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Harold C. Frazier

**SECRETARY**  
EvAnn White Feather

**TREASURER**  
Benita Clark

**VICE-CHAIRMAN**  
Ryman LeBeau



P.O. Box 590  
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**TRIBAL COUNCIL MEMBERS**

**DISTRICT 1**  
Bernita In The Woods  
Johnilyn Garrett

**DISTRICT 2**  
Theodore Knife, Jr.

**DISTRICT 3**  
Edward Widow  
Ben Elk Eagle

**DISTRICT 4**  
Vacant  
Kevin Keckler  
Merrie Miller-White Bull  
Mark Knight

**DISTRICT 5**  
Ryman LeBeau  
Raymond Uses The Knife  
Robert Chasing Hawk  
Derek Bartlett

**DISTRICT 6**  
Tuffy Thompson  
Richard Rousseau

October 27, 2016

United Nations Secretary General  
Ban Ki-moon  
1<sup>st</sup> Ave. and 46<sup>th</sup> Street  
New York, NY 10017 USA

Office of the United Nations High Commissioner for Human Rights  
Human Rights Council Branch – Complaint Procedure Unit  
OHCHR – Palais Wilson  
United Nations Office at Geneva  
CH-1211 Geneva 10, Switzerland

Keith Harper, Ambassador  
Permanent Mission of the United States of America to the  
United Nations and Other International Organizations in Geneva  
11 Route de Pregny  
1292 Geneva, Switzerland

**Re: *Cheyenne River Sioux Tribe Request for Emergency UN Peacekeeping Troops***

Dear Sirs and Mesdames,

As the Chairman of the Cheyenne River Sioux Tribe, a member of the Great Sioux Nation or *Oceti Sakowin*, I respectfully request that the United Nations immediately provide Peacekeeping Troops from the United Nations Police Division to protect members of the Great Sioux Nation and other peaceful water protectors at the *Oceti Sakowin Camp* near Cannonball, North Dakota. Assistance is needed immediately as our people are under attack. As you are most likely aware, the lands, water, sacred sites, and way of life of my people are currently under an existential threat posed by the planned construction of the Dakota Access Pipeline on lands reserved to us under treaties that are the supreme law of the land under the United States

members of the Great Sioux Nation and non-Indian allies have been assembled in prayer and peaceful protest at the site of ongoing pipeline construction. Even though the United States halted a key aspect of the construction project to reevaluate whether its permits are legal, and despite the United States' request that Dakota Access LLP voluntarily suspend other operations near tribal sacred sites, the oil company has continued this project unabated.

More importantly, the oil company, which maintains a private armed security force, has colluded with North Dakota state and local law enforcement authorities to forcibly remove by threat of violence the peaceful and unarmed protesters from this sacred land. Shockingly, this private and state police force has become militarized. They have descended upon indigenous men, women, children, and elderly with tanks, automatic weapons, attack dogs, aircraft, tear gas, and other weapons of war. Hundreds of peaceful protesters have been terrorized, arrested, and physically assaulted as documented by the media. In an Orwellian twist, the State of North Dakota has even arrested members of the press for exercising the rights of free press.

I write to you now to request emergency assistance from the United Nations because today the assault on my people has escalated to an absolutely intolerable scale. **National Guard troops armed with military weapons have been called out against these unarmed protestors to terrorize, intimidate, and infringe their exercise of their right to peaceably assemble for redress against the government.**<sup>1</sup>

We have made repeated requests to the United States to protect our peaceful and prayerful indigenous people from this outrage and these abuses of our rights.<sup>2</sup> And we have received no protection. The United States is bound by solemnly made treaties to protect tribal people, including the members of the Great Sioux Nation, and to protect our waters and our lands and our sacred sites. Native Nations originally came into the United States through treaties, and if the United States is not going to honor these treaties, the Native Nations need to call on the United Nations for assistance.

We can no longer stand by while the United States destroys our sacred sites, violates our traditional lands, pollutes our waters, and acquiesces to violence and terrorism against Native people committed by local militias. We need justice. We need the world to stand up and protect our Native people's basic human rights.

The actions on the ground today by the National Guard and local law enforcement near the Cannon Ball River in the State of North Dakota echo the reprehensible and savage military

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<sup>1</sup> Enclosed herewith please find photographs of the militia action against tribal peoples today, October 27, 2016.

<sup>2</sup> Enclosed herewith please find the following: October 17, 2016 Letter from the Great Sioux Nation Regarding Consultation, Sioux Nation Treaty Rights, and Missouri River water; October 25, 2016 Letter from Chairman Harold Frazier to President Obama Regarding Dakota Access Pipeline.

actions by the United States against the men, women, children, and elderly of my people in the 19<sup>th</sup> century, an act of genocide that cannot be repeated.

For these reasons, I humbly call upon you, the United Nations, to provide emergency UN Peacekeeping troops to prevent a humanitarian disaster in North Dakota, United States today.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Frazier', with a long horizontal flourish extending to the right.

Harold Frazier, Chairman  
Cheyenne River Sioux Tribe

cc: President Barack Obama  
Attorney General Loretta Lynch

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October 25, 2016

The Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Ave., NW  
Washington, D.C. 20050

**Re: The Dakota Access Pipeline Poses an Existential Threat to the Tribes of the Great Sioux Nation—the United States Has Trust Duty to Protect Us from It**

Dear President Obama,

The people the *Oceti Sakowin* reside today on the arid reservations of South Dakota and North Dakota. Our reservations are not suitable for wells. We rely entirely upon the waters of the Missouri River for our drinking water, our livelihoods, and our religion. A failure of the Dakota Access Pipeline would render our homelands uninhabitable and threaten the very existence of our tribes.

Under our treaties and under federal law, the United States is treaty-bound to protect us. It should have subjected the Dakota Access Pipeline to a full Environmental Impact Statement that considered our treaty rights and the impact of an oil spill on the waters of the Missouri River, which we own, including consideration of alternate routes. Instead, the Army Corps of Engineers issued only an Environmental Assessment that did not consider the impacts on the waters that we own. And, outrageously, while it ignored the impacts on tribal people, the Corps and Dakota Access actually routed the pipeline so close to tribal land to avoid harmful impacts on the municipal waters of the non-Indian community of Bismarck, North Dakota.

The *Oceti Sakowin* of the Lakota, Nakota, Dakota Oyate or Seven Council Fires of the Great Sioux Nation are the original people of North and South Dakota, Minnesota, Iowa and Nebraska.

We are parties to several treaties with the United States, which have not been abrogated and are the supreme law of the land under the U.S. Constitution. The 1851 Treaty with the Sioux acknowledged our original homeland. The 1868 Sioux Nation Treaty established our “permanent home” known as the Great Sioux Reservation, a huge area that spans much of the Dakotas, Wyoming, and Nebraska.

Critically, under our treaties, the Sioux Nation owns the waters of the Missouri River. Our water use has priority over all other users because we are the original users of the Missouri River.

In 1889, the Great Sioux Reservation was divided into five smaller reservations, Cheyenne River, Standing Rock, Lower Brule, Rosebud, and Pine Ridge (Oglala). Crow Creek Sioux Reservation on the east bank of the Missouri River was also affirmed. All of our Reservations have Missouri River water rights guaranteed by the 1868 Sioux Nation Treaty, with an original priority date pre-dating the United States.

The Cheyenne River Sioux Reservation’s northern boundary is the southern boundary of the Standing Rock Sioux Reservation, so we are vitally concerned with any environmental impacts on the Missouri River. We have 18,000 tribal members and we depend on the Missouri River for drinking water, domestic uses, livestock and agriculture, hunting and fishing, tourism.

For us, the Missouri River is a sacred place. We were asked to give up 104,000 acres to the Oahe Dam, so that St. Louis could have flood control and our original tribal headquarters, where many of our parents and grandparents were born is under water.

An oil spill would be catastrophic. Together with the United States, we have spent hundreds of millions of dollars and years of effort on our water pipeline systems. Cheyenne River’s is called the *Mni Waste* system. This means “Good Water.” The Oglala, Rosebud, and Lower Brule water systems is called the *Mni Wiconi* system. This means “Water Is Life.”

These Lakota names means something to us because without these water systems our Reservations would be uninhabitable. Our people would have no water to drink in their homes. Our businesses, governments, and hospitals would have no water to keep them operating. Our Treaty-based rights to use that water for our religion, agriculture, housing and economic development, tourism, hunting, and fishing would be meaningless.

We have several endangered species in the area, including the pallid sturgeon, the golden eagle and the bald eagle, the black footed ferret, the Interior least tern, the whooping crane, and the Dakota skipper butterfly, and we are seeking to restore the buffalo along the Missouri River.

We fought wars to protect our homelands and our people. The United States has a trust responsibility to protect our treaty rights, trust lands, waters, and natural resources. The United

Hon. Barack Obama, President  
October 25, 2016  
Page 3

States is wrong to consider allowing an oil pipeline to cross our River without consulting our tribal governments.

At a minimum an EIS is required, with full consideration of the Tribe's concerns and with consideration of our treaty rights and trust resources. All of our Reservations were originally part of the Great Sioux Reservation and we all own the waters of the Missouri River in common, with priority over all other uses.

Very Truly Yours,

A handwritten signature in black ink, appearing to be 'HCF', written in a cursive style.

Harold C. Frazier, Chairman

## The Great Sioux Nation

October 17, 2016

The Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Ave., NW  
Washington, DC 20050

The Honorable Loretta Lynch  
Attorney General  
U.S. Dept. of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530

The Honorable Sally Jewell  
Secretary of the Interior  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

The Honorable Eric Fanning  
Secretary of the Army  
U.S. Army  
101 Army Pentagon  
Washington, DC 20301-1000

**Re: United States Consultation with the Sioux Nation Tribes Concerning Dakota Access Pipeline, Sioux Nation Treaty Rights and Missouri River Water**

Dear President Obama, Attorney General Lynch, Secretaries Jewell and Fanning:

On behalf of our undersigned Sioux Nation tribes, we request that the Attorney General, Secretary of the Interior, and the Secretary of the Army come to the Sioux Nation (Lakota, Nakota, Dakota Oyate) to meet with each of our tribes at our tribal government headquarters concerning the Dakota Access Pipeline and come to our tribal water intake system, review impacts on human health, drinking water, general water quality, the environment, wildlife, endangered species, hunting and fishing, livestock, agriculture, economic development, and the protection of sacred sites. After your meetings with the Sioux Nation in our territory, we would like to come to meet with you at a central place, whether in Washington, D.C., Minnesota, or Rapid City to convene on a nation-to-nation basis to protect our Indian lands, natural resources, and waters, and treaty rights, and to honor the trust responsibility.

We write on behalf of our undersigned Sioux Nation tribes to thank you for your important interagency decision on September 9, 2016 to halt construction of the Dakota Access Pipeline near the Missouri River in order to give the U.S. Army the chance to reconsider our Sioux Nation concerns about the sanctity of treaty rights, traditional lands and Missouri River waters. We appreciate your updated notice of October 9, 2016 warning Dakota Access LLP not to proceed with construction of the Dakota Access Pipeline ("DAPL") along Lake Oahe.

First and foremost among the Sioux Nation's treaty rights with regard to the DAPL project is the Sioux Nation tribes' ownership of the water in the Missouri River. Under the 1868 Sioux Nation Treaty and the 1851 Treaty with the Sioux, our Sioux Nation tribes own the water in the Missouri River as part of our rights to our permanent reservation homelands. The essence of our treaties is the preservation of our "permanent" homes as livable homelands for our people, and clean drinking water is essential to the survival of our Sioux Nation tribal members.

We are grateful that you have repeated your intention to consult with our Sioux Nation tribes before issuing an easement for the DAPL. We oppose issuance of such an easement because DAPL poses an existential threat to our reservations and our clean drinking water in the Missouri River. A significant oil spill from the DAPL would poison our water, ruin our lands, wreck the environment, kill our wildlife, destroy our agriculture and threaten our people's health and very lives. We own our treaty rights and Missouri River waters in common, and the Army Corps has not consulted with any of our Sioux Nation tribes on the preservation of our safe, clean drinking water. The Army Corps failed to consider the potentially ruinous impact on our Indian nations and tribes of a DAPL oil spill.

The Environmental Assessment ("EA") and the Nationwide Permit 12 cannot support the DAPL's request for an easement. DAPL is planned as an 1100 mile oil pipeline transporting 570,000 barrels of oil per day. The EA is an inadequate basis for a project of this magnitude, and Federal agency action based thereon would violate NEPA's mandate to "prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man." 42 U.S.C. § 4321. NEPA requires Federal agencies to prepare Environmental Impact Statements ("EIS") for major federal actions that are expected to result in significant environmental impacts. To suggest that the massive DAPL project will not have significant environmental impacts is false. The stakes for the environment and human health are too high to allow DAPL to go forward without a full EIS.

Federal Indian treaties are Federal law, which protect our original Indian lands, natural resources and waters under a Federal trust responsibility. The Army Corps cannot evade our treaty rights and the trust responsibility by looking only to its own regulations. Protection of Indian treaty rights requires collaboration among the Federal agencies, and in this case, the Army Corps blatantly disregarded the views of the EPA and the Department of Interior, which counseled the Corps to undertake an EIS with full consideration of the impact on our Sioux Nation water rights in our downstream water systems. Our water rights are original and prior to all other uses of the Missouri River, including the transportation of oil. *Winters v. United States*, 207 U.S. 564 (1908). The Army Corps cannot ignore Federal Indian law, and the Secretary of the Army must consult with our Sioux Nation tribes.

The Department of Transportation identifies high consequence areas ("HCA") for hazardous liquid pipelines based on populated areas, drinking water sources, and unusually sensitive ecological resources. According to the Corps, a land area in which spilled hazardous liquid could affect the water supply is treated as an HCA, and areas with endangered species are also treated as HCAs. The whole region along Lake Oahe is therefore to be considered a high consequence area that must be protected by an EIS.

The Constitution binds the United States to honor its treaties with Indian nations. During consultation on major infrastructure projects, Federal Agencies should consult, consider and avoid negative impacts on Indian treaty rights and trust resources, including Indian lands, natural resources, and waters and Indian reservation environments as permanent homelands of our Indian peoples. Our Sioux Nation tribes request that the President elevate the White House Council on Native American Affairs to the White House Council on Native Nations to be co-chaired by the Vice President and the Secretary of the Interior, with Indian nations and tribes sitting across the

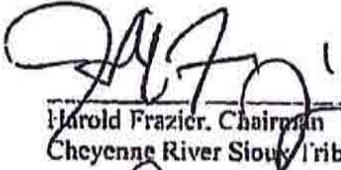
table from Secretaries and Agency heads, so that the White House Council is empowered to resolve policy differences among Federal agencies and refer these matters to the President for resolution where necessary.

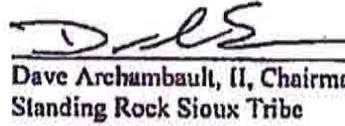
Further, our Sioux Nation tribes request that the Administration endorse and call upon Congress to enact H.R. 5379, the RESPECT Act to codify the United States' government-to-government consultation policy with Indian nations and tribes.

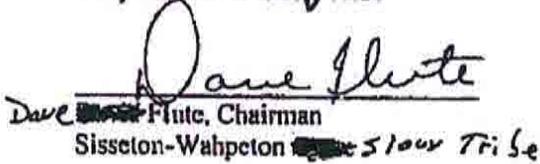
Finally, our Sioux Nation tribes call upon the United States to reopen its decision-making process and consider alternatives to permitting the DAPL to cross the Missouri River and threaten our Indian reservation homelands and our drinking water projects. Do not let DAPL oil spills poison our waters, ruin our lands, and threaten our children's lives. Do not violate our treaty rights.

Thank you for your thoughtful consideration.

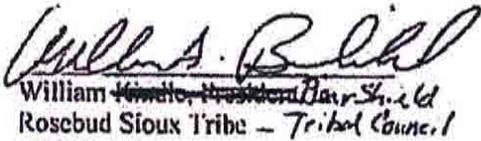
Sincerely,

  
Harold Frazier, Chairman  
Cheyenne River Sioux Tribe

  
Dave Archambault, II, Chairman  
Standing Rock Sioux Tribe

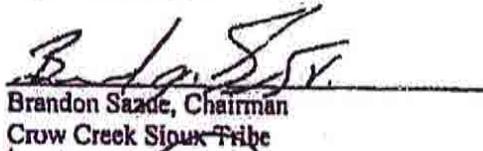
  
Dave Flute, Chairman  
Sisseton-Wahpeton Sioux Tribe

  
Anthony Reider, President  
Flandreau Santee Sioux Tribe

  
William Windle, President  
Rosebud Sioux Tribe - Tribal Council

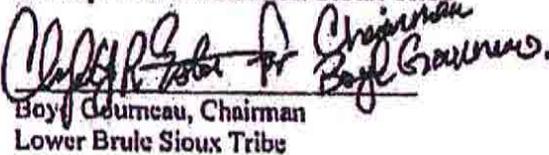
  
John Yellow Bird Steele, President  
Oglala Sioux Tribe

  
Robert Flying Hawk, Chairman  
Yankton Sioux Tribe

  
Brandon Sazde, Chairman  
Crow Creek Sioux Tribe

  
Charlie Vig, Chairman  
Shakopee Mdewakanton Sioux Tribe

  
Myra Peatson, Chairperson  
Spirit Lake Tribe

  
Boyl Gourneau, Chairman  
Lower Brule Sioux Tribe

  
Roger Trudell, Chairman  
Santee Sioux Tribe