



ISSUE THIRTEEN : SPRING 2019
OPEN RIVERS :
RETHINKING WATER, PLACE & COMMUNITY

WATER & ENVIRONMENTAL JUSTICE

<http://openrivers.umn.edu>

An interdisciplinary online journal rethinking the Mississippi
from multiple perspectives within and beyond the academy.

ISSN 2471-190X

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Open Rivers: Rethinking Water, Place & Community is produced by the [University of Minnesota Libraries Publishing](https://www.lib.umn.edu/) and the [University of Minnesota Institute for Advanced Study](https://www.umn.edu/ia/).

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ISSN 2471-190X

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FEATURE (PEER REVIEW)

THE POLITICAL BINDS OF OIL VERSUS TRIBES

By Yvonne P. Sherwood

Editor's note: This feature article has been peer reviewed.

In late 2018, while researching the connections between environmental justice and Indigenous womxn's activism[1], I was invited to story about how *water* might respond to environmental

injustice and racism. In preparation, I thought about how the lands and peoples to which I belong struggle against "slow violence" brought on by the toxic effects of uranium contamination



Reminiscent of graffiti on Alcatraz Island, Indian Land is written across a concrete divider. Dividers were used as barricades to stop water protectors nearing construction of the DAPL pipeline. Image courtesy of Alex Flett.

and nuclear pollution (Dillon 2015: 1; Nixon 2011). I also reflected on the ways that activists across the hemisphere have pointed out the connections between the struggle in Standing Rock and their own local, ongoing battles against state extraction. In these sorts of cases, I wondered, what would the water say? It was an exciting and inspiring proposition to think with. Yet as an Indigenous womxn familiar with the romanticization of Indigenous peoples' abilities to act as mediums between the environment and humans, the call to imagine what water might say sat uncomfortably with me.[2] I thought I'd better leave the medium work to someone more qualified and instead explore the state's stories to ask, "What stories does the state tell and how does it tell them?" So I dove in and began to unweave how political actors—in this case Senator Heidi Heitkamp in her re-election bid—told stories about their responsibility to the nation, Native Americans, and the environment. What tensions were proposed to be undone by her story? What binds might remain? To ground this incursion, after the introduction of key terms, I begin with the story of Senator Heidi Heitkamp

and how she proposed to support both women and big oil. I then briefly explore Indigenous womxn activists' reassertion of their relations to land and water through the expression: "We are Water! We are Sacred!"

Working from the premise that both racialization and settler colonialism are always gendered processes, I reflect throughout this story on the way that white supremacy—the valuing and ordering of racial hierarchies—and settler colonialism—the occupation of Indigenous lands through erasure of the Indigenous peoples—are underlying structural conditions that are performed and reproduced through the ways that political dilemmas and legislation are articulated. Furthermore, I suggest that these structures are the problem and that they create untenable sets of options that place energy extraction and humans, pipelines and Indigenous womxn at odds. Yet, as the story will reveal, these tensions are falsely constructed sets of options and conditions that are dependent on the very structures that promise to get us out of these sorts of binds.[3] We must, then, reassert our relations otherwise.

White Supremacy and Settler Colonialism

White supremacy is a structure of power that is the foundation of white privilege (Bonds and Inwood 2016). It is different from, but related to, the concept white privilege, which focuses our attention to the benefits of whiteness. White privilege, in order to operate, needs white supremacy, the ideological and material domination by white subjects over people of color. White supremacy, as Leonardo (2004: 139) explains, "does not form out of random acts of hatred, although these are condemnable, but rather out of patterned and enduring treatment of social groups. Ultimately, it is secured through a series of actions, the ontological meaning of which is not always transparent to its subjects and objects." In other words, white supremacy is secured through historical and ongoing acts of racial domination, even

when these acts are not recognized as securing power over people of color, particularly through anti-black beliefs, laws, and actions.

White supremacy is also spatial. To understand the spatiality of racism, Pulido (2000) asks her readers to imagine the comparison between industrial zones versus suburbs and who lives in which. White supremacy, then, is a process of domination that shapes landscapes and bodies in particular ways. Whiteness, as a relational category, has its origins in the ways that Black and Native peoples were and continue to be differently racialized in relation to property. Natives were massacred for property and Blacks made enslaveable to work that property; arguably these sorts of practices continue (Harris 1993).

Anti-blackness is made possible through its confluence with settler colonialism. Settler colonialism is a specific colonial formation that includes the ongoing attempt to permanently settle a territory through Indigenous erasure, assimilation, or the outright murder of Indigenous peoples (Tuck and Yang 2012; Veracini 2010; Wolfe 2006). Further, it influences the way we think about and react to race and gender, for example by privileging whiteness and discriminating against women and queer family

structures (Simpson 2014; Smith 2005, 2012). The goal of settler colonialism is furthered by imagining certain bodies and lands as disposable, as sacrifice zones. These logics—white supremacy and settler colonialism—enmesh to form a network of power that make them inseparable. To better understand how they interact and bolster one another, I now turn to the story of Senator Heidi Heitkamp and her maneuvering of the oil versus people bind.



Sen. Heidi Heitkamp ✓

@SenatorHeitkamp

Following

My statement on U.S. Supreme Court nominee Judge Brett Kavanaugh:

record during this evaluation process—including the nonpartisan FBI investigation which I called for. After doing my due diligence and now that the record is apparently closed, I will vote against his confirmation.

We need to take politics out of the Supreme Court as much as possible, and it takes Republicans and Democrats in the Senate, the administration, and individuals around the country to help make that possible. We live in a very divisive time, but we can change that. Both sides horribly handled the process around this nomination. We must learn from these mistakes.

I voted for Justice Gorsuch because I felt his legal ability and temperament qualified him to serve on the Supreme Court. Judge Kavanaugh is different. When considering a lifetime appointment to Supreme Court, we must evaluate the totality of the circumstances and record before us. In addition to the concerns about his past conduct, last Thursday's hearing called into question Judge Kavanaugh's current temperament, honesty, and impartiality. These are critical traits for any nominee to serve on the highest court in our country.

There has been much public debate about Thursday's hearing, and it has furthered a national discussion about stopping sexual assault that is long overdue and we must continue to have. I have spent much of my time in public service—including as North Dakota's Attorney General—focused on combating domestic violence and protecting women and children from abuse. Our actions right now are a poignant signal to young girls and women across our country. I will continue to stand up for them.

When I served as North Dakota's Attorney General, I helped implement the original Violence Against Women Act and I saw how it helped survivors and victims across my state. As a U.S. senator, the reauthorization of the law was the first bill I helped pass, and I insisted that it include increased protections for Native American women and girls. My lifetime of work, advocacy, and commitment to these issues, and to these women and girls, helped inform my decision today.

Dr. Ford gave heartfelt, credible, and persuasive testimony. It took great courage and also came at great personal cost. She had nothing to gain and everything to lose by coming forward with her deeply personal story. It was clear that she was testifying not because she wanted to, but because she felt it was her civic duty. When I listened to Dr. Ford testify, I heard the voices of women I have known throughout my life who have similar stories of sexual assault and abuse. Countless North Dakotans and others close to me have since reached out and told me their stories of being raped or sexually assaulted—and expressed the same anguish and fear. I'm in awe of their courage, too. Some of them reported their abuse at the time, but others said nothing until now. Survivors should be

11:29 AM - 4 Oct 2018

Senator Heidi Heitkamp publicizes her vote against then U.S. Supreme court nominee Judge Brent Kavanaugh as being guided by both concern about his past conduct and her experience combating domestic violence and protecting women and children from abuse.

Protecting Women and Children from Abuse

Senator Heidi Heitkamp (D-ND) tweeted in October of 2018 a call to the Senate and others across the country to “take politics out of the Supreme Court.” In this tweet, the North Dakota senator provided an explanation of her vote against the confirmation of Judge Brett Kavanaugh. In addition to pointing out Kavanaugh’s questionable “temperament, honesty, and impartiality,” Senator Heitkamp noted that her vote against his confirmation was informed by her time in public service that “focused on combating domestic violence and protecting women and children from abuse” as North Dakota’s Attorney General. Heitkamp goes on to explain:

I helped implement the original Violence Against Women Act and I saw how it helped survivors and victims across my state. As a U.S. senator, the reauthorization of the law was the first bill I helped pass, and I insisted that it include increased protections for Native American women and girls. My lifetime of work, advocacy, and commitment to these issues, and to these women and girls, helped inform my decision today.

For many, Senator Heitkamp has, across her years of service, pursued a clear goal to eliminate violence against women, particularly for Native women.[4] The Violence Against Women Act (VAWA) of 1994, the first comprehensive federal legislative package to address domestic violence, was and is a big deal. I remember my undergraduate student discussions in both Chicano/a Studies and American Indian Studies about its potential impact in our communities. The Women’s Legal Defense and Education Fund, Legal Momentum (n.d.), has called it a “triumph

for women’s groups” and acknowledged the four long years of networking and lobbying that enabled the movement to produce a “paradigm shift in how the issue of violence against women is addressed.”

As Senator Heitkamp indicated, VAWA was extended over the years to reach underserved communities. The VAWA 2000 and 2005 reauthorizations expanded the initial mandate that focused on criminal justice responses to also include prevention and “protection for battered immigrants, sexual assault survivors, and victims of dating violence” (Legal Momentum n.d.). The 2005 reauthorization, which Heitkamp helped to pass, was meant to improve the original legislation “by providing an increased focus on access to services for communities of color, immigrant women, and tribal and Native communities” (Legal Momentum n.d.). Further, the 2013 VAWA reauthorization extended access to LGBT communities and reaffirmed tribal authority to assert jurisdiction over non-native perpetrators. Heitkamp (and, by extension, the state) joined efforts with others to eliminate violence against women.[5]

Yet despite Senator Heitkamp’s lifetime advocacy for ending violence against women she is also a long-time supporter of gas and oil pipelines: she served as an external director at the Dakota Gasification Company until her election to Attorney General of North Dakota. North Dakota’s production and export of oil is second in the nation. The extraction and production of energy that serves the state (both at the local and national levels) and industry disproportionately burdens communities of color.[6]

On the Front Line of Environmental Contamination

That is worth repeating: people of color and low income communities often bear the largest burdens of environmental contamination and within those communities, women's and children's bodies are particularly susceptible (Bullard 2000, Mohai et al 2009). The Environmental Protection Agency reports that tribal communities live in close proximity to the nation's most polluted sites and "environmental mitigation for these communities lags significantly behind that for nontribal communities" (Hoover 2017: 8). Infant mortality, a basic measure for public health across the world, decreased for all racialized groups in the U.S. from 2005–2014 *except*

for Natives (Mathews and Driscoll 2017). As Johnston's (1994) research makes clear, the price for consumption and environmental degradation is not paid equally.

Indigenous lands are more likely to be "sacrificed" and as such, Native women's bodies are more likely to experience the embodiment of environmental toxins. This is what is meant by saying these logics *literally* form our bodies, human and non, in particular ways. It was a conscious and strategic choice to reroute the Dakota Access Pipeline (DAPL) away from its first permitted water crossing north of Bismarck,



Reminiscent of graffiti on Alcatraz Island, Indian Land is written across a concrete divider. Dividers were used as barricades to stop water protectors nearing construction of the DAPL pipeline. Image courtesy of Alex Flett.

North Dakota to just upstream of the Standing Rock Sioux tribal reservation. It is also true that Indigenous women experience gender-motivated violence more often than any other racialized group and environmental ruin has been correlated to violence against women.[7] Like rape as an outcome of militarization, intense sites of development can similarly manifest violence against women (Falcón 2001). Paraphrasing Bea Hanson, former Principal Deputy Director of the U.S. Department of Justice Office on Violence against Women (OVW), the *OVW 2014 Tribal Consultation Report to Congress* informed readers that the “rapid development for oil production in the Bakken region has brought a massive influx of itinerant workers and a sharp increase in crime and law enforcement issues, including sex and human trafficking” (Department of Justice 2014: 3). Furthermore, the *2014-2015 Violence Against Women Act Conferrals with Stakeholders* reported to congress that funding was increased to Native communities in the Bakken region because of the increase in violent crimes associated with the population boom tied to gas and oil exploration (Department of Justice 2017). The response by the OVW reported in these documents,

however, goes only as far as to provide services to affected communities and does not address the underlying issues of settler colonialism and white supremacy.

Despite the disproportionate environmental burden on communities already marginalized, Senator Heitkamp framed energy development, whether in the form of extraction or transportation, as for the nation. As Spice (2018: 40) points out, the state often legitimizes its settler projects through the reference of “critical infrastructure,” the material and technological energy networks like oil pipelines meant to support the state and its citizens. This critical infrastructure for the nation-state and its citizens approach is explored and reframed by Spice (2018: 44) to show how critical infrastructure is, in fact, “invasive infrastructure.” As she writes, “In North America, the expansion of oil and gas networks is tightly linked to the continued displacement, pacification, and expropriation of unceded and treaty-guaranteed lands historically inhabited and cared for by Indigenous peoples” (Spice 2018: 45).[8] What is for the nation, in other words, is often not for Indigenous peoples.



Regina Brave (background), also present at Wounded Knee 1973, picks up around the camp at Oceti Sakowin. The sign outside her camp at Oceti Sakowin reads, “Article VI – Treaties are the Supreme Law of the land (U.S. Constitution). Treat Territory. You are in violation! State has no jurisdiction.” As others were readying for a “mandatory evacuation deadline,” Brave was asked if she was going to relocate to another camp. She responds, “I will not relocate. I’m staying right here.” Image courtesy of the author.

Picking Sides

Senator Heitkamp, considered an ally to both Native women and big oil, was pressured to pick sides. With the DAPL protest supposedly behind us, the press and the public discussed Senator's Heitkamp's second-term run for Senate as being stuck in a bind between North Dakota's tribal vote and pipeline supporters.[9] Associated press member James Macpherson (2018) quoted Dave Archambault saying:

Former Standing Rock Tribal Chairman Dave Archambault, who was the face and voice of the fight against the Dakota Access oil pipeline, said he met with Heitkamp when the pipeline was first proposed and long before the protests "to let her know this was going to be an issue for us."

"I think she was caught in the middle. But when her hand was forced, she chose the pipeline," Archambault said.

"She always said she supported Indian Country, but when all of Indian Country from across the nation was at Standing Rock—she didn't show up.... She didn't truly listen to what Indian Country was saying," Archambault said. "Now she's in a bind."

My highlighting of Heitkamp's bind is not an attempt to undermine the Democratic Party in

general or Heitkamp in particular nor to diminish her contributions; after all, many other government leaders across the two-party system have far less progressive records and there are substantive differences across the parties.[10] Though she lost her re-election bid to senate, her self-positioning in relation to oil and gendered violence remain important to consider. Furthermore, I focus on Heitkamp as an agent of the state more than personally because I believe her to be sincere in her concern for women in general and Native women and children in particular.

Heitkamp, in fact, and here is the rub, said she supported oil pipelines and supported women. Yet for the senator to overcome the bind, Native womxn find themselves in the double-bind of being protected while simultaneously being threatened. The point that the state cannot protect Indigenous people broadly, and Indigenous womxn particularly, from threat of its presence makes obvious that decolonization is not about sincerity and commitments to democracy (see Tuck and Yang 2012). When any of us commit to turning to the state to redistribute resources we are limited to particular strategies that cannot be truly transformative of the settler state and thus cannot undo the inherent and interconnected oppressive logics of settler colonialism and white supremacy.

Intersections of Power Create Place

Heitkamp's bind, as described above, highlights intersections of power that literally inform the construction of land and water in particular ways. As a set of ongoing material practices, white supremacy and settler colonialism are not things of the past nor some rare extreme position (Bonds and Inwood 2016). Rather, these ongoing ideologies and practices lay the foundation for differently constructed land and bodies. As Harris (1993)

writes, race and property are deeply interrelated concepts. She explains that whiteness, initially constructed as a form of racial identity, evolved into a form of property historically and presently acknowledged and protected in American law. The state, as distributor of resources and enforcer of laws that are based on hierarchies of race, is itself a racial project. Citing Pulido (2006), Bonds and Inwood (2016: 728-729) make the point that

movements challenging unfettered accumulation and racism must recognize settler colonialism as a material condition that was foundational for “differentially racialized geographies” to occur in the first place. That is to say that the material conditions of settler colonialism inform the way that land, including the people that live on it, are both imagined and produced.

As such, white supremacy is not a problem to be solved outside of our selves, but rather a socially and politically productive force that must be countered (Bonds and Inwood 2016). The actions of our allies and leaders, then, speak louder than words; quite simply, what you do to our lands you do to our bodies.



Highlighting the link between the Water Protector movement and the MMIW movement, Ann Ford (Coeur d'Alene) at the Indigenous Peoples March in Spokane, WA 2019, holds a march poster that reads, “I stand with Standing Rock and Want to Bring Awareness of Missing Indigenous Women in our Country.”

Image courtesy of Rawhide Press, Spokane Tribe, February 18, 2019.

Making the “Indian Problem”

From this perspective, Heitkamp’s work with VAWA and simultaneous dismissal of Standing Rock’s sovereign right to refuse the pipeline is not a double-bind. Rather, it is an extension of the long-running maneuvering of the state to deal with the “Indian Problem” (for discussion on maneuvering in education see Lomawaima and McCarty 2006). The “Indian Problem,” from the perspective of the state, began with Indigenous interference of westward expansion. This perspective on interference of westward expansion motivated the doctrine of “Killing the Indian and Saving the Man,” the goal to culturally eliminate Indigenous peoples from the so-called Americas

(Churchill 2004). The “Indian Problem” later manifests in locating dysfunction in the form of violence, drug and alcohol abuse, and suicide as inherent to a community, and especially of our youth. Our youth are marked at risk and become the problem that needs to be solved through state-led interventions (Dhillon 2017). We continue to be perceived as a problem and Indigenous nations across the world, particularly their leaders (like Berta Caceres), are strategically targeted and murdered for their refusal to allow attacks against the people and land.



*Two womxn rest next to Community Gardens water tank at camp.
Image courtesy of Kyra Antone.*



Groups of Water Protectors march through camp with banners that read 'Mni Wiconi' and 'Indigenous Sovereignty Protects Water.' Image courtesy of the author.



Marches north on Highway 1806 to the Backwater Bridge militarized barricade and back through camp were part of actions to hold prayerful space and bring attention to the threat of the Dakota Access Pipeline. November 1, 2016. Image courtesy of the author.

In the context of Heitkamp's bind, tribal nations in the U.S., particularly their voters, are read as something that needs to be out-manuevered. When Heitkamp refused to speak up against the violation of Indigenous sovereignty during the Indigenous-led protest to DAPL, reporters warned she could potentially lose too many votes from the Native community to secure her second term. Along these lines, Martin (2018), in an on-line news outlet, wrote that Heitkamp had a "Native voter problem." I argue, based on what has been outlined here, the problem is the structure, actually, of settler colonialism.

Not only is it important for allies to come to terms with settler colonialism, but environmental justice advocates need to equally address the

Reasserting Relations to Land

So, I was asked, "What story does *water* tell?" I want to say that I don't know. That we are all related? Perhaps. It is a powerful assertion but one that is often appropriated into mainstream environmental activism to assert belonging while forgetting what it means to be a good relative. Despite co-optation, Indigenous teachings and counterimagery continue both because of and in spite of settler colonialism (see LeFevre 2013). Importantly, Water is Life, an aphorism that became increasingly popularized during the Standing Rock campaign, continues to be accompanied by related expressions: We are Water and Womxn are Sacred.

Gathering Native and non-native womxn into a teepee at Standing Rock and surrounded by onlookers including myself and my seven-month-old, Melaine Stoneman (Sicangu Lakota) explained the long-theorized relation between these expressions by asserting:

People ask me how they can help. I tell them your first responsibility is to reconnect with the water. Water is Life. Your presence here is of no help if you do not first connect to

ways in which environmental justice practices have supported the logic of Indigenous erasure. In fact, through Heitkamp's legislative moves, she perpetuated a failure common in much environmental scholarship that "seeks a path to justice through the state" and fails to recognize the relationship between environmental degradation and settler colonialism (Pellow 2018: 5). As Dhillon (2016) firmly asserts, settler colonialism is connected to environmental ruin. Yet settler colonialism is a difficult thing to acknowledge and discuss for many people. Heitkamp, we learn, is not alone in this struggle. The state, really not represented by any one senator, is borne through our daily actions and practices. We have to tell different stories about who we are and how we are related.

water. And remember that women are Water Carriers, we give life. We hold life for nine months in water, and *through water each of you* entered this world. See that little one there [she points to my child intoning in my lap], we do not "shush" him; we recognize him; we acknowledge him; he is sacred. *Mni Wiconi* is not just a phrase to shout across camp. It...is a prayer.

At Standing Rock, where thousands from across many different Nations gathered, where protest and prayer came together, womxn activists highlighted the sanctity of life and the important relationships we hold with water and, even if just by extension, with our children and with each other.

Well aware of feminist scholarship that refuses to frame women as sacred and critical postmodern feminism that questions the very category of women, I want to make my reasoning clear here of why I hold up the importance of the statement made by Indigenous womxn activists that water, womxn, and children are sacred. The point is not to reproduce or hierarchize a particular category

of sex or gender or erase important differences; instead the words reassert Indigenous womxn's place in the sacred web. This assertion made by Indigenous womxn across Turtle Island and echoed by Melaine Stoneman is not meant to partake in the construction of Indigenous womxn as "caretakers of the land" that occludes the violence both inside and outside of our communities (Simpson 2014: 148). The two-spirit nation, as Candi Brings Plenty (2016) points out, continues the long history as frontline healers and warriors and now must fight against the derogation of queer Indigenous peoples both inside and outside of Indian Country. In this vein, as my first section showed, the point is to assist in the work that moves beyond any one category of innocence and instead to reassert our relation to land, self, and other. Water is Life was not shared as a new rallying cry to produce a flat, colorless, disembodied reality, but rather was transmitted as an embodied practice that asserts our connections

to land, water, and others within a context that separates our existence.

As outlined earlier, these prayers are made within and against a space that arranges us in particular ways, and diverts and harvests energy toward capitalist ends. This story continues and these words, then, call us both to participate and to responsibly *move* from, with, and toward a different world (see Sherwood 2015). A world of different belonging where we are not made sick. A different belonging where to live we are not forced to violently extract energy from our rivers or other sacred elements. Where Black lives matter, women are sacred, and children are not ripped from their families for the sake of a corporate-state border war. Where we don't have to cite statistics like "On some reservations, Indigenous women are murdered at more than 10 times the national average" and testify that this violence follows the violence experienced by our



Tribal treaty flags standing against the evening sky. Standing Rock is noted as a time when Indigenous nations from across the country and world came together in an unprecedented united front. Image courtesy of Rawhide Press, Spokane Tribe.

First Mother—like the violence passed through my great grandmother, to my grandmother, to my mother, and through me (*Indian Law Resource*

Center n.d.). As these womxn have taught me, and Tamara Bernard (2016) reassures, we are so much more.

The Land Speaks Through Our Bodies

When we and the land are more than property and the state is inherently white supremacist and settler, it can be problematic when anti-violence movements depend on the state to solve the

problems of injustice. As important as the focus is on providing multicultural services to survivors of violence, it is limited. Therefore, providing “culturally appropriate” services for



When asked by young men of the Red Warrior camp to help provide direction in the days approaching the evacuation deadline given by the state of North Dakota, young womxn responded by organizing an Honoring our Grandmothers Gathering and practiced a ceremonial raising of the teepee, explaining to participants its relation to the womxn, family, and stars. The womxn hurriedly but steadily dressed the teepee as militarized police approached, who warned that they would disassemble the teepee and remove it from Highway 1806.

Image courtesy of the author.

tribal communities to address gendered violence evades the foundational issues in which this arrangement, called nation-state development, is unlivable for *all* of us. As youth from the [Native Youth Sexual Health Network](#) put it: we need to talk about and work from these connections because the land speaks through our bodies.

And so I close by turning toward a young Native womxn who organizes with other youth against suicide in their community. [Jasilyn Charger](#) (2016) was asked to comment on the fight against the Black Snake, understood as both DAPL and as a greed that feeds into our communities, and why she ran over 2,000 miles with others from North Dakota to the U.S. Army Corps of Engineers in Washington, D.C. to draw attention to the violent

threat posed by the DAPL pipeline against the Missouri River. She explained:

We wanted to run for our lives. We connected the past and the future and we put them together. Because the past is what we're leaving behind for our youth, and the future is us. What better voice for the past, than the future...because we are the embodiment of both. We carry our past and our future with us. And that's what we have to pass down to our children as a legacy....It's our lives that are on the line....We need to make way for our future.

For Jasilyn, this future is a very real embodiment of both her ancestors and the children to come.

Conclusion

To overcome the bind of energy development versus Indian tribes, Heitkamp said she supported both big oil *and* protecting Native women. Given the fact that increases in sexual violence and assault have been shown to increase where energy development is enacted, the double bind, a declaration of conflicted statements, exposes itself in the proposition that we, Indigenous peoples, are both superfluous to the nation-state project and protected by it. More particularly, what the story of Heitkamp's choices demonstrates is how liberal attempts to overcome supposed binds ultimately fail to get at the foundations of the gendered structures and processes of white

supremacy and settle colonialism. As such, water politics and activists' strategies must be understood against the background of these logics if we are to ultimately undermine environmental ruin and put back into order our sacred relations.

I started this story by explaining my hesitancy to story what water might say or do in response to environmental injustices. In reflection, I realize I cannot escape storying water or my responsibility as a medium. In fact, we all share this responsibility. As this article has demonstrated, in more ways than one, the land and water speak through our bodies. We are water.

Footnotes

[1] Womxn is a term used to highlight and push back against the power dynamics that are expressed through languages, cultures, and institutions that situate women as an extension of men, and men as the natural category of human. The term also acknowledges in our communities our transgender womxn and womxn of color.

[2] For discussion of the Fourth World that conceptualizes Indigeneity as informed by the settler colonial context but not contained please see Manuel and Posluns' 1974 *The Fourth World: An Indian Reality* published by Collier-Macmillan Canada, Ltd; for a discussion on the term Indigenous in international legal framework see Anaya's 2003 *Indigenous Peoples in International Law* published by Oxford University Press; toward an Original Nation approach in international law see Fukurai's 2019 "Original Nation Approaches to 'Inter-National' Law (ONAIL): Decoupling of the Nation and the State and the Search for New Legal Orders," *Indiana Journal of Global Legal Studies* 26 (1): 199-262; and for a discussion on the capitalized versus non-capitalized form of Indigenous please see Veracini's 2017 "Decolonizing Settler Colonialism: Kill the Settler in Him and Save the Man" in *American Indian Culture and Research Journal* 41 (1): 1-18.

[3] Thank you to reviewers and editors for helping me draw out the arguments and lines of this story.

[4] Many Native womxn and their communities have themselves long organized against domestic violence. Tillie Black Bear (Sincangu Lakota/Rosebud Sioux) was one of these leaders, recognized as one of the 10 founders of the domestic violence movement in the United States. Elsewhere, I focus on the contribution of these leaders.

[5] I use the state to stand in for the settler state, which by definition is also inherently racial, hetero-patriarchal, and economically driven. To learn more about the discussion of the settler state, gendered violence, and understandings of how the settler state and these forces "move through bodies," see Audra Simpson 2016.

[6] To learn more about the ways that extractive industries disproportionately impact communities of color and Indigenous Nations see O'Rourke and Connolly 2003; Pellow 2016; Pulido 2016; Voyles 2015; Checker 2007; Preston 2013 (with full details listed in the references). NYC Stands with Standing Rock Collective 2016 provides a wonderful syllabus that helps readers begin to explore these connections. The state and industry are increasingly hard to disentangle. Pellow (2001) urges sociologists of social movements to move toward highlighting the political and economic processes involved in environmental contamination and responses.

[7] Here I am pointing out the racialized experience of violence. We cannot forget, however, that race is both sexed and gendered, and must keep in mind that the violence affecting the LGBTQ2 community is grossly underreported.

[8] I would like to thank a peer reviewer for bringing my attention to this important source.

[9] The resistance to DAPL is an extension of a long and ongoing struggle against settler colonialism, as Nick Estes (2016) points out. While the official line is that DAPL contestation is resolved, the reality is more complicated and the fight continues.

[10] For information on rates of sexual violence particular to Native women, a critique of what the government chooses to privilege, and how the Trump administration restricted the U.S. DOJ's definition of domestic abuse and sexual assault, please see Christine Nobiss 2019 "VAWA'S Expiration was Devastating For Indigenous Women. But It's Part of a Larger Problem."

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Recommended Citation

Sherwood, Yvonne P. 2019. "The Political Binds of Oil versus Tribes." *Open Rivers: Rethinking Water, Place & Community*, no. 13. <http://editions.lib.umn.edu/openrivers/article/the-political-binds-of-oil-versus-tribes/>.

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