhóni Nakíčižiṇ Owáyawa, Defenders of the Water School

NDN, a stylized version of "Indian." Amongst Indigenous groups, there are those who prefer titles of Indian, Indigenous, Native American, and/or specific tribal affiliations (e.g., Oglala Lakota).

Additional Resources

Culturally Sustaining Teaching Webinar: Dakota Wicohan is a Minnesota Dakota learning institute, dedicated to empowering and preparing leaders with wo'Dakota. Their website provides curriculum—Mni Sóta Maḳoce: The Dakota Homelands curriculum—to "preserve and transmit the rich historical and cultural heritage of Minnesota's Dakota people to the next generation of leaders in our state—our youth." On this page, teachers can access a training video that explains how they position curriculum about Indigenous groups, including the Dakotan worldview and communities' connection to land, among other topics.

Teachers are encouraged to watch the webinar, as it provides valuable context for this inquiry project and supports culturally sustaining pedagogical practices.

St. Clair, I.D. (August 2019). Informational Webinar: Mni Sota Makoce Curriculum and Training. University of Mineesota's CREATE Initiative. Webinar. Accessed from: https://dakotawicohan.org/courses/mni-sota-

koce/.

Supplemental Sources

The sources referenced below can be incorporated into the inquiry through lesson entry events or to support the formative performance tasks. See Appendix for images to support inquiry instruction.

Fredericks, C.F. Meaney, M. Pelosi, N. & Finn, K.R. (2018). Social Cost and Material Loss: The Dakota Access Pipeline. *First People's Worldwide, University of Colorado, Boulder*. Report. Accessed from: https://www.colorado.edu/program/fpw/sites/default/files/attached-files/social_cost_and_material_loss_0.pdf.

Hopkins, R. (28 June 2014). Reclaiming the Sacred Black Hills. *Indian Country Today.* Web Article. Accessed from: https://indiancountrytoday.com/archive/reclaiming-the-sacred-black-hills-ueqUBTSDuUK2nq8VzF4Rdg.

Zoss, J. (2 December 2016). Mni Wiconi Series: Jason Mraz. "Water is Life" Series. Video. Accessed from: https://www.youtube.com/watch?v=M9G8REdObVM&feature=youtu.be.''

Standards & Essential Understandings

In addition to the *C3 Framework* indicators listed above, this inquiry highlights the following Oceti Sakowin Essential Understandings and Standards. For more information on Oceti Sakowin Essential Understandings and Standards, see: https://doe.sd.gov/contentstandards/documents/18-OSEUs.pdf.

- **Oceti Sakowin Essential Understanding 1: Lands & Environment**
  - Standard 1.1 – Identify changes from the historic land base to the contemporary nine-reservation South Dakota land base of the Oceti Sakowin, and analyze the causes and implication of those changes.
  - Standard 1.2 – Describe traditional and contemporary Oceti Sakowin perspectives on communal stewardship of land and natural resources (flora, fauna, geographic and sacred features).
  - **Standard 1.3 – Demonstrate understanding of the interrelationships of Oceti Sakowin people, places, and environments within all tribal lands in South Dakota.**
  - Standard 1.4 – Identify and explain contemporary environmental issues facing Oceti Sakowin lands (i.e. Dakota Pipeline, etc.).
- **Oceti Sakowin Essential Understanding 6: Sovereignty & Treaties**
  - Standard 6.2 – Describe how Oceti Sakowin land stewardship was impacted through the process of treaty-making and land ownership (1532-1828)

Cognitive Skills

The Summit Learning Cognitive Skills Rubric is an assessment and instruction tool that outlines the continuum of skills that are necessary for college and career readiness. Cognitive Skills are interdisciplinary skills that require higher-order thinking and application.

The rubric includes 36 skills and 8 score levels applicable to students in grades 3 through 12. Through Summit Learning, students practice and develop Cognitive Skills in every subject and in every grade level. The use of a common analytic rubric for assessment of project-based learning allows for targeted, standards-aligned feedback to students and supports the development of key skills over time. For more information, see the Cognitive Skills

rubric here: https://cdn.summitlearning.org/assets/marketing/Cognitive-Skills-Document-Suite.pdf

The inquiry highlights the following Cognitive Skills:

Staging the Compelling Question	
Compelling Question	Who is responsible to the land?
Staging Task	Watch a brief news clip about the Mní Wičhóni School in Standing Rock. Generate questions about the video.
Featured Sources	**Source A:** Mní Wičhóni School at Standing Rock (26 October 2016). Cheyenne and Arapaho Television (CATV). News Segment. Accessed from: https://www.youtube.com/watch?v=AZwhq1z11Nw&feature=youtu.be.
	Source B: Sylvester, J. & Nixon, J. (October 2018). Defenders of the Water School: An Interview with Alayna Eagle Shield. *The Henceforward.* Audio Podcast. Accessed from: http://www.thehenceforward.com/episodes/2020/4/21/episode-27-defenders-of-the-water-school-an-interview-with-alayna-eagle-shield.
	Source C: Mní Wičhóni Nakíčižiŋ Owáyawa, The Defenders of the Water School. (n.d.). Website. Accessed from: https://mniwichoniowayawa.wordpress.com/.

To stage the compelling question—*Who is responsible to the land?*—teachers introduce students to the concept of *Mní Wičhóni* ("water is life") through a video that shows students at the *Mní Wičhóni Nakíčižiŋ Owáyawa*, Defenders of the Water School in North Dakota. While watching the video, and for several minutes afterward, students generate questions. Teachers can use the Question Formulation Technique or another question-generation strategy.

Though some elements of the school may look different from students' schooling experiences (e.g., the classrooms are often in tents), teachers should take great care to ensure that their students do not belittle or criticize those in the video. Instead, through the question-generating exercise, teachers should encourage students to ask questions from a position of curiosity and wonder.

The Staging Task focuses on Featured Source A. However, teachers can support students' meaning-making by incorporating Featured Source B and C, which provide additional context for the *Mní Wičhóni Nakíčižiŋ Owáyawa*. See below for descriptions. If using the two additional sources, have students read the description of the Defenders of the Water School before, or right after, their initial question-generation. After discussing their questions, listen to the *Henceforward* podcast episode, pulling key themes from Eagle Shield's explanation and connecting them to students' question sets.

The first supporting question introduces students to the Dakota Access Pipeline (DAPL) controversy. Teachers may ask students to share any prior knowledge they have on DAPL or other issues related to Native American land rights, whether present (e.g., *McGirt v. Oklahoma,* 2020) or historical (e.g., the Trail of Tears).

Featured Sources

The following sources were selected to help introduce students to the concept of *Mní Wičhóni* and its importance to indigenous communities. These sources help stage the inquiry, preparing students to engage in the inquiry process and explore Native American land rights. Teachers should add/subtract, excerpt, modify, or annotate sources in order to respond to student needs.

SOURCE A is a news clip featuring students who attend the Mní Wičhóni School at Standing Rock. As a young student in the video notes, *Mní Wičhóni* means "water is life" in Lakota.

SOURCE B is a podcast series focusing on the relationships between Indigenous Peoples and Black Peoples in "Turtle Island," referring to North America (or the world, more broadly). In this episode, the hosts interview the creator of the *Mní Wičhóni Nakíčižiŋ Owáyawa*, Alayna Eagle Shield. In particular, Eagle Shield's discussion provides context to Indigenous People's efforts to preserve traditional teachings, language, and practices.

SOURCE C The third source is information about the Mní Wičhóni School from their website. Teachers may choose to have students read this document for context before/after viewing the video. Likewise, the teacher may use this information to provide context to students.

Staging the Compelling Question	
Featured Source A	Mní Wičhóni School at Standing Rock (26 October 2016). Cheyenne and Arapaho Television (CATV). News Segment. Accessed from: https://www.youtube.com/watch?v=AZwhq1z11Nw&feature=youtu.be.

Screenshot from video:

Staging the Compelling Question	
Featured Source B	Sylvester, J. & Nixon, J. (October 2018). Defenders of the Water School: An Interview with Alayna Eagle Shield. *The Henceforward.* Audio Podcast. Accessed from: http://www.thehenceforward.com/episodes/2020/4/21/episode-27-defenders-of-the-water-school-an-interview-with-alayna-eagle-shield.

Jade: Thus far, we've been talking about language and now, we're talking about humor, but language was one of the many things taught to children at the Očhéthi Šakówiŋ Camp. Here in Toronto, the Black Lives Matter Toronto Chapter created BLM Freedom School, which is an alternative school of sorts, to teach Black children about themselves and in ways that differ greatly or absented within traditional European formal school models or European school models as we know them. In the Freedom School, children learn about Black diasporic and Black Canadian history. They're taught things about love, justice, and about resistance and political struggles fought through like BLM activist work. I'm saying all of this to say that learning outside of formal settings is necessary and has always occurred in spaces outside of the classroom for Indigenous and Black youth. The camp that you created, were you like this can exist elsewhere? This can exist outside of this moment?

Alayna: Yeah. It can definitely exist outside that moment, but it's going to look different. It's always going to look different. It's going to be different. No matter how much I want to replicate exactly what we did at camp, there was people from all over the world that brought stuff that is going to be different than just what the reservation can bring. I'm so thankful that I had that learning though because what I've got from that was a destructuring and unlearning, which is probably the hardest process that I've ever gone through. I think in any educational learning or any educational institution, anything, is when the student or the teacher comes in to do a certain job, there's a huge unlearning process that has to happen, because for centuries, we've been so torn up away from our traditional living, from our traditional lifeways and ways of living that obviously can't be replicated because those were years ago and we just lived on the land and followed the buffalo, because we're in a modern time, right? But how can we do our best to take from our traditional ways into the modern times that fits everybody and all the needs? In our urban communities and in our reservations, what does that look like? It has to be by the community.

Jennifer: A lot we covered the importance of being a community and your presence as a teacher and educator and most specifically a mother, the importance of listening to our children. What did the children teach you at the camp? What did you learn from them?

Alayna: What I learned from the children was that they want to be. We're all searching and trying to find this way to help our people and save our languages and do this great thing, but what I learned from the children is they were just being. In the whole movement, everything that we've learned from the school, from the camp, from the 8 movement was to just be, and we're going to change everything, right? Because we didn't want the pipeline, we wanted to just live in. The kids just want to be. They didn't care about titles. They didn't care about any accomplishments. They wanted to sing their ceremony songs, they wanted to speak the language, they wanted to go to ceremonies that they never had access to before the camp. Many of those kids had never gone to ceremonies before that. Many of them have never made a drum or learn to beat or anything before they ended up coming to camp. If I learned anything from this whole movement is that I'm not going to save my language or my culture for all my people, but by just being me, I'm going to help to encourage and inspire people to do whatever it is in their heart that they think is going to contribute to the overall movement of going back to who we are truly meant to be.

Jennifer: The elders always say your teachings will help guide you on your path, how did your teachings direct you and your responsibilities at Standing Rock?

Alayna: I've said this before, and I've always given credit that it was not my idea to start this school. There was a lot of women having meetings at the camp, and so a lot of aunties and grandmas were like hey, we know from this, this, and this movement, from Akwesasne, from Indian school in Milwaukee, from all these occupations and movements that have happened since the Civil Rights movement and AIM movement, that they're going to come for our children, so what I've learned from that is that when aunties and grandmas and grandpas tell you to do something, hey, you do it.

Jade: You better trust the aunties.

Alayna: Yeah. What I've learned is that it's not one person. Like I said earlier that I'm not going to be the one person that's going to save my language or my culture from my people, but it's going to be a collective movement. At the camp, I wasn't the only teacher, I wasn't the only organizer. There was Teresa Dzieglewicz, Blaze Starkey, Jose Zhagnay, Steve Tamayo. They ended up coming and basically living there the whole time with the kids, and the kids respected them and loved them so much. [0:20:21] The elders that ended up coming and being a part of it, an elder helped us to translate the name, right? The children of the schools said they wanted to be the protectors of the water, the defenders of the water. The elder was like okay, it's Mní Wičhóni Nakíčižiŋ Owáyawa. That's how you're going to say the name of the school, and don't walk up to the protest site no more. Go pray with the kids at the water. We 9 were constantly guided by elders. We were constantly reminded of what to do and what not to do. The whole time, when it was really powerful, when things were going really good at the beginning, it was really led by the elders and the leaders in the camp.

Jade: I think one of the greatest lessons I've learned over the last two days throughout your talk, you're talking about pedagogies of kinship, and the things that kinship makes possible. You also talked about the pedagogy was decentering of teachers, and I was just thinking of the ways in which a camp was created because people were cared to love each other, love each other, provide for children, provide for each other, have some reciprocity with each other in ways that created a possibility for school to be built -- like a school to be made, and that was really important for me, is that like when there's like love or some sort of kinship, possibilities emerge and beautiful things happen.

Alayna: Yeah, and there's different layers of it too because it wasn't just the teachers that ended up coming and staying because teachers came in and out but the four that I named were the ones who stayed, and stuck it out through everything. But there was layers, so there was elders, there was kids that were at the far ends, and then there was the teachers, the community, and there was also professors who ended up reaching out and being a huge part of helping us to continue to grow and move through this, and it continues to inform their work, and work that they share with their grad students, or their students in the world still. That's cool that happened at one point in time, a moment in time has spread throughout the whole country and the world, because of what we learned from there, decentering the teachers, kinship, having chosen kin. Also, the global outlook because up until then, we've been isolated on these little reservations that at one point in our history, we weren't even allowed to leave, and so we got to get a world view come to us, so that was cool. Some of the professors that I just want to express gratitude for really quick are Django Paris and Rae Paris, they came out and did workshops with the students and with the teachers, and they continue to help us and inform our work, and how it relates to other movements like Chicago Freedom Square and other movements around the country. Sweeney Windchief, Tim San Pedro, Jeremy Garcia, Valerie Shirley, Eve Tuck, Leonie Pihama, Linda Tuhiwai Smith, Renée Holt. There's so many professors and people in academia that believe in this type of education and were willing to support it with all that they had. That has been amazing forms of solidarity and kinship from people who normally, in our eyes, would look down on that type of education because it's not institutionalized, right? 10

Jennifer: Thank you so much for your time. These past couple of days had just been the best couple of days I've had in a long time, and you made me realize the importance of sisterhood, and just how sisterhood does not

necessarily mean the circle within our own individual circles locally, it transcends borders. Thank you so much for taking the time being with us today.

Jade: You're the best. Thank you, Alayna.

Alayna: Thank you so much. Gee, I'm going to cry. Eve: The Henceforward, Indigenous and Black life on Turtle Island.

Staging the Compelling Question	
Featured Source C	Mní Wičhóni Nakíčižiŋ Owáyawa, The Defenders of the Water School. (n.d.). Website. Accessed from: https://mniwichoniowayawa.wordpress.com/.

Mní Wičhóni Nakíčižiŋ Owáyawa, The Defenders of the Water School, was located in the Očhéthi Šakówiŋ Camp at Standing Rock. We began as a resource school providing support for parents who choose to supervise their children's home education. We served the families in the water protectors camp community while they were temporarily camping here. We offered lessons in Lakota language and tradition, as well as traditions and stories from the tribes in the camp. We also offered resources and educators for core subjects and those required under North Dakota homeschool law. We helped families from other states understand the paperwork and requirements for their resident state.

The school was founded by Alayna Eagle Shield, language specialist at the Lakota Language and Culture Institute at Standing Rock. We are run by volunteers and funded completely by donations. Workshops are often offered by elders, students, artists, and others who wish to share their knowledge with the young water protectors. From our start as a school serving the children of many tribes in the camp community we are transitioning to a permanent indigenous project based school. In addition to the school we will be offering week to two week camps and a virtual learning environment. Our goal is to share traditional knowledge and language with children and we will continue to fight to protect water and land. We are an affiliate of Seventh Generation Fund for Indigenous People and all donations are tax deductible. Please follow us as our story continues to unfold.

Supporting Question 1	
Supporting Question	What is the Dakota Access Pipeline (DAPL)?
Formative Performance Task	List information to explain the who, what, where, when, and why of DAPL.
Featured Sources	**Source A:** Maps of the Dakota Access Pipeline. Maps accessed from ● "Treaties Still Matter: The Dakota Access Pipeline," Native Knowledge 360, National Museum of the American Indian, Smithsonian. Accessed from: https://americanindian.si.edu/nk360/plains-treaties/dapl ● "About," Dakota Access Pipeline, Energy Transfer LP. Accessed from: https://www.energytransfer.com/terms-of-use/
	Source B: Dakota Access Pipeline (2020). *Harvard Environmental & Energy Law Program.* Web Article. (Excerpt). Accessed from: https://eelp.law.harvard.edu/2017/10/dakota-access-pipeline/.
	Source C: Worland, J. (28 October 2016). What to Know About the Dakota Access Pipeline Protests. *Time Magazine.* Featured Article. (Excerpt). Accessed from: https://time.com/4548566/dakota-access-pipeline-standing-rock-sioux/.
	Source D: Bismarck Residents Didn't Even Have to Fight to Re-Route the Dakota Access Pipeline. (30 November 2016). *PRI* and *WNYC Studios*. News Article (Audio and Transcript). Accessed from: https://www.wnyc.org/story/bismarck-residents-concern-over-dakota-access-pipeline/.

Supporting Question 1 and Formative Performance Task

In the first supporting question—*What is the Dakota Access Pipeline (DAPL)*—students are introduced to the land rights issue centered in this inquiry. The formative performance task asks students to gather evidence and list information that helps explain: (1) what DAPL is; (2) who is building the pipeline and who is impacted; (3) where it is being built; (4) when it was being built; and (5) why it is being built and why people are protesting. Upon completion of their list, teachers may have students write a summary of their work, citing evidence to connect information and their ideas about the pipeline.

Featured Sources

The following sources were selected to provide students introductory information about DAPL and the associated tension between developers and Indigenous communities. Teachers should add/subtract, excerpt, modify, or annotate sources in order to respond to student needs.

SOURCE A consists of three maps displaying where DAPL crosses Očhéthi Šakówiŋ (Sioux) Territory and the original route for the pipeline. The first two maps are from the National Museum of the American Indian. The third map is a screenshot of DAPL's path from the Dakota Pipeline's company website.

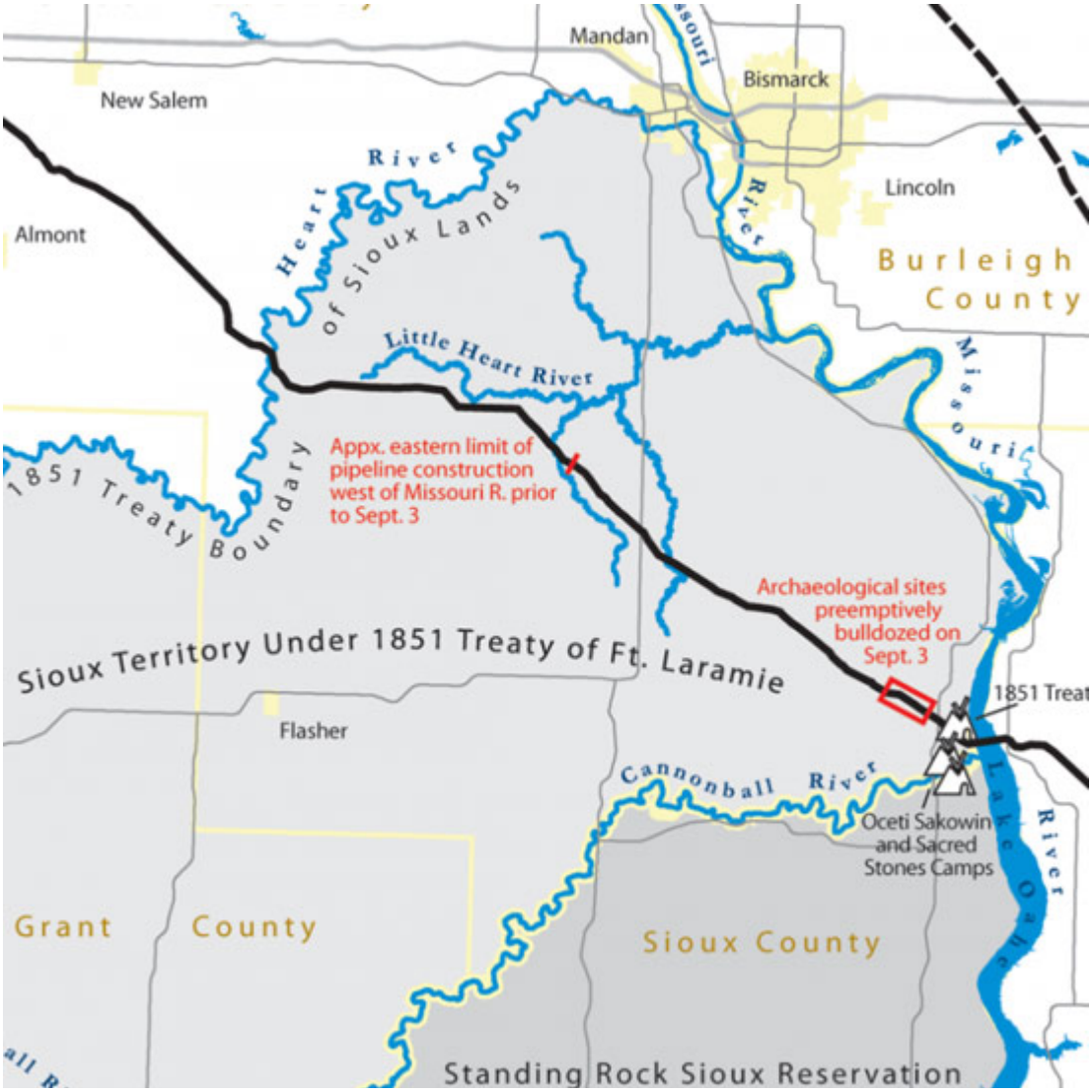
SOURCE B explains why DAPL was built and the associated legal and environmental concerns.

SOURCE C summarizes the protests against the DAPL and the government responses to those protests.

SOURCE D describes the change of the pipeline's path to avoid Bismarck, ND.

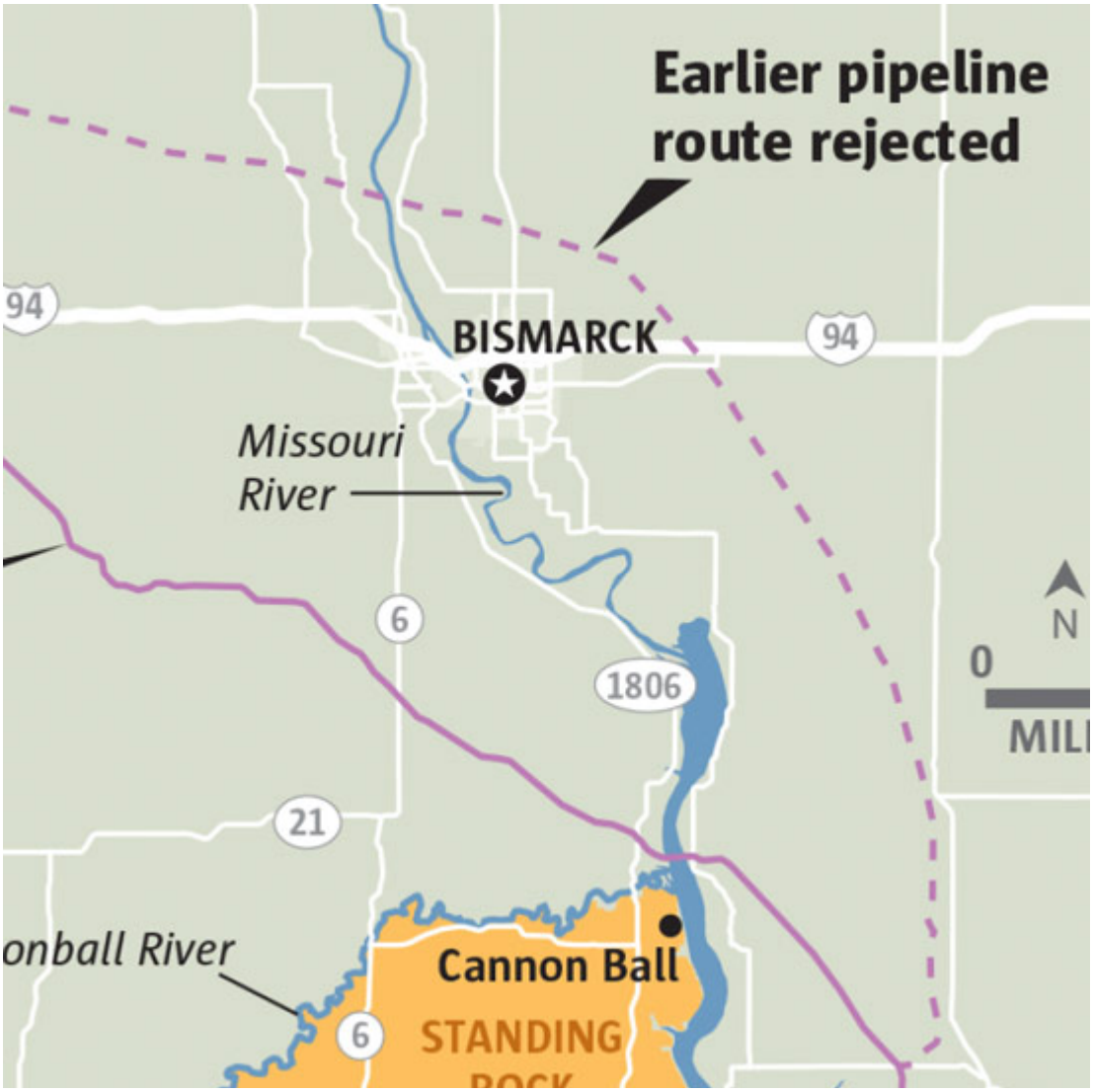
Supporting Question 1	
Featured Source A	Maps of the Dakota Access Pipeline. Maps accessed from ● Images 1, 2: "Treaties Still Matter: The Dakota Access Pipeline," Native Knowledge 360, National Museum of the American Indian, Smithsonian. Accessed from: https://americanindian.si.edu/nk360/plains-treaties/dapl ● Image 3: "About," Dakota Access Pipeline, Energy Transfer LP. Accessed from: https://daplpipelinefacts.com/About.html ● Image 4: "The Facts," Dakota Access Pipeline, Energy Transfer LP. Accessed from: https://daplpipelinefacts.com/The-Facts.html

Image 1: Map of Pipeline, showing where it crosses Sioux Territory



Caption: The *New Yorker* reported that the pipeline was originally supposed to cross the Missouri River near Bismarck, but it was moved over concerns that an oil spill at that location would have wrecked the state capital's drinking water. The Standing Rock Sioux oppose the construction of the pipeline on the grounds that an oil spill would threaten their water supply and cultural resources. See: Bill McKibben, "A Pipeline Fight and America's Dark Past," *The New Yorker*, September 6, 2016; Ryan W. Miller, "How the Dakota Access Pipeline Battle Unfolded," USA Today, December 2, 2016

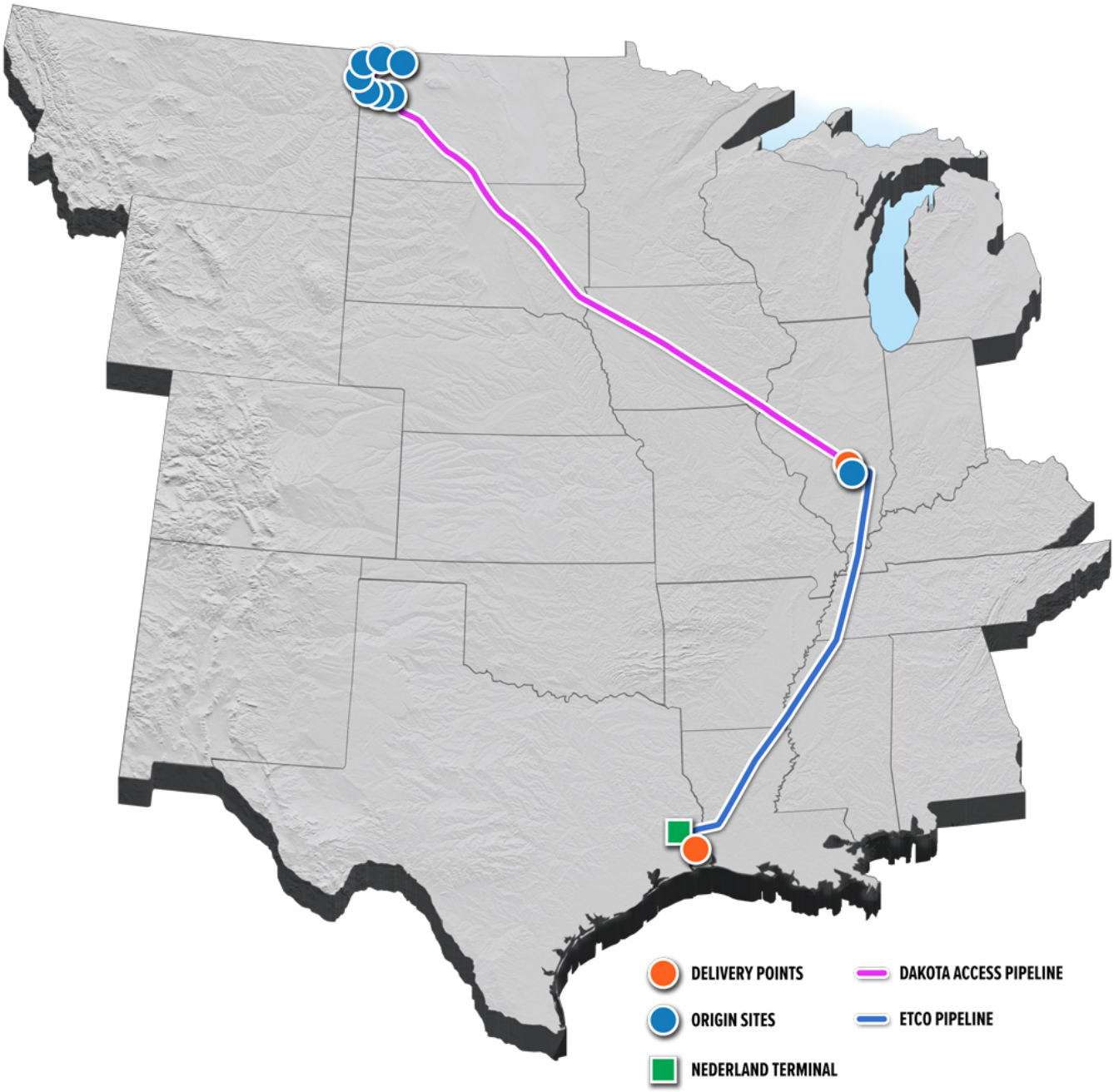
Image 2: Map of Pipeline, showing where it had previously been planned



Caption: "The Dakota Access Pipeline (DAPL) is the safest and most environmentally sensitive way to transport crude oil ... to American consumers. It will be among the safest, most technologically advanced pipelines in the world." The pipeline will be 95 to 115 feet below Lake Oahe and far below the eight other pipelines that are uneventfully operating in the same area.

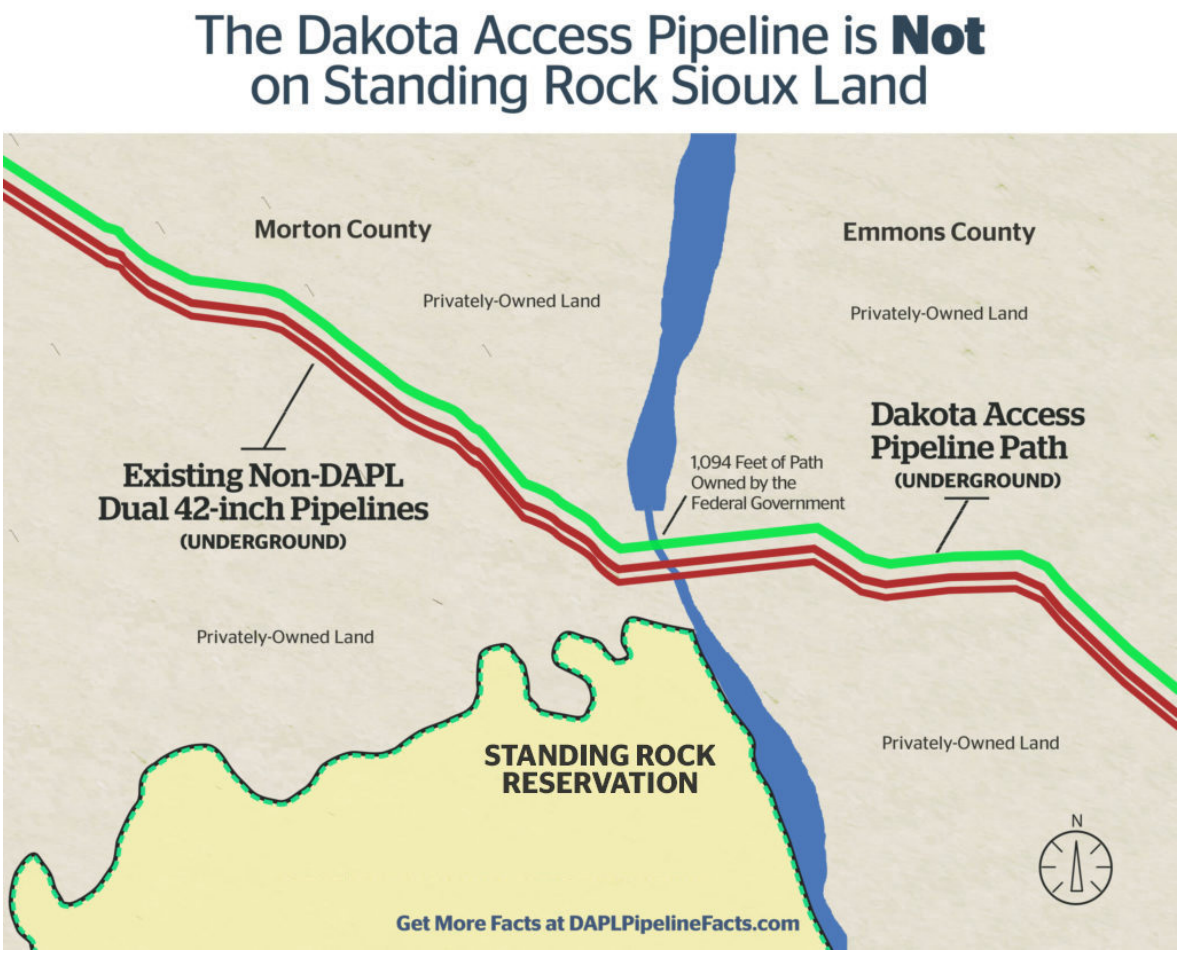
"The Dakota Access Pipeline is the Best Way to Move Bakken Crude Oil to Market," Dakota Access Pipeline Facts, 2016-2017, retrieved from https://daplpipelinefacts.com

Image 3: Screenshot of DAPL Map from Energy Transfer Partners, the company building the pipeline.



"Key Fact" from the associated webpage: The pipeline does not encroach or cross any land owned by the Standing Rock Sioux Tribe.

Image 4: Screenshot of DAPL Map from Energy Transfer Partners, the company building the pipeline.



Supporting Question 1	
Featured Source B	Dakota Access Pipeline (2020). *Harvard Environmental & Energy Law Program.* Web Article. (Excerpt). Accessed from: https://eelp.law.harvard.edu/2017/10/dakota-access-pipeline/.

The Dakota Access Pipeline (or DAPL) was built by Energy Transfer Partners to transport crude oil from the Bakken field in North Dakota to Illinois. The pipeline crosses under the Missouri and Mississippi Rivers and Lake Oahe, and runs within a half-mile of the Standing Rock Sioux Reservation, through land taken by Congress from the tribe in 1958. The DAPL also runs through important cultural and burial sites for Standing Rock and other tribal nations.

Most of the DAPL was permitted and built under state law. However, the federal government, acting through the Army Corps of Engineers, has authority over 37 miles of the 1100-mile pipeline, where the pipeline passes over or under streams, rivers, and federal dams. The Standing Rock Sioux, other tribes, and environmental groups oppose the pipeline because of the greenhouse gas emissions from oil that it carries, and out of concern that a spill might contaminate state and tribal drinking water supplies.

Supporting Question 1	
Featured Source C	Worland, J. (28 October 2016). What to Know about the Dakota Access Pipeline Protests. *Time Magazine.* Featured Article. (Excerpt). Accessed from: https://time.com/4548566/dakota-access-pipeline-standing-rock-sioux/.

How have opponents and supporters responded?

Opponents of the project have responded with both protests and litigation in an attempt to slow—and eventually stop—the pipeline. The protests began months ago with a core group of attendees, and have heated up recently as the issue gained more attention. There are now thousands of people at the construction site or in a nearby encampment, according to the tribe. Protesters have set up teepee and tent camps on land owned by Energy Transfer Partners to slow the progress of construction and have threatened to block the highway. More recently, celebrities and public figures like actor Shailene Woodley, actor Mark Ruffalo and civil rights activist Jesse Jackson have traveled to North Dakota in solidarity with the Standing Rock Sioux. The most dedicated protesters say they will remain through winter, even though the average low temperature in North Dakota reaches nearly 0 F (-17.8 C) in those months.

The tribe has also sued the Army Corps of Engineers, which permitted the project, alleging that the agency violated the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA). NHPA requires the agency to consider the cultural significance of federally-permitted sites and NEPA to consider the implications for the waterways. The litigation is ongoing though a court rejected an argument that construction should be halted while the case winds through the courts.

Supporters of the pipeline—which include state and local government leaders —have showed little interest in accommodating the project's critics, particularly the protesters on the ground. North Dakota Governor Jack Dalrymple has called in the National Guard as well as an army of other police officials. More than 140 people were arrested this week, even as construction on the pipeline has continued.

Protesters and tribal leaders have accused officials of unnecessarily rough treatment. Police have used pepper spray, rubber bullets and concussion cannons, among other tactics, according to the tribe. Amy Goodman, a journalist with the *Democracy Now!* program, was arrested while covering the protest for allegedly trespassing. Footage she captured showed police officers allowing their dogs to charge protesters.

Supporting Question 1	
Featured Source D	Bismarck Residents Didn't Even Have to Fight to Re-Route the Dakota Access Pipeline. (30 November 2016). *PRI* and *WNYC Studios*. News Article (Audio and Transcript). Accessed from: https://www.wnyc.org/story/bismarck-residents-concern-over-dakota-access-pipeline/.

Snowfall has made its way to North Dakota, adding an element of concern to the ongoing battle over the Dakota Access Pipeline. On Monday, North Dakota Governor Jack Dalrymple ordered an emergency evacuation of protesters working to block the construction of the $3.8 billion pipeline, citing safety concerns with the oncoming winter weather.

This announcement comes just days after the U.S. Army Corps of Engineers issued a letter to the Standing Rock Sioux Tribe, stating that the land they manage north of the Cannonball River will be closed on December 5th. Anyone found on the land after that date will be considered trespassers and subject to prosecution.

For several months, the local Native American community and other protesters have been arguing that the pipeline could threaten the reservation's water supply. The original pipeline was to be routed just north of Bismarck, North Dakota, but the proposal was rejected for similar reasons, according to Karen Van Fossan, minister of the Unitarian Universalist Congregation in Bismarck, North Dakota.

"I actually read about the original pathway, or an original pathway of the pipeline, in our local newspaper," she says. "It's our understanding, and I've talked to everybody who I know who would have known about it in advance, that we never even in Bismarck had to make an objection. The pathway was moved away from our drinking supply without our even needing to go to a meeting or write a letter."

Van Fossan says she believes a decision was independently made to reroute the pipeline to its current location. The Takeaway has reached out to Bismarck city officials, as well as supporters of police from Bismarck, but have yet to hear back.

"Nobody I know ever knew anything about the routing north of Bismarck," Van Fossan says.

Though Bismarck is 92.4 percent white, according to 2015 figures from the U.S. Census Bureau, Van Fossan says that many residents in the city are "aghast" by the events playing out in Standing Rock, and are standing in solidarity with the indigenous protesters and other demonstrators.

"Sadly, there are also people who I would say aren't catching the point, which is that the people at Standing Rock are as important as we are, and that [their] water supply is as important as ours," she says.

Van Fossan and others have brought an interfaith yurt to the Standing Rock campsite at the site of the Dakota Access Pipeline, and she's been providing the protesters with supplies.

"If there was ever a time to be in solidarity, it would be during winters like we have here, and the winter that is now coming," she says. "Our solidarity doesn't end when the warm weather ends."

Supporting Question 2	
Supporting Question	Who impacts the use of land?
Formative Performance Task	Create an annotated graphic organizer, web, or map to explain how people impact the use of land.
Featured Sources	*Previous Supporting Question's sources*
	Source A: Kennedy, M. (25 March 2020). Judge Orders Environmental Review of Controversial Dakota Access Pipeline. *NPR*. News Article. (Excerpt). Accessed from: https://www.npr.org/2020/03/25/821643911/judge-orders-environmental-review-of-controversial-dakota-access-pipeline.
	Source B: Ang, G. & Copeland, H. (February 2018). Integrating Climate Change-Related Factors in Institutional Investment: Background Paper for the 36th Round Table on Sustainable Development. *Organisation for Economic Co-operation and Development (OECD).* Report. Accessed from: https://www.oecd.org/sd-roundtable/papersandpublications/Integrating%20Climate%20Change-related%20Factors%20in%20Institutional%20Investment.pdf.

Supporting Question 2 and Formative Performance Task

In the second supporting question—*Who impacts the use of land?*—students consider the many different types of people who impact, or have influence on, land use, whether for personal or economic/commercial purposes. Although the question asks students "who" impacts the land, the answer is not simply "the corporations." Through the source materials (and additional research, if needed), students should create a more complex picture of who exercises power over land use. In particular, students should consider Indigenous People's use of land, as well as the U.S. Army Corps of Engineers, the company building DAPL (Energy Transfer Partners), and the federal and state governments.

To support students' abilities to make more substantive connections and inferences about land use, the formative performance task asks students to create an annotated graphic organizer, web, or map to identify who impacts land use. Prior to creating the organizer/web/map, students should be prompted to generate a list of different people identified within the sources, considering very broad and very specific categories of people. For example, students may identify *people living in the United States* as a broad category and *members of the OECD* as a more specific category of people.

To deepen students' meaning-making in this task, teachers may ask students to write 1-2 paragraphs describing the connections and inferences made in their graphic.

Featured Sources

Students should revisit the sources associated with Supporting Question 1 to answer this supporting question,

particularly those that communicate Indigenous People's relationship with the land. The following sources provide information about the environmental impacts of DAPL. Teachers should add/subtract, excerpt, modify, or annotate sources in order to respond to student needs.

SOURCE A describes a federal judge's order to conduct a full environmental review of the DAPL permits, citing gaps in the initial report about the potential detrimental effects of the pipeline.

SOURCE B is an excerpt from the Organisation for Economic Co-operation and Development (OECD), stating their policy about business' environmental practices.

Supporting Question 2	
Featured Source A	Kennedy, M. (25 March 2020). Judge Orders Environmental Review of Controversial Dakota Access Pipeline. *NPR*. News Article. (Excerpt). Accessed from: https://www.npr.org/2020/03/25/821643911/judge-orders-environmental-review-of-controversial-dakota-access-pipeline.

Nearly three years after crude oil started to flow through the controversial Dakota Access Pipeline, a federal judge has ordered the U.S. Army Corps of Engineers to conduct a full environmental review. [...]

The judge found that the U.S. Army Corps of Engineers made a "highly controversial" decision when it approved the federal permits for the project.

He ordered the agency to prepare a full environmental impact analysis, saying that it previously failed to answer major questions about the possibility of oil spills, among other concerns.

"The many commenters in this case pointed to serious gaps in crucial parts of the Corps' analysis – to name a few, that the pipeline's leak-detection system was unlikely to work, that it was not designed to catch slow spills, that the "operator's serious history of incidents had not been taken into account, that that the worst-case scenario used by the Corps was potentially only a fraction of what a realistic figure would be – and the Corps was not able to fill any of [the gaps in the analysis]," Boasberg stated. [...]

Shortly after President Trump took office, he instructed "the Army to expedite the review and approval process for the section of the Dakota Access Pipeline that hasn't been built," as NPR's Rebecca Hersher reported. It was a departure from the Obama administration's stance.

Supporting Question 2	
Featured Source B	Ang, G. & Copeland, H. (February 2018). Integrating Climate Change-related Factors in Institutional Investment: Background Paper for the 36th Round Table on Sustainable Development. *Organisation for Economic Co-operation and Development (OECD).* Report. Accessed from: https://www.oecd.org/sd-roundtable/papersandpublications/Integrating%20Climate%20Change-related%20Factors%20in%20Institutional%20Investment.pdf.

3.2.6. Instruments and policies to encourage responsible business conduct

The OECD Guidelines for Multinational Enterprises … include an expectation that businesses avoid and address adverse impacts that they cause, or contribute to, and seek to prevent or mitigate adverse impacts directly linked to their products, operations or services by a business relationship. […]

Governments who adhere to the Guidelines are required to set up a National Contact Point (NCP) to investigate "specific instance" complaints against companies and contribute to their resolution. [...] The first ever climate change-related case was recently submitted in November 2017 regarding ... the Dakota Access Pipeline (DAPL). These cases demonstrate the potential of NCPs to serve as a non-judicial grievance mechanism for "sustainable finance".

Supporting Question 3	
Supporting Question	Who is impacted by land use?
Formative Performance Task	Create an annotated graphic organizer, web, or map to explain how people are impacted by the Dakota Access Pipeline (DAPL).
Featured Sources	**Source A:** "Treaties Still Matter: The Dakota Access Pipeline," (n.d.) *Native Knowledge 360*, National Museum of the American Indian. Web Article. Accessed from: https://americanindian.si.edu/nk360/plains-treaties/dapl.
	Source B: Meyer, R. (9 September 2016). The Legal Case for Blocking the Dakota Access Pipeline. *The Atlantic.* Featured Article. (Excerpts) Accessed from: https://www.theatlantic.com/technology/archive/2016/09/dapl-dakota-sitting-rock-sioux/499178/.
	Source C: Elbein, S. (31 January 2017). The Youth Group that Launched a Movement at Standing Rock. *New York Times*. Featured Article. Accessed from: https://www.nytimes.com/2017/01/31/magazine/the-youth-group-that-launched-a-movement-at-standing-rock.html.
	Source D: Jung, M. (22 March 2017). In Conversation: Standing with Standing Rock. Conversation between Minna Jung, Abigail Dillen, and Jan Hasselman. EarthJustice. Transcript and Audio File. Accessed from: https://earthjustice.org/features/teleconference-standing-rock.

Supporting Question 3 and Formative Performance Task

In the third supporting question—*Who is impacted by land use?*—students build upon their understandings of the Dakota Access Pipeline to consider the larger consequences for the environment and human populations. In addition to the environmental consequences addressed in the previous tasks, students consider the deeper impacts associated with the pipeline construction, from the energy it produces to the destruction of cultural artifacts.

To support students' abilities to make substantive connections and inferences about land use, the formative performance task has students create an annotated graphic organizer, web, or map to identify who is impacted by use. As with the previous supporting question, the task requires students to create a complex response to "who" is impacted. The answer is not simply "Indigenous People." Through the source materials (and additional research, if needed), students should create a richer picture of impacts of land use, one that considers the many different groups within Indigenous communities (e.g., young people), the disproportionate ways marginalized communities are affected by pollution, the people benefitting from the pipeline and other land uses, protesters, and the like.

Prior to creating the organizer/web/map, students should be prompted to generate a list of different people identified within the sources, considering very broad and very specific categories of people. For example, students may identify *people living in the United States* as a broad category and *students at the Mní Wičhóni Nakíčižiŋ Owáyawa* as a more specific category of people.

Featured Sources

In addition to the previous sources, which note the potential environmental impacts of DAPL, these sources emphasize the deeper impacts of land use. In particular, they consider the connections between land use, sovereignty, and cultural sustainability. Two sources focus on these issues' impact on Indigenous youths, as well. Teachers should add/subtract, excerpt, modify, or annotate sources in order to respond to student needs.

SOURCE A is an excerpt from a student's letter to the Army Corp of Engineers. In addition to noting the environmental consequences of DAPL, she notes the connection she and her family have to the land.

SOURCE B describes the cost to Indigenous people in the form of cultural degradation. The pipeline has already destroyed archaeological artifacts and sacred sites. This article excerpt also notes DAPL's construction may violate the Clean Water Act and the National Environmental Policy Act. A different excerpt of this source is also used for Supporting Question 4.

SOURCE C extends students' understanding of DAPL, as they consider the trauma associated with ongoing assaults on Indigenous peoples culture and way of life. This brief excerpt from the *New York Times* discusses the generational trauma experienced by Indigenous youth, as well as the continued disempowerment of Indigenous peoples.

- Students may benefit from reading the full article to consider the larger picture of how youth are affected by ongoing struggles concerning sustaining Indigenous culture and sovereignty.

SOURCE D is a conversation between two legal experts with the nonprofit environmental law organization, Earthjustice. In an excerpt from the conversation, Jan Hasselman, lead counsel to the Standing Rock Sioux Tribe, discusses the concept of *environmental justice.*

SOURCE E is a brief video clip of a representative from the Standing Rock Sioux Tribe addressing the United Nations Human Rights Council in Geneva, Switzerland about the pipeline's construction's violations of human rights.

Supporting Question 3	
Featured Source A	"Treaties Still Matter: The Dakota Access Pipeline," (n.d.) *Native Knowledge 360*, National Museum of the American Indian. Web Article. Accessed from: https://americanindian.si.edu/nk360/plains-treaties/dapl.

Dear Assistant Secretary Darcy & The Army Corps of Engineers,

I am writing this letter to stop the Dakota Access Pipeline. My great grandparents are originally from Cannon Ball, North Dakota where the pipeline will cross the Missouri River. They lived along the Missouri River all their life. They raised gardens, chickens and horses. I want to be the voice for my great grandparents and my community and ask you to stop the building of the Dakota Access pipeline. If the pipeline breaks the oil will spill on the ground and into the water. Grass, crops, trees and animals will not be able to grow and live because of the oil. People will not be able to drink from the river or use the water. The time and the cost to clean up oil spills will take years and probably millions of dollars. Water to Native American people is the first medicine. Mni Wiconi: water is life.

SAY NO TO THE DAKOTA ACCESS PIPELINE AND SIGN OUR PETITION.

Anna Lee, "Mni Wiconi," Rezpect Our Water, April 2016

Supporting Question 3	
Featured Source B	Meyer, R. (9 September 2016). The Legal Case for Blocking the Dakota Access Pipeline. *The Atlantic.* Featured Article. (Excerpts) Accessed from: https://www.theatlantic.com/technology/archive/2016/09/dapl-dakota-sitting-rock-sioux/499178/.

As part of the ongoing trial, the legal team for the Standing Rock Sioux Tribe submitted documents to the court last Friday that certified one of their main claims in the case: that the pipeline will pass through and likely destroy Native burial sites and sacred places.

These documents provided some of the first evidence that state authorities had missed major archeological discoveries in the path of the pipeline. For instance, they described a large stone feature that depicted the constellation *Iyokaptan Tanka* (the Big Dipper)—a sign that a major leader, likely a highly respected Chief, was buried nearby.

"This is one of the most significant archeological finds in North Dakota in many years," said Tim Mentz, a Standing Rock Sioux member and a longtime Native archeologist in the Great Plains. "[Dakota Access Pipeline] consultants would have had to literally walk directly over some of these features. However, reviewing DAPL's survey work, it appears that they did not independently survey this area but relied on a 1985 survey."

These newly discovered finds may no longer exist. The tribe and its legal team say that less than 24 hours after evidence of the new sacred sites were provided to the court, the Dakota Access company began construction on those same exact sites, perhaps destroying many of them forever. Dakota Access and the Army Corps of Engineers did not respond to a request for comment.

The case is especially egregious because the Standing Rock Sioux were seeking an injunction to halt construction. Instead of waiting for a verdict from the court, Dakota Access went forward and destroyed many of the sites. On Tuesday, the judge in the case granted an emergency restraining order blocking further construction, but he permitted some construction where the sites had been discovered. [...]

The tribe's arguments are bolstered by two other allegedly broken laws. If the pipeline ever leaked or broke, it could spill into the Missouri River upstream of the tribe's major population center. The Missouri River is also the tribe's only source of water. Because the Army Corps failed to involve the tribe in its permitting, it could have violated the Clean Water Act and the National Environmental Policy Act.

"These are valid claims and, as alleged, they are strong claims," says Sarah Krakoff, a professor of environmental resource and Indian law at the University of Colorado Boulder. "These [federal provisions] are intended to slow this process down, so that they can make sure the right environmental decision is being made."

She added, "the Clean Water Act has substantive provisions that prefer good environmental outcomes to bad. And the proximity of this pipeline to their main water source does make their legal case stronger than some I've seen."

Supporting Question 3	
Featured Source C	Elbein, S. (31 January 2017). The Youth Group that Launched a Movement at Standing Rock. *New York Times*. Featured Article. Accessed from: https://www.nytimes.com/2017/01/31/magazine/the-youth-group-that-launched-a-movement-at-standing-rock.html.

[Protests are responding to] Native American history, not just what happened on the frontier but also in more recent decades. After federal campaigns reduced the Oceti Sakowin in the late 1800s, there were nearly 100 years of calculated assault as the state tried to force Native Americans to assimilate. The unified nation of Oceti Sakowin was broken into widely separated reservations, and after Congress privatized reservation land, many starving Lakota families had to sell off their property to white farmers, further cutting the size of reservations. The U.S. Government banned the Sundance, the Plains religions' most sacred ceremony, with its days of fasting and ritual bloodletting; Native Americans could no longer openly practice their religions. But perhaps most devastating to their psychological health were the boarding schools, in which generations of Indians were sent to schools to be taught white culture. This system reached its nadir in the forced assimilation campaigns of the 1940s and 1950s, when the grandparents of many of the I.I.Y.C. youths were taught English literally under the lash.

At Standing Rock, the youths felt they were developing the means to overcome that trauma. The key, as [Lakota Sioux teenager activist, Jasilyn] Charger explained it, was to let their history go, which they took as an almost holy responsibility: Forgive, and then take action to spare those who are coming in the future. "We don't want our children to inherit this depression," she said. The remarkable thing about this philosophy was that it was deeply practical: not just forgiving "the white man" but also the parent who beat you. For many, this provided a means to re-establish difficult relationships with parents or siblings. But it also helped bind them together into their own sort of family.

Supporting Question 3	
Featured Source D	Jung, M. (22 March 2017). In Conversation: Standing with Standing Rock. Conversation between Minna Jung, Abigail Dillen, and Jan Hasselman. EarthJustice. Transcript and Audio File. Excerpt. Accessed from: https://earthjustice.org/features/teleconference-standing-rock.

Jan Hasselman, lead counsel to the Standing Rock Sioux Tribe:

There is a time-honored tradition in America of putting the risks and the pollution of industry and toxic sites on the people who have the least political power—primarily low-income people and people of color. The concept is environmental justice. And I've never seen a balder case of environmental justice concerns than this one.

The alternative route proposed by the company for this pipeline would have crossed just north of Bismarck, North Dakota. Bismarck is the capital city. It is 92% white, according to the Census. And it's a relatively wealthy community. People said, "Oh no, you can't put a pipeline there." So they moved it to the doorstep of the Standing Rock Sioux Tribe's reservation. They crossed the Missouri [River], literally, half a mile upstream. The Standing Rock reservation is one of the lowest-income communities in the country.

It is 85% minority and people there suffer from a legacy of dispossession of their Treaty resources that is still very real today.

The idea of moving a pipeline to place the risk on top of the people who can manage that risk the least is really galling. One of the things that we're challenging in the lawsuit is the Army Corps environmental justice analysis which is really breathtaking in its arrogance. (If folks want to get into the details, we post all our briefs online.) The basic idea is they said there're no minorities within half a mile of this crossing. And therefore there are no environmental justice problems.

But, if there's an oil spill that goes downstream, that's a river, and it goes directly into this reservation, which is the Tribe's last remaining homeland after so many years of having their land taken away.

Environmental justice is at the heart of this issue, and it's at the heart of our litigation.

Supporting Question 3	
Featured Source E	Standing Rock Sioux Tribe Takes #NODAPL to the United Nations (20 September 2016). Indian Law Resource Center. Video. Accessed from: https://indianlaw.org/undrip/Standing-Rock-Sioux-Tribe-Takes-NODAPL-to-the-United-Nations.

Screenshot from video clip:

Supporting Question 4	
Supporting Question	Who owns the land?
Formative Performance Task	Develop a claim supported by evidence explaining who you think has the strongest claim for the land DAPL will cross.
Featured Sources	**Source A:** Interview with Stephanie Charging Eagle (n.d.) Oceti Sakowin Essential Understandings, WoLakota Project. Video. Accessed from: https://www.wolakotaproject.org/oceti-sakowin-essential-understanding-one/oseu-one-interview-with-stephanie-charging-eagle/.
	Source B: Brief for American Indian Affairs, et. al. in Support of Standing Rock Sioux Tribe's Motion for Summary Judgment (2017). Case No. 1:16-cv-1534-JEB.(Excerpts) Accessed from: https://www.indian-affairs.org/uploads/8/7/3/8/87380358/amici_brief_supporting_srst_smj.pdf
	Source C: Meyer, R. (9 September 2016). The Legal Case for Blocking the Dakota Access Pipeline. *The Atlantic.* Featured Article. Accessed from: https://www.theatlantic.com/technology/archive/2016/09/dapl-dakota-sitting-rock-sioux/499178/.

Supporting Question 4 and Formative Performance Task

The fourth supporting question—*Who owns the land?*—bridges students' evaluation of the consequences of land use to the compelling question of responsibility to the land. This question positions students to consider the complex questions of land ownership—not only *legal ownership* of the land, but Indigenous People's understandings of one's relationship with land, notably through the concept of *stewardship.* This task intentionally challenges what it means to "own" land.

For the formative performance task, students develop a claim supported by evidence explaining who they think has the strongest claim for the land DAPL will cross. As noted above, their claims should take into consideration legal claims, as well as cultural claims.

Featured Sources

In addition to sources from previous supporting questions, these sources position students to consider ownership of the lands from both a traditional legal understanding, as well as through the lens of stewardship. Teachers should add/subtract, excerpt, modify, or annotate sources in order to respond to student needs.

- Students should revisit the sources that address land ownership, in particular, the maps from Supporting Question 1.

SOURCE A is a video interview with WaLakota Stephanie Charging Eagle. She discusses the concept of *stewardship.* Her discussion includes how the spiritual connection with land and what "ownership" means to Indigenous People.

- Teachers are encouraged to connect this source to the Staging Task's source, Defenders of the Water School: An Interview with Alayna Eagle Shield.

SOURCE B is an excerpt from the amici brief, wherein several organizations representing Indigenous People showed support to the Standing Rock Sioux Tribe's motion to protect the land from construction of DAPL. In this excerpt, they note the legal, cultural, and moral violations of the pipeline.

SOURCE C describes the Standing Rock Sioux's legal claims to the land, including the Treaty of Fort Laramie (1868), the "doctrine of discovery," and the "right to be consulted."

Supporting Question 4	
Featured Source A	Interview with Stephanie Charging Eagle (n.d.) Oceti Sakowin Essential Understandings, WoLakota Project. Video. Accessed from: https://www.wolakotaproject.org/oceti-sakowin-essential-understanding-one/oseu-one-interview-with-stephanie-charging-eagle/.

Screenshot from video:

Supporting Question 4	
Featured Source B	Brief for American Indian Affairs, et. al. in Support of Standing Rock Sioux Tribe's Motion for Summary Judgment (2017). Case No. 1:16-cv-1534-JEB. (Excerpts) Accessed from: https://www.indian-affairs.org/uploads/8/7/3/8/87380358/amici_brief_supporting_srst_smj.pdf

The Association on American Indian Affairs (AAIA), University of New Mexico School of Law Environmental Law Clinic, and the Pueblo of Pojoaque, have joined in an amici brief in the Standing Rock Sioux and Cheyenne River Sioux Tribes' motion of partial summary judgment to provide important insight to the court on the trust responsibility that the United States has to Indian tribes to protect tribal interests through tribal consultations and federal laws, such as the National Environmental Protection Act (NEPA). …

This pivotal moment in the history of the Standing Rock Sioux Tribe and many other tribes may determine whether the continued protection of the Lakota, Dakota, and Nakota Peoples' traditional lifeways dependent on natural resources will survive for future generations. The Standing Rock Sioux Tribe is at the brink of losing their cultural and natural resources due to the impending advancement of the Dakota Access Pipeline across Lake Oahe and other tribal lands. These lands are intertwined with their Ancestors, belief systems, sacred places, water supply, and treaty rights. Without the required federal environmental and cultural reviews, and the tribal consultations mandated under federal law, the United States disregards the various impacts of the pipeline to these lands. At risk in this case is the destruction of sacred sites and the contamination of tribal waters. Both are deeply interwoven with tribal health, safety, and welfare, and are integral to tribal life since time immemorial. This neglect by the United States to carry out its trust and fiduciary duties is tantamount to an environmental assault and will have dire consequences across Indian Country. Furthermore, it is an abrogation of the trust doctrine and violates what is owed to tribes under the solemn federal-tribal relationship.

Supporting Question 4	
Featured Source C	Meyer, R. (9 September 2016). The Legal Case for Blocking the Dakota Access Pipeline. *The Atlantic.* Featured Article. Accessed from: https://www.theatlantic.com/technology/archive/2016/09/dapl-dakota-sitting-rock-sioux/499178/.

When the Chamber of Commerce decried the Standing Rock tribe, it referred to them ubiquitously as "anti-energy protesters." The organization never mentioned that many of the protesters are from Native communities or nations.

This might seem particularly odd when you consider the region's history. The land beneath the pipeline was accorded to Sioux peoples by the Treaty of Fort Laramie in 1868. Eleven years later, the U.S. government incited and won the Great Sioux War, and "renegotiated" a new treaty with the Sioux under threat of starvation. In that document, the tribe ceded much of the Laramie land, including the Black Hills of South Dakota, where many whites believed there to be gold.

In the decades that followed, other land previously controlled by the Sioux was doled out by the federal government as homesteads to Native families; when those farms failed, the government often repossessed the land. And in 1980, the Supreme Court ruled that the Black Hills were taken unjustly, and it ordered the U.S. government to compensate the Sioux tribes fairly for them. But the Sioux declined the payment—which still sits in U.S. Treasury accounts, earning interest—because they seek possession or co-ownership of the land itself.

Of course, this history does not answer whose land it really is: American law still respects the underlying logic of the "doctrine of discovery," the idea that European Christians could lay claim to land if they were the first to document it. But it is in partial recognition of the painful history of colonial land grabs that modern federal law accords certain rights to Native groups. Since 1992, one of these rights could be described as the *right to be consulted*: Whenever a federal agency undertakes or approves a construction project, it must consult with local Native nations or tribes about whether sacred sites or places are nearby.

This right must be respected even if the project isn't near reservation land. In fact, in a bit of federal rule-making worth reading in full, the committee that oversees historic preservation on behalf of Congress explicitly decrees that "regulations require Federal agencies to consult with Indian tribes when they attach religious and cultural significance to a historic property *regardless of the location of that property"*:

> The circumstances of history may have resulted in an Indian tribe now being located a great distance from its ancestral homelands and places of importance. It is also important to note that while an Indian tribe may not have visited a historic property in the recent past, its importance to the tribe or its significance as a historic property of religious and cultural significance may not have diminished for purposes of Section 106.

Crucially, as well, federal agencies must approve projects in a "government-to-government" way. A local tribe is not supposed to be hustled in at the end for a rubber stamp, but included throughout the process as a collaborative body.

It is *this* right—the right to be consulted—that the Standing Rock Sioux and their legal team assert was infringed.

Summative Performance Task	
Compelling Question	Who is responsible to the land?
Summative Performance Task	Construct an argument (e.g., detailed outline, poster, essay) that addresses the compelling question using specific claims and relevant evidence from contemporary and historical sources, while acknowledging competing perspectives.

At this point in the inquiry, students have examined the debate around the Dakota Access Pipeline, the stakeholders involved, the far-reaching impacts of land use, and the concept of ownership held by Indigenous People. Students should be able to demonstrate the breadth of their understandings and ability to use evidence from multiple sources to support their claims. In this task, students construct evidence-based arguments responding to the compelling question: *Who is responsible to the land?* Students' arguments could take a variety of forms, including a speech, op-ed article, spoken word writing, or author structure that authentically communicates their informed perspective. To support students in their writing, teachers may provide sentence starters for claims and evidence.

Argument Stems

Students' arguments will likely vary, but could include any of the following or combination thereof:

- The tribes of Indigenous People are the most responsible to the land as they are both stewards to the land and the most impacted by its use.
- The federal government is the most responsible to the land as it should not only uphold legal obligations, but also ensure the safety of people affected by land use.
- Corporate interests are the most responsible to the land as their use of the land has destructive consequences, meaning they should be held most accountable for their land use.

EXTENSION To extend their arguments, students can convert their argumentative essay into a speech, op-ed article, spoken word writing, or other format in a way that authentically communicates their informed perspective. This extension task can be combined with the taking informed action task.

Taking Informed Action	
Action Question	Who is responsible to the land?
Civic Theme	**FAIRNESS**: Students address questions around equity, justice, and fairness.
Action Task	Create a public service announcement (PSA) for your local community, asking for action (individual, community, or civic) to promote just policies on an issue concerning land rights and/or resource extraction.

Structure of Taking Informed Action

Taking informed action tasks have three steps to prepare students for informed, reasoned, and authentic action. The steps ask students to (1) *understand* the issues evident from the inquiry in a larger and/or current context; (2) *assess* the relevance and impact of the issues; and (3) *act* in ways that allow students to demonstrate agency in a real-world context.

For this inquiry, students have the opportunity to take informed action by drawing on their understandings of land use and Indigenous Peoples' relationship with land.

UNDERSTAND Research another conflict between Indigenous group(s) and business/government interests over resource extraction in North America (Wet'euwet'en-LNG Canada, Black Hills-Azarga Uranium, Atlantic Coast Pipeline etc.)

- Depending on their location, teachers may consider having students investigate land claims and ownership questions for their state/region. If source information is sparse, contact organizations in the region associated with Native American history or cultural preservation.

ASSESS Evaluate the interests, claims, desires, and influence of different stakeholder groups. Determine a just and fair way to approach the issue.

- Students should reference their responses to the tasks from Supporting Questions 2 and 3 to consider the many different stakeholders.

ACT Create a public service announcement (PSA) for the local community with a call to action, where viewers are encouraged to contact a stakeholder on behalf of a just and fair policy.

CIVIC THEME This task reflects the civic theme of *fairness.* When students engage in fairness-building civic action, they address questions of equity, justice, and fairness for groups and individuals. In the inquiry, students investigated the Indigenous People's relationship with land, as well as consequences for land use by other entities (i.e., corporate interests). By evaluating and taking action on questions of land use and rights, students expand their understanding of their own responsibility to land, as well as build towards more fair systems for themselves and others.

Note about Ways to Take Informed Action

This inquiry has a *suggested* taking informed action task. Teachers and students are encouraged to revise or adjust the task to reflect student interests, the topic/issue chosen for the task, time considerations, etc.

Taking informed action can manifest in a variety of forms and in a range of venues. They can be small actions (e.g., informed conversations) to the big (e.g., organizing a protest). For this project, students may instead express action by creating a public service announcement (as noted in the bulleted point below "Act"), organizing a panel discussion, conducting a survey and the like; these actions may take place in the classroom, the school, the local community, across the state, and around the world. What's important is that students are authentically applying the inquiry to an out-of-classroom context. Actions should reach people outside of the classroom.

For more information about different ways students can take action, see: Muetterties, C. & Swan, K. (2019). Guiding Taking Informed Action Graphic Organizer. *C3Teachers.* Available from: http://www.c3teachers.org/inquiries/civic-action-project/.

Appendix

Image from Standing Rock Sioux protest. Projected behind the protestors is an image of Lakota leader, Sitting Bull. Sitting Bull resisted efforts by the United States to confiscate Lakota Sioux lands.

Joe Brusky/Overpass Light Brigade. Accessed from: https://www.rethinkingschools.org/articles/water-is-life

Water protectors holding a ceremony on the banks of the Cannon Ball River were met by riot police who shot rubber bullets at point-blank range on Nov. 2, 2016.

Photo by Robert Wilson. Accessed from:
https://inthesetimes.com/features/standing_rock_dapl_tacoma_water_protectors.html.

"Rally against the Dakota Access Pipeline" (13 September 2016) by Fibonacci Blue is licensed under CC BY 2.0. Accessed from: https://www.flickr.com/photos/44550450@N04/29554803662.