

# North Dakota Senate passes bills criminalizing Dakota Access Pipeline protests

By Shelley Connor  
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Embattled protesters, including Standing Rock Sioux tribe members and their allies, face increasingly stark odds as President Donald Trump and North Dakota legislators double down in defense of the Dakota Access Pipeline (DAPL).

One of Trump's first items of business as president was to demand that the Army Corps of Engineers scuttle any further environmental reviews of the final portion of the project and move directly to grant Energy Transfer Partners the final easement needed to complete the pipeline.

On Thursday, North Dakota's Senate passed three separate bills aimed directly at anti-DAPL protesters. The bills significantly curtail protest rights and impose stiff penalties on protesters who run afoul of local or state law enforcement. One bill imposes sentencing of up to 20 years in prison.

The bills represent a sharp turn in the increasing drive to curtail protests in the United States; they equate protesting with rioting and public endangerment, and are bolstered by arguments from lawmakers, law enforcement, and industrial mouthpieces that the protesters are, in fact, terrorists.

North Dakota's House of Representatives passed similar bills in recent weeks. One such bill offered impunity to motorists who struck protesters in the roadways, even if the motorist were to strike a protester through negligence—essentially painting a target onto protesters' chests.

One of the bills passed by the state Senate Thursday makes it illegal for adults to cover their faces in most instances in public. Republican state Senator Janne Myrdal told reporters, "We all have a right to free speech ... but we do not have a right to evade prosecution of a crime."

Myrdal's comments conveniently gloss over the

circumstances in which protesters have covered their faces—excruciating, sub-freezing temperatures, police water cannons, and tear gas among them. The bill makes it a crime to be unidentifiable to police, even as law enforcement is given exceptionally broad latitude in this regard.

Another bill significantly curtails where protesters may gather, making it a crime to trespass or protest on "public safety zones," which are defined at will by the state's governor.

Last week, North Dakota Governor Doug Burgum ordered the immediate closure of all remaining protest camps near Cannon Ball, North Dakota. He demanded that protesters move out ahead of melting ice and potential flooding, and rebuked protesters for leaving the Missouri River subject to pollution by their camps. "The biggest threat ... is the camp itself," Burgum told reporters last week. His words were a sly attack on the protesters' concerns about the pipeline's environmental impact upon the Missouri River and the Standing Rock Sioux tribe's drinking water.

The final state Senate bill gives law enforcement more oversight in declaring that a protest is a riot, and increases the penalties for inciting or participating in a riot. Those accused of inciting a riot would face up to 20 years in prison; those accused of participating in a riot of more than 100 people could be sentenced to a year's imprisonment.

State Senator Kelly Armstrong urged support for the bills, claiming that "there is a strong minority and contingent [of protesters] who have not always acted peacefully and our laws have proven to be inadequate down there in regards to felony prosecution."

Since October, 2016, Morton County Sheriff's Department has arrested nearly 600 protesters. The Sheriff's Department has refused to answer to the

public outcry against its tactics, which have included aiming water cannons at protesters in sub-zero weather, use of rubber bullets, concussive grenades, fire-setting, and sound cannons during Sioux prayer rituals. The department also looked the other way when supporters of the pipeline unleashed dogs upon peaceful protesters. Instead, the Department has consistently sought to portray protesters as violent extremists seeking to terrorize locals and damage the local economy.

In recent weeks, there have also been multiple instances in which people with out-of-state tags have been targeted for traffic stops and car searches in both North and South Dakota, in an effort to intimidate and weed out potential newcomers to the protest camp. Two men were jailed in South Dakota, and their possessions—including the car they were driving—were impounded as “evidence” by the police. Their camping supplies were noted by the arresting officer as “protest gear,” and were impounded as well.

North Dakota’s anti-protest bills are certainly aimed at Dakota Access Pipeline protesters, particularly in anticipation of increased backlash over the project’s imminent completion. However, they are part of a wider push by lawmakers and law enforcement in the United States to push back against a public that is increasingly vocal in its complaints against the governance in their communities.

Protests against Trump’s heavy-handed, fascistic administration, as well as protests against police violence, have gained traction throughout the US, and lawmakers have increasingly cooperated with law enforcement agencies to ensure that future protests are crushed as brutally and swiftly as possible. As in the rest of the country, legislators in North Dakota reveal the heightened intensity of class antagonism and the crisis of American bourgeois democracy.

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