June 2019

[2019 Winner] Protests and Persuasion

Gina Ion
California State University, Monterey Bay

Protests and Persuasion

By Gina Ion

Native Americans have experienced mistreatment and inequality from the United States federal government for centuries. Many believe this inequality is a thing of the past; they are wrong. The United States has never upheld its claim for liberty and equality in regards to its treatment of Natives (Ortiz xvii). Native Americans continue to battle this injustice today. One of the areas in which the government persists in abusing Native Americans is in the exploitation of their natural resources. The nation's capitalistic greed exploits natural resources, which threatens the principles and foundations of tribes that have lived a certain way for generations. Native Americans have continued to fight to protect their resource rights, but to what avail? In the past, Native American rhetorical responses to the exploitation of natural resources have been largely ineffective in their efforts. How rhetorically effective have Native Americans' responses been in recent years to combat the exploitation of natural resources threatening their communities?

Native American campaigns to fight the exploitation of natural resources have taken many different rhetorical approaches over the years, some debatably more effective than others. On November 11, 1794, the United States, represented by Timothy Pickering, and the Iroquois Nation signed the Pickering Treaty, also known as the Treaty of Canandaigua. The treaty was established to create friendship between the United States and the Iroquois Nation. The United States promised to respect the land rights of the Iroquois in exchange for peace (Deloria). It was stated in the Pickering Treaty that "the United States acknowledge all the land within the aforementioned boundaries, to be the property of the

Seneka nation; and the United States will never claim the same, nor disturb the Seneka nation, nor any of the Six Nations…" (Canandaigua Treaty of 1794).

On September 16, 1966, the United States broke this treaty when the Kinzua Dam became operational, flooding 9,000 acres of Seneca land, forcing 700 Seneca members to relocate. The flooded land included ancestral homes, farms, community centers, burial plots, and hunting and fishing grounds (Rosier).

The rhetorical battle over the Kinzua Dam was not an effortless victory by proponents of the dam, but instead took place over the span of 30 years. The proposal for the Kinzua Dam and nine other reservoirs transpired from political campaigns following the "Great St. Patrick's Day Flood" of 1936. Business and political leaders of Pittsburgh came together and executed a congressional lobbying campaign for government aid. Congress responded to their campaign by passing the Copeland Act of 1936, which contained provisions for the new reservoirs. Two years later, the Flood Control Act of 1938 fortified the federal government's role in managing flood control (Rosier).

Construction of the dams began immediately after the Flood Control Act was passed, but development of the Kinzua Dam was postponed due to Seneca resistance. Further interruption occurred with the onset of WWII, suspending all dam building until after the war was over. Pro-dam lobbying promptly started up again once the war had ended in 1945. Dam supporting Senators and Representatives of Pittsburgh pressed a subcommittee of the Senate Committee of Appropriations to allocate funds to complete the Conemaugh Dam. The funds were approved, leaving the dam proponents one step closer to the Kinzua Dam (Rosier).

With the completion of the Conemaugh Dam, pro-dam advocates turned their attention back over to the Kinzua Dam. In 1957, the Army Corps of Engineers, the group put in charge of completing the dams, met with the subcommittee of the House of Representatives Committee of Appropriations to argue the importance of constructing the Kinzua Dam to prevent further destruction due to flooding. Their rhetoric involved arguing the construction of the dam was in the common interests of everyone; the dam was necessary for growth and would improve business and create new capital in the economy. They suggested that the Seneca Indians obstructed this progress (Rosier).

The Seneca Nation, represented by President Cornelius V. Seneca, countered this argument stating that they have never opposed the progress of the Nation. Cornelius appealed to logic stating that if the Kinzua Dam was the only solution to deter flooding they would not be opposed to it, but it was not. The Seneca Nation teamed up with Dr. Arthur Morgan, a widely respected civil engineer, and devised an alternative plan to reroute the water to another location. They argued this new plan would save the government $30 million and protect the Seneca Community. The Committee of Appropriation disregarded their argument and granted the Army Corps of Engineers the money to build the Kinzua Dam (Rosier).

When the Seneca Nation's plea failed in Congress they turned to legal action through the courts, arguing the dam violated treaty law. Again they were unsuccessful; the court ruled against them stating, "the Indian reservation land could be taken by the 'right of eminent domain'" (Rosier 367). As a last resort, they turned to the President of the United States, John F. Kennedy, to urge the shutdown of the Kinzua Dam project (Rose). President Kennedy denied their request in a letter to the Seneca President, stating:

> I have now had an opportunity to review the subject and have concluded that it is not possible to halt the construction of Kinzua Dam currently under way. Impounding of the funds appropriated by the Congress after long and exhaustive Congressional review, and after resolution by our judicial process of the legal right of the Federal Government to acquire the property necessary to the construction of the reservoir, would not be proper. Moreover, I have been assured by the Corps of Engineers that all of the alternative proposals that have been suggested, including the so-called "Morgan Plan Number Six," have been thoroughly and fairly examined and are clearly inferior to the Kinzua project from the viewpoint of cost, amount of land to be flooded and number of people who would be dislocated. In addition, the need for flood protection downstream is real and immediate--the cessation of construction would, of course, delay the providing of essential protection. (Kennedy)

The Seneca Nation were no match for Pittsburgh's business elite. They lacked the political and economic influence the pro-dam lobbyist had, and were unable to stop the Kinzua Dam from going through. The Seneca Nation lacked the resources to rewrite the narrative proponents of the dam had primed the nation into believing. Dam advocates gained public and government support by arguing the rhetoric of safety and progress of the people, implying the Seneca Nation wanted the opposite. They highlighted the devastation of previous floods to reinforce to need for dams for future prevention. Lastly, they undermined the Seneca Nation and Dr. Arthur Morgan's authority by refuting their alternative plan as illogical.

The Seneca Nation's rhetorical response in 1966 to the exploitation of their natural resources was ineffective due to lack of political and economic influence, resources and accessibility to have their voices heard. Technology has advanced considerably since then allowing for wider availability to be heard and influence with less resources. To understand the impact this has had on Native American rhetorical response, let's turn our attention to a more current event featuring exploitation of natural resources.

Consider the Dakota Access Pipeline, for example. The Dakota Access Pipeline, owned by a Texas oil company, Energy Transfer Partners, is an oil pipeline spanning from North Dakota to Illinois. This pipeline, first proposed in 2014, travels through sacred burial grounds of the Standing Rock Sioux Tribe, as well as underneath the Missouri River, which is the tribe's main water source (Worland). This oil pipeline is a contemporary example illustrating present-day Native American response to exploitation of natural resources. The Standing Rock Sioux Tribe took multiple rhetorical approaches to defend their rights to the land, including their utilization of news outlets, videos, social media and protests, along with the use of legal, political and democratic action.

David Archambault II, chairman of the Standing Rock Sioux Tribe, wrote an opinion piece in the New York Times in 2016 called "Taking a Stand at Standing Rock." In his piece, Archambault II demonstrates his appeal to ethos, as chairman of the Standing Rock Sioux Tribe, by declaring he speaks for the whole Sioux Nation in their opposition to the Dakota Access Pipeline. He announces that the Sioux tribes have come together to fight the pipeline's completion, stating that this is not the first threat of exploitation of natural resources the tribes have faced. Protecting their lands and water continues to be their top priority when faced with natural resource exploitation (Archambault).

Archambault's logos is apparent, stating that the construction of the pipeline started without consultation with the tribe, which is required under federal law. The Standing Rock Sioux Tribe filed a lawsuit against the U.S. Army Corps of Engineers claiming that the pipeline violates federal and treaty law (Archambault). Archambault also articulates that the government only assessed the environmental impact of a portion of the pipeline's route, instead of assessing the entirety of the proposed route, leaving room for the possibility of devastating error. Archambault appeals to reason, expressing that the pipeline threatens the drinking water of not only Native Americans, but also millions of other Americans who rely on the Missouri River as their water source. If the pipeline were to leak, millions of people would be at risk. Archambault's purpose in writing this article is to provide awareness to the Non-Native audience (Archambault).

House Representative of North Dakota, Kevin Cramer, has an opposite position on the pipeline to David Archambault II. He wrote an opinion article in the Wall Street Journal about the Dakota Access Pipeline during its construction. Cramer describes how the Obama Administration refused to grant the final permit needed to finish construction of the pipeline under the Missouri River due to Native and public opposition. Cramer emphasized that denying the grant was only delaying the inevitable until President Trump took office and rightfully passed the grant the following month (Cramer). This highlights the significance a change in authority has to the effectiveness of rhetoric.

Cramer appeals to logic by stating that the protesters' narrative is false, then continues by giving his idea of factual information on the pipeline. He undermines the protesters' position by iterating that the Standing Rock Sioux Tribe has no legal claim to the lands in which the pipeline is being installed. He also states that the Standing Rock Sioux

Tribe's claim that they were not consulted is inaccurate, giving evidence that two federal courts have denied this claim. He insists that the controversy over the pipeline is not about water protection, climate, or tribal rights. He believes the controversy lies in the Obama Administration's overuse of executive power to delay the permit process of the pipeline, and allow protesters to gain recognition by acting illegally on private land (Cramer). Cramer's intended audience was other political leaders with the purpose of gaining more political support for the pipeline, as well as defaming Native voices.

Native American activist Winona LaDuke defends Archambault's argument in her article "Pipelines Crossing Indian Country are a Problem." LaDuke makes clear appeals to emotion declaring that "the Lakota people have survived much"; the Standing Rock Sioux Tribe is one of the 5 Lakota Reservations in the West (LaDuke 2A). She describes how treaties stole Lakota land and forced them into reservations. The Pick Sloan Dam projects followed, flooding their lands, eliminating nearly all timber and wildlife from the area, forcing them to move again (LaDuke).

More than two thirds of the population of Standing Rock is below the poverty line. LaDuke describes how the people of Standing Rock depend on the Missouri River, "Mother River," as a life source; the Dakota Access Pipeline threatens this life source. She says that each new project reduces Mother River's life. LaDuke states, "if there is to be a battle over the pipeline, it will be here. For a people with nothing else but a land and a river, I would not bet against them" (LaDuke 2A).

LaDuke makes compelling appeals to logos using data from Trudy Bell suggesting, "the average pipeline 'has a 57% probability of experiencing a major leak'" (LaDuke 2A). She states that there are pipelines everywhere in the US, but fewer than 150 pipeline

inspectors nationwide (LaDuke). If there was a leak, how soon would one of these few inspectors detect it?

On top of their use of legal action and media outlets, the Standing Rock Sioux Tribe relied heavily on political action as a powerful form of rhetoric. The Standing Rock protest camps brought widespread attention to the issue with the help of social media, drawing in thousands of Natives and Non-Natives in support of their cause (Worland). Rhetoric entails all available means of persuasion, even non-verbal means (Corbett). The protests and internet activism were non-verbal acts of expression that didn't require words to understand their meaning. They used these protests as a way to visibly express their opposition to the pipeline, and spread awareness through the use of social media hashtags, videos, and images that trended nationwide (Dicker).

Through these protests and social media campaigns, the Standing Rock Sioux Tribe was able to heighten public attention and appeal to the public's empathy and reason. Anna Lee, 13-year old Standing Rock Sioux Tribe member, and the Standing Rock Sioux Youth started an online petition against the Army Corps of Engineers to stop the construction of the Dakota Access Pipeline. These youth used the means available to them and were able to collect over 564,000 signatures (Lee).

Dakota Access Pipeline proponents counter the social media publicity by insisting the information is illegitimate. On the Dakota Access Pipeline website, it is stated that "there are a number of misconceptions and myths about the Dakota Access Pipeline Project" being circulated by media outlets, bloggers, opinion writers, and social media accounts. The page then goes on to state the "facts" with the intent of discrediting the Native American rhetoric being spread. The website asserts that the pipeline is "one of the

most technologically advanced and safest pipelines ever built," and does not endanger any water. It also declares that the pipeline does not touch any land owned by the Standing Rock Sioux Tribe, and that the tribes in the area were contacted hundreds of times ("Common Misconceptions").

Unfortunately, the Standing Rock Sioux tribe's efforts were not enough to stop the pipeline from completing its construction. On January 24, 2017, President Trump instructing the Army Corps of Engineers to expedite the review and approval process of the unfinished section of the pipeline. Following this order, the Army Corps immediately began wrapping up construction on the pipeline. As a last ditch effort, the Standing Rock Sioux Tribe and the Cheyenne River Sioux Tribe signed a joint motion to stop the pipeline's construction and flow of oil; the U.S. District Court denied their request (Hersher). On June 1, 2017, the pipeline became operational and began transporting oil ("About the Dakota Access Pipeline").

Native American rhetorical responses to the exploitation of natural resources have been, to a great extent, unsuccessful in the past, but that doesn't mean they won't be successful in the future. As we saw in both cases, collective action is essential to advancing a cause, as well as taking advantage of the resources available. The Seneca Nation collaborated with Dr. Arthur Morgan, who was a highly regarded civil engineer in Pittsburgh, and devised an alternative solution to their problem. The Standing Rock Sioux Tribe joined forces with other tribes in the area, and found great success through the use of social media in gaining widespread awareness.

As witnessed, framing the message is crucial when appealing to an audience. Pro-dam and pro-pipeline advocates were able to advance their beliefs by emphasizing the

rhetoric of safety and progress, and by creating doubt in conflicting perspectives. Future Native efforts to stop exploitation will have to find innovative approaches to combat this strategy. Studying cases like these where Natives have been unsuccessful in stopping the exploitation of natural resources will help to identify new ways in which rhetoric may be more effective in the future.

Standing Rock Sioux Tribe's recent rhetorical efforts show promise for the future. They found new forums in which to fight exploitation, forums the Seneca Nation did not have at the time. Most of the Standing Rock Sioux Tribe's rhetorical successes took place outside of the courts, in the forms of protests and internet activism. They used these protests and social media campaigns to appeal to the public's empathy, to show that Natives are consubstantial with the rest of the Nation and deserve to have their voices heard.

While the Seneca Nation and the Standing Rock Sioux Tribe both lost their fights, their rhetorical responses remain fantastic models for future Native American activists, who wish to fight the exploitation of natural resources, to build on. These battles demonstrate the power rhetoric has in defending and advancing a cause. Their battles may be settled for now, but the war to fight the exploitation of natural resources is far from over. If future Native Americans wish to invoke effective change and stop this exploitation, their rhetorical action will need to rely on learning from the past and modifying the successfully executed rhetoric of previous efforts to fit their cause.

Works Cited

"About the Dakota Access Pipeline." *Dakota Access Pipeline Facts*, 8 Mar. 2018, daplpipelinefacts.com/about-the-dakota-access-pipeline/. Accessed 3 May 2018.

Archambault, David, II. "Taking a Stand at Standing Rock." *The New York Times*, 25 Aug. 2016, www.nytimes.com/2016/08/25/opinion/taking-a-stand-at-standing-rock.html. Accessed 3 May 2018.

Canandaigua Treaty of 1794, United States - Iroquois Nation, Nov. 11, 1794. https://courses.cit.cornell.edu/govt313/lc/texts/Canandaigua1794.pdf. Accessed 11 May 2018.

"Common Misconceptions." *Dakota Access Pipeline Facts*, 17 Aug. 2017, daplpipelinefacts.com/common-misconceptions/. Accessed 3 May 2018.

Corbett, Edward P.J. "The Rhetoric of Protest." *Rhetoric Society Newsletter*, vol. 4, no. 2, 1974, pp. 4–4. www.tandfonline.com/doi/abs/10.1080/02773947409390388?journalCode=rrsq19. Accessed 5 Apr. 2018.

Cramer, Kevin. "What the Dakota Access Pipeline is really about; the Standoff Isn't about Tribal Rights Or Water, but a White House that Ignores the Rule of Law." *Wall Street Journal (Online),* Dec 07 2016, *ProQuest.* Accessed 7 May 2018.

Deloria, Vine. *Custer Died for Your Sins: An Indian Manifesto*. Norman: University of Oklahoma Press, 1988.

Dicker, Rachel. "A Lot of People Aren't Fans of This Pipeline in North Dakota." *U.S. News & World Report*, www.usnews.com/news/articles/2016-09-08/dakota-access-pipeline-protest-spurs-multiple-hashtags-justice-league-support. Accessed 11 May 2018.

Hersher, Rebecca. "Key Moments In The Dakota Access Pipeline Fight." *NPR*, 22 Feb. 2017, www.npr.org/sections/thetwo-way/2017/02/22/514988040/key-moments-in-the-dakota-access-pipeline-fight. Accessed 11 May 2018.

Kennedy, John F. "John F. Kennedy: Letter to the President of the Seneca Nation of Indians Concerning the Kinzua Dam on the Allegheny River. - August 11, 1961." *The American Presidency Project*, https://www.presidency.ucsb.edu/documents/letter-

the-president-the-seneca-nation-indians-concerning-the-kinzua-dam-the-allegheny. Accessed 11 May 2018.

LaDuke, Winona. "Pipelines Crossing Indian Country are a Problem." *Seminole Tribune,* Sep 30 2016, p. 2A. *ProQuest.* Accessed 7 May 2018.

Lee, Anna. "Sign the Petition." *Change.org*, www.change.org/p/jo-ellen-darcy-stop-the-dakota-access-pipeline. Accessed 7 May 2018.

Ortiz, Simon J. *Speaking for the Generations: Native Writers on Writing*. Univ. of Arizona Press, 2000, pp. xi-xix. https://books.google.com/books?id=mY-tCYxfJLoC&pg=PR10&lpg=PR10&dq=now+it+is+my+turn+to+stand+ortiz&source=bl&ots=uSQMxmoZsP&sig=NPJwCTNd0RBgH2Zfy0AcppQ6s2I&hl=en&sa=X&ved=0ahUKEwiB-Njk16HaAhWqi1QKHe3NA4oQ6AEIVjAJ#v=onepage&q=now%20it%20is%20my%20turn%20to%20stand%20ortiz&f=false. Accessed 4 Apr. 2018.

Rose, Christina. "9 Reasons NOT to Celebrate the 50th Anniversary of the Kinzua Dam."*Indian Country Media Network*, 8 Oct. 2015, indiancountrymedianetwork.com/history/events/9-reasons-not-to-celebrate-the-50th-anniversary-of-the-kinzua-dam/. Accessed 11 May 2018.

Rosier, Paul C. "Dam Building and Treaty Breaking: The Kinzua Dam Controversy, 1936-1958." *The Pennsylvania Magazine of History and Biography,* Vol. 119, No. 4 (Oct., 1995), pp. 345-368. *JSTOR.* Accessed 11 May 2018.

Worland, Justin. "What to Know About the Dakota Access Pipeline Protests." *Time*, 28 Oct. 2016, time.com/4548566/dakota-access-pipeline-standing-rock-sioux/. Accessed 30 Apr. 2018.