

The Society of Indian Psychologists (SIP) Educational Paper Regarding the Use of Counterterrorism Tactics on Native Peoples and Allies

Approved by the SIP Executive Committee October 4, 2017

We, the Society of Indian Psychologists and our allies, oppose the use of counterterrorism tactics primarily targeting Native American peoples and supporting allies on historical and current tribal lands without regard to their rights as citizens of the United States and their rights as humans.

We believe it is important to respond to recent reports on the alleged operations of TigerSwan, a private security company, on behalf of Energy Transfer Partners in relation to the Dakota Access Pipeline (DAPL). The reports expose leaked internal TigerSwan documents containing derogatory misrepresentations of Natives. We wholeheartedly reject the categorization of a Native American-led movement as "terrorist", "inherently desperate", "volatile", inclined to "riot", "jihadist" or "violent." We further reject the same moniker being applied to our allies who came to support a Native American-led cause. We wholeheartedly reject the militarized treatment of un-armed and peaceful Water Protectors, including but not limited to monitoring and surveillance, infiltration, and aggressive "non-lethal actions".

The following references, directly from the leaked documents reported on by the Intercept, may aid the reader in understanding the relevant areas of concern:

"Exploitation of ongoing native versus non-native rifts, and tribal rifts between peaceful and violent elements is critical in our effort to delegitimize the anti-DAPL movement." (Internal TigerSwan Situation Report 2016-10-03 The Intercept - Jun 02, 2017)

"The Protesters have reached a certain point of despair following up with the unexpected presidential election results. The DAPL protesters are inherently desperate and are not looking for a peaceful solution regarding the Dakota Access Pipeline (DAPL) in turn we can expect this situation to become more volatile than it has ever become before." (Internal TigerSwan Situation Report 2016-11-12 The Intercept Jun 02, 2017)

"Furthermore, the presence of additional Palestinians in the camp, and the movement's involvement with Islamic individuals is a dynamic that requires further examination. Currently there is no information to suggest terrorist type tactics or operations; however, with the current limitation on information flow out of the camp, it cannot be ruled out." (Internal TigerSwan Situation Report 2016-09-22 The Intercept - May 26, 2017)

"What We Think: The Standing Rock Sioux will continue to riot and attempt to force DAPL security and law enforcement to respond with violence." (Shared Daily Intelligence Update 2016-11-05 The Intercept – May 26, 2017)

The language that began in a speculative and derogatory manner is concerning due to the ways in which it negatively characterized Native people and unilaterally evoked a sense of

violent intent and created divisiveness. Later communications took this one step further, with alleged internal TigerSwan communications describing the movement in the following manner:

“This is to be expected. What the anti-DAPL protesters have called an “indigenous decolonization movement” was, essentially, an externally supported, ideologically driven insurgency with a strong religious component. And, as it generally followed the jihadist insurgency model while active, we can expect the individuals who fought for and supported it to follow a post-insurgency model after its collapse.

The archetype of a jihadist post-insurgency is the aftermath of the anti-Soviet Afghanistan jihad. While many insurgents went back to their pre-war lives, many, especially the external supporters (foreign fighters), went back out into the world looking to start or join new jihadist insurgencies...

...While we can expect to see the continued spread of the anti-DAPL diaspora and the proliferation of successful TTPs following the jihadist bleedout model, we are able to study the protesters’ successes and failures and so improve our preparedness. Aggressive intelligence preparation of the battlefield and active coordination between intelligence and security elements are now a proven method of defeating pipeline insurgencies.” (Internal TigerSwan Situation Report 2017-02-27 The Intercept - June 21, 2017)

This terminology, now applied to Native Americans had their origins in US operations on Middle Eastern soil, often painting entire populations of Arab countries as dangerous and antagonistic to US freedom and security. We reject this pattern of broad stroke generalization as an oppressive technique to incite fear and to demonize entire populations. Such rhetoric reinforced a racist narrative that the indigenous-led movement was a national threat to law and order, intentionally destructive and inherently violent.

In North America, there has been a history of categorically negative characterization of Native American people. Declarations of us as "savages" and "uncivilized" have been strategically used by government and media across time to further the objectives of a larger nation state formed around original indigenous sovereign nations in order to disenfranchise rights, to objectify us, and to discourage potential allies from seeing the original inhabitants of these lands as human beings (Lacroix, 2011).

Language used to evoke fear and disdain in order to “delegitimize” the Water Protector movement also serves to dehumanize and impact inherent rights of Native American people to engage in indigenous spiritual practices. The American Indian Religious Freedom Act (AIRFA) Public Law 95-341, 92 Stat. 469 (Aug. 11, 1978), codified at 42 U.S.C. § 1996, is a Federal law in the United States passed in 1978. It states:

“Now, therefore, be it Resolved by the Senate and the House of Representatives of the United States of America in Congress Assembled, That henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.”(95th Congress, 1978)

The Water Protectors came to engage in a peaceful and prayerful movement in order to protect the water, land and environment essential to human life. This was in alignment with many indigenous traditional beliefs that understand our dependence upon the environment and our place within the world relative to it. This can be seen as foundational to the tenets of patriotism, in that it holds true to a culture, value, and desire to protect homelands essential to living.

The Universal Declaration of Human Rights (UDHR), A/RES/3/217 A, passed 10 December 1948 and approved by the United States includes several areas worthy of consideration in light of the alleged actions of TigerSwan on behalf of Energy Transfer Partners against Water Protectors (U.N. Assembly, 1948). These include:

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

Article 29.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition

and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

While the United States did not initially approve the Declaration on the Rights of Indigenous Peoples (UNDRIP; U.N., 2007) as proposed by the United Nations, the words of Robert Hagen, U.S. Advisor, assert a level of commitment to the rights of indigenous people within the United States

“...my government will continue its vigorous efforts to promote indigenous rights domestically. Under United States domestic law, the United States government recognizes Indian tribes as political entities with inherent powers of self-government as first peoples. In our legal system, the federal government has a government-to-government relationship with Indian tribes.

In this domestic context, this means promoting tribal self-government over a broad range of internal and local affairs, including determination of membership, culture, language, religion, education, information, social welfare, maintenance of community safety, family relations, Economic activities, lands and resources management, environment and entry by non-members, as well as ways and means for financing these autonomous functions.” (Explanation of vote by Robert Hagen, U.S. Advisor, on the Declaration on the Rights of Indigenous Peoples, to the UN General Assembly, September 13, 2007)

We believe that the actions allegedly taken by TigerSwan as an agent acting on behalf of Energy Transfer Partners against the Water Protectors have serious ramifications as it relates to all citizens and particularly to Native American people.

Across time, non-lethal actions used by law enforcement members included rubber bullets, tear gas and water cannons. One example includes events on November 20, 2016, when medics evacuated 26 Water Protectors to the area hospitals. They assisted over 300 people in need of treatment for hypothermia, while many more required help due acute stress reactions and mental trauma (Medic Healing Council, 2016).

Beyond the well-documented number of increasingly aggressive “non-lethal actions” used against Water Protectors engaged in direct action, and the hundreds of arrests, there were persistent efforts to undermine the peace and stability of the individuals in the movement. An increasing sized multi-state police force joined the National Guard presence. Federal agencies, including the Department of Homeland Security and the FBI’s Joint Terrorism Task Force took an interest in the movements, actions and affiliations of Water Protectors (Levin, 2017).

The tactics used against the Water Protectors included the creation of a militarized zone, with helicopters and a Cessna plane conducting ongoing surveillance from the air. At one point, a National Guard checkpoint was set up to monitor the movements along Highway 1806. Records were developed noting make and model of cars, vehicle plate numbers and descriptions of individuals within. When the checkpoint was removed some months later, it was replaced by Federal police cars at the intersection turnoff to Cannonball. This later evolved to become a full blockade of Highway 1806. As the movement continued, alleged high intensity spotlights were

focused on the camps at night, and intelligence was gained through use of infiltrators and informants.

The allegations in the reports indicate cyber-stalking behavior on multiple social media outlets occurring across five states to gain intelligence and conduct surveillance of Water Protectors movements and that of their allies and supporters. A pro-DAPL campaign, along with propaganda was utilized to undermine the efforts of the Water Protectors. Social Media and surveillance were used to develop a collection of the names of “Persons of Interest.”

It is important to note similarities between the actions taken against the Water Protectors and those of stalking behavior:

“Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

Stalking can include: ...Following or laying in wait for the victim at places such as home, school, work, or recreation place...

...Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth...

...Obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, contacting victim's friends, family work, or neighbors, etc....”

(Stalking, 2016)

The Intercept report alleged that TigerSwan was conducting operations without a valid license in North Dakota, which potentially subjects them to a minimal fine or jail time if found warranted (Brown, Parrish, & Speri, 2017). The fact that such operations, whether under the business name of TigerSwan or any other, can be conducted legally with proper state permits is entirely unacceptable.

The influence of a third party agent hired on behalf of Energy Transfer had its ramifications. The reported dialogue between TigerSwan and Energy Transfer Partners identified Water Protectors and their supporters as a target worthy of investigation and as an insurgent group. We do not know the influence this had on creating a narrative that would ultimately influence police and military decisions. It is clearer to see how vilifying Water Protectors created conditions that reduced the capacity to be seen as both human beings and as citizens of the United States, in order to serve the agenda and needs of a corporation.

We have yet to know the full psychological implications of these tactics. One can easily infer that the development of a profound lack of trust in the ethics of groups participating and colluding with such behaviors would be likely. Given that we know a great number of Native American people participated in the movement, and that multigenerational trauma and the ongoing effects of colonialism have left their mark, it is likely to have triggered normative fear and recurrence of traumatic themes from history (Brave Heart & Deschenie, 2006).

Native American people have had the highest rates of service in the military relative to other ethnic and racial groups (Department of Veterans Affairs, 2012). The movement also attracted a strong Veteran presence. It is therefore likely that those who served this country, faced with psychological operations that replicated military field operations were negatively impacted. The range of such experiences could include being disenchanted with the overall response to a non-violent movement, to being traumatically triggered and re-experiencing painful and intrusive memories of what had been seen in military service.

Civilians in the movement would likely have developed normative paranoia and fear relative to these increasing stressors placed on them over time. It would be likely that those who remained at the camps over long periods of time could begin to question who could be trusted or communicated with and develop ruminations and recurring thoughts regarding their safety. Some might find their confidence in the democratic right to protest, afforded as a self-evident truth, diminished.

Upon leaving camp, reminders of such negative experiences could result in emotional triggering. Reintegration programs often afforded to military personnel would be non-existent for the Water Protectors, who would leave the camps without the benefit of having had adequate structure, resources or time to process such experiences (Glynn, 2013). Any sense of loss, confusion or difficulty returning to their lives post-movement would be entirely natural, given that they came to the camps to support a prayerful Native American-led movement to protect the water and had never anticipated being subjected to what effectively mirrored a militarized zone.

Deliberate labeling of participants in the Native American-led movement as terrorists legitimizes the use of counterterrorist tactics by dehumanizing Native peoples and our allies. Classification, symbolization, and dehumanization are recognized as the initial steps in the process of genocide. As Native psychologists, we have witnessed the current trauma that these events have inflicted on Native peoples and our allies. We are also keenly aware of the likely long-term psychological consequences on Native American individuals and communities, including post-traumatic stress, acute anxiety, increased substance abuse and suicidal behavior. Native youth and young adults are at greatest risk.

The United Nations General Assembly, in the Convention on the Prevention and Punishment of the Crime of Genocide (9 December, 1948) notes in Article II: “...*genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such...2. Causing serious bodily or mental harm to members of the group...*”(U.N. Assembly, 1948). Collusion of industry with governing bodies to undermine the psychological stability of Water Protectors for the purpose of installing a pipeline is unacceptable and disturbingly replicates genocidal stratagem (Meierhenrich, 2007).

The following international customary law includes the rights to self-determination, governmental sovereignty, free, prior, and informed consent as to those matters that may affect the people, including American Indian people:

- 1) United Nation’s Declaration on the Rights of Indigenous People (UNDRIP),
- 2) International Covenant on Civil and Political Rights (ICCPR),

- 3) American Declaration of the Rights and Duties of Man, and
- 4) Convention 169 of the International Labor Organization (ILO).

Allowing such operations to continue violates the collective human rights of American Indian people and our allies and supporters. In summary, we respectfully voice our opposition to the tactics used against Water Protectors and allies, now and as it relates to future movements. We invite our allies both within the field of psychology and outside of it to join us in rebuking such tactics as being disproportionately severe and unwarranted, and recognizing the societal implications of these behaviors.

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