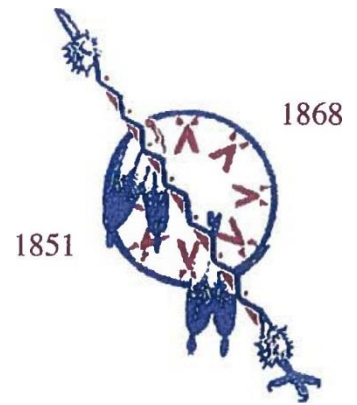




# Oglala Sioux Tribe

## Office of the President

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November 30, 2016

Mr. Lawrence Roberts  
Assistant Secretary – Indian Affairs  
United States Department of Interior  
1849 C Street, NW, MS-4141  
Washington, DC 20240

Re: Request for Emergency Assistance

Dear Assistant Secretary Roberts;

Attached is an email we received from Gay Kingman, with an attached Executive Order 2016-08 issued by North Dakota Governor Jack Dalrymple on November 28, 2016. The Governor ordered the immediate mandatory evacuation of all persons (Water Protectors) located on U.S. Army Corps of Engineers lands north of the Standing Rock Indian Reservation in North Dakota. This includes Oglala Sioux Tribal members who are among those Water Protectors that the Governor ordered evacuated.

We have the same concerns as Ms. Kingman that Governor Dalrymple's use of state and county law enforcement officials – along with the North Dakota National Guard and U.S. Border Patrol in evicting the 4,000 Water Protectors, including our tribal members, may possibly lead to bloodshed and even death among the Water Protectors.

The Oglala Sioux Tribe has treaty rights, property rights, and religious rights, in the area that the Governor ordered evacuated as follows:

First, Article 5 of the 1851 Fort Laramie Treaty (11 Stat. 749) provides in pertinent part that the Teton Sioux bands, including the Oglala Band (now the Oglala Sioux Tribe), “do not surrender the privilege of . . . fishing, or passing over any of the tracts of country heretofore described,” which includes all of the Oglala Sioux Tribe's 1851 Treaty territory. Thus, the Oglala Sioux Tribe and its members have the right to “pass over” the Corps' lands presently occupied by the Water Protectors under Article 5 of the 1851 Treaty.

Secondly, The Oglala Sioux Tribe also has un-extinguished, vested property rights to fish in the Cannon Ball River and Missouri River (outside the boundaries of the Standing Rock Reservation) under Article 5 of the 1851 Treaty.

Thirdly, the Oglala Sioux Tribe also has a vested property rights to the natural flow of the Missouri River in its 1851 Treaty territory under the Winters Doctrine. It is worthy of notice

that the Tribe's water rights in the Missouri River has been, and is currently used, for recreation in the Corps taking areas along Lake Oahe, including fishing

Fourthly, our tribal members have the right of access to sacred sites on Corps' lands along the Cannon Ball River and Missouri River (including lands within the Corps taking areas), and the freedom to worship through ceremonial and traditional rights, and use and possession of sacred objects at such sacred sites under the 1978 American Indian Religious Freedom Act (42 U.S.C. § 1996).

Governor Dalrymple's Executive Order No. 2016-08 directly conflicts with all the Oglala Sioux Tribe and its members' aforesaid rights on Corps' lands along the Cannon Ball River and Missouri River outside the Standing Rock Reservation in North Dakota.

Title 25 U.S.C. § 2 provides in pertinent part that "[t]he Commissioner of Indian Affairs shall . . . have the management of all Indian affairs and of all matters arising out of Indian relations," and the Oglala Sioux Tribe has governmental authority under Article Iv, Section 1 (a) of its tribal constitution and 25 U.S.C. § 2 to negotiate with, and request, that the Bureau of Indian Affairs take all action necessary to protect our tribal members on the Corp lands that Governor Dalrymple ordered evacuated, including but not limited to the following:

1. Request the Community Relations Service (CRS) established under Section 10 of the 1964 Civil Rights Act to immediately intervene in the pending confrontation and militarized attacks by North Dakota law enforcement officers against the Water Protectors for the purpose of protecting the civil rights, and other rights, of our tribal members, as well as other Water Protectors. The Oglala Sioux Tribal Executive Committee passed Resolution No. 16-220XB on November 10, 2016, which requested such CRS intervention.
2. Request that the Obama-Biden Administration order the U.S. Customs and Border Protection, the Army Corps of Engineers, and other federal agencies involved, to stand down and not assist the North Dakota law enforcement officers in forcibly evicting the Water Protectors from the Corps' lands. In this regard, it is worthy of notice that Montana's Gallatin County Sheriff Brian Gootkin recently refused to assist North Dakota state and county law enforcement officers after Montana Governor Steve Bullock raised concerns about the potential misuse of the Emergency Management Assistance Compact (EMAC) which obligates law enforcement around the country to fulfill requests for aid under any form of emergency or disaster, on the basis that the EMAC was meant for natural disasters and catastrophic events like 9/11, not for protecting a corporation's pipeline construction.
3. Request the Obama-Biden Administration to federalize the North Dakota National Guard and order the Commander of such National Guard to stand down and protect the Water Protectors and all other persons involved in such pending confrontation and from militarized attacks on the Water Protectors. Please be advised that the Oglala Sioux Tribe regards the past militarized attacks, and any future militarized attacks, by North Dakota law enforcement officers, the North Dakota National Guard, or other federal law

enforcement agencies, on our members to be a violation of Article I of the 1868 Fort Laramie Treaty (15 Stats., 635), which provides in pertinent part that “[f]rom this day forward all war between the parties to this agreement shall forever cease. The Government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it.”

I look forward to your prompt response and action on this matter.

Sincerely yours,

OGLALA SIOUX TRIBE



John Yellow Bird Steele  
President

cc: Bruce Loudermilk, Director, BIA  
Cleve Her Many Horses, Superintendent, BIA Pine Ridge Agency  
Tracy Toulou, Director, Office of Tribal Justice  
OST Executive Committee  
OST Tribal Council  
Gay Kingman, GPTCA Executive Director  
Chairman, all Sioux Tribes