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USA

Blocking an Ecocidal Pipeline

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Rebecca Kemble is a community activist and former member of the Madison, Wisconsin Common Council. This past summer she attended the blockade by Anishinaabe land protectors and allies against the construction of the new Enbridge Line 3 that cuts through their territory and threatens their treaty rights. Since then Enbridge has announced they have completed construction and are transporting tar sands oil. Meanwhile Indigenous protesters are still facing charges, and it was revealed that Enbridge has paid police \$2.4 million for security. However, the protesters do not intend to end their opposition. Dianne Feeley interviewed her for ATC.

Dianne Feeley: Tell us about the struggle against Enbridge's plan to replace the old Line 3 in Northern Minnesota in what seems to be a remote area.

Rebecca Kemble: Line 3 goes right through the center of Anishinaabe territory. To them, it's the center of the world.

Enbridge, a Canadian multinational tar sands company, is using Northern Minnesota, Northern Wisconsin, and Northern Michigan as a sacrifice zone to pipe their tar sands from Northern Alberta through Anishinaabe territory, then back to Canada and out to the east coast for export.

None of that oil goes to U.S. markets, so presidents Biden, Obama and Trump's arguments about energy independence are off when it comes to Enbridge. It's just a giant disaster waiting to happen.

And disasters happen all the time. Every 20 days there is a pipeline spill. And as a Michigander, Dianne, you know very well, about the 2010 Enbridge Line 6B tar sands pipeline spill on the Kalamazoo River.

Tar sands are thick because they contain bitumen, so the oil just sinks to the bottom of waterways and kills everything. Enbridge spent over \$1.3 billion in the cleanup, but unless they drain the river it can't be completely remediated.

Enbridge started construction last winter on Line 3 and they are going at warp speed to finish. The capacity of the line is 844,000 barrels per day; they want to have oil flowing by this November.

There was no comprehensive environmental impact statement from either the feds or the state, yet there are 22 river crossings and over 200 water crossings.

Just in drilling under the rivers there were 28 spills of drilling fluid whose contents are proprietary, so we don't really know what's in it.

Line 3 opponents have used several different tools to stop Line 3: demanding environmental impact reports, bringing legal challenges, protesting and direct action as well as pressuring Enbridge's funding sources.

Enbridge has dozens and dozens of crews working every day and night throughout the week to get this thing done. They claim to have employed 4000 people in what is the largest construction project in Minnesota.

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They want to beat the lawsuits that are piling up and prevent Jaime Pinkham, Acting Assistant Secretary of the Army for Civil Works, from ordering an environmental impact statement as the Army Corps of Engineers did earlier this year for Line 5.

We want to build enough pressure to slow things down. If there's no oil in those pipes, it's not a done deal.

There are legal challenges, particularly from the Red Lake Nation, the White Earth Band of Ojibwe, and the Mille Lacs Band of Ojibwe. Another important legal front was initiated by the White Earth Band of Ojibwe, asserting that under their 1855 treaty rights Minnesota has the legal obligation to protect Manoomin (wild rice) and fresh water resources.

Based on this treaty they initiated a suit in tribal court against the Minnesota DNR for improperly permitting Line 3. The Minnesota DNR challenged the jurisdiction in federal court, but on September 3 Judge Wilhelmina Wright denied their motion for a preliminary injunction and dismissed the case "for lack of subject-matter jurisdiction."

This precedent-setting case has the potential to put Indigenous Nations on a stronger footing as they seek to defend their sovereignty, land and water rights.

There have been several creative direct actions and protests including activists locking themselves inside sections of pipe, tree sits, blockading excavators and other methods that shut down construction.

Since constructing this pipeline requires massive financing, pressuring banks and financial institutions is critical. People have worked hard to pressure banks not to refinance the company's maturing loan, a \$3 billion revolving credit facility that came due at the end of March.

Three more credit facilities worth more than \$7 billion came due in July but apparently those loans were all renewed. More than 20 banks were involved, including, Chase, Citigroup, Bank of America, JP Morgan and Wells Fargo.

There is a diabolical aspect to all this hurry, because what they are doing is hastening climate catastrophe. Line 3 will produce the equivalent emissions of 50 coal-generated power plants. It's insane, totally insane.

It's all just for profit we have the capacity to invest in clean energy, but not have the political will to do it.

Shut Them Down for Survival

The Keystone XL pipeline got nixed by the Biden administration. Biden was so proud of himself for doing that, but he's not doing anything about Line 3. The KXL was going to go to New Orleans; Line 3 is going to the east coast of Canada but it's the same tar sands.

And this is in a time when we need to be thinking very, very seriously about halting production, mining and transporting of all fossil fuel and quickly transitioning to renewable energy. So that's why people have been really struggling against the construction of Line 3.

Line 3 ends in Superior, Wisconsin, where different pipelines begin. Line 61 goes the length of Wisconsin down to

Illinois and from there to New Orleans. Line 5 and 6B start in Superior too.

But there are also "twin" pipelines because for every one that carries oil, ones in the opposite direction carry dilutant up to Alberta. Tar sands oil is so thick it can't be moved through pipelines unless dilutants are added. So there must be a pipeline to pipe all that crap up in order to process the tar sands and then transport the oil down.

I don't know if anyone's done the calculation on the amount of energy and money it takes to get tar sands out of the ground and moving. I'd be willing to bet it's a lot more than the price they get for the oil itself. The only way this operation works is through massive government subsidies from both the United States and Canada.

So we're using our tax money to subsidize multinational corporations to carry out extraction that damages the planet. All this so they can make a profit! It's really about profit because we don't need tar sand oil. Nobody needs tar sands it should stay in the ground.

DF: I notice that activists pair opposition to Enbridge's Line 5 with stopping Line 3 as well.

RK: While Enbridge's Line 3 was first built in the 1960s and is corroding so much that it's not been able to operate at full capacity, Line 5 was constructed even earlier, in 1953. The pipeline is outdated, it's leaking, and land is eroding around it.

Line 5 has had 29 spills that released over a million gallons of toxic oil into the environment. Yet most of the spills were not discovered by Enbridge's detection systems.

Line 5 goes across Northern Wisconsin, right through the Bad River Reservation and over to the Upper Michigan peninsula. It runs for five miles under the Straits of Mackinac, between Lake Michigan and Lake Huron, and on to the refineries in Sarnia, Ontario.

As Line 5 crosses these waters, it splits into two pipelines that run along the bottom, completely uncovered. At the Straits of Mackinac, the currents are strong and constantly shifting, so any oil spill would be catastrophic.

It's such a super dangerous and antiquated pipeline that Michigan Governor Gretchen Whitmer ordered Enbridge to decommission the line by May 2021. Enbridge went to the U.S. federal court to get an injunction and the oil continues to flow.

The corporation had signed a deal with the previous governor (Rick Snyder, who poisoned Flint's water ed.) to replace Line 5 with a new pipeline that would be encased in a tunnel beneath the bedrock of the straits.

However, Enbridge needs several permits before beginning what would be a 10-year process. Importantly, last summer the Army Corps of Engineers ordered an environmental impact statement.

In 2013, the Bad River Band of the Lake Superior Tribe of Chippewa Indians in Northern Wisconsin did not renew Enbridge's leases on the Line 5 easement through 12 miles of their reservation.

Seeing the impact of climate change, more intense storms and increasing erosion of their land, the Bad River Band tried to negotiate with Enbridge. But when that failed, they took legal action.

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But if Enbridge is known for anything, it's consistently acting above the law. They just keep doing what they're doing. They have billions of dollars to pay for attorneys in court and they'll just keep fighting.

Now Enbridge has proposed a Line 5 reroute that goes around the reservation, but a spill would still contaminate the watershed, its wetlands and wildlife. Most importantly, 43% of wild rice beds on Lake Superior are right at the mouth of the Bad River.

Those wild rice beds are the cultural foundation of the people who live there. It's their spiritual food, it's their physical food. It's really the center of their lifeways and their culture. And if that's threatened, they consider it genocide.

Wisconsin's DNR is currently conducting an environmental impact statement. It's probably another year or so before anything happens, although we hear that Enbridge is working on flipping a couple of votes on the Bad River tribal council. That way they can put a replacement pipeline through the reservation, which would be much shorter than a 41-mile reroute.

Enbridge is a dirty, nasty multinational oil company that is just bullying its way through Anishinaabe territory and creating all kinds of havoc.

DF: So both Line 3 and Line 5 are older pipelines that Enbridge is upgrading?

RK: Yes. Line 3 is the older pipeline. It's being not just upgraded but built along a new corridor. They're not going along the same route and its potential capacity is much larger three quarters of a million barrels a day.

The pumping stations were expanded to be able to handle 1.2 million barrels a day in Wisconsin. Once they put in the pipe, they can upgrade the pumping station, increase the capacity, and just ram the oil through.

DF: Enbridge of course it claims that it puts "safety first." They brag about how safe Line 5 has been through all the years, and they have even agreed to encase the new Line 3 in a tunnel. They say that the alternative of shipping the oil by rail is more hazardous. What's the response to these arguments?

RK: The safest alternative is just to shut it all down, shut the tar sands down. We need to do that for a number of different reasons not just for transportation safety, but for the climate.

We've had a hell of a summer, with the hottest summer ever recorded. For some, it is the fourth year in the row there have been wildfires and storms. We need to keep oil in the ground. The way to keep Lines 3 and 5 safe is to decommission them along with all the other pipelines.

We don't need tar sands. Enbridge is one of the wealthiest corporations on the planet. They could be part of the solution, but they're not, they're just not, they're worsening the problem.

Police State "Peace"

DF: Tell us about the role the Northern Lights Task Force is playing in helping Enbridge construct its pipeline.

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RK: After the Standing Rock (Dakota Access Pipe Line) protests, where over 400 law enforcement jurisdictions were present to suppress protesters, they made the decision to put together a multi-agency, multi-state task force in anticipation of pipeline protests.

My local sheriff, David Mahoney from Dane county in Wisconsin, was one of the program's architects. When I went to Standing Rock to bring a resolution that our city council passed unanimously in support of Indigenous rights, I was arrested.

As I'm getting arrested, I notice Dane county deputies. It turns out our county sheriff sent 13 cops there without informing even the county executive. No one in our community knew about it.

As soon as I got back home, I met with the sheriff and asked him about it. Because I made such a big stink about the participation of Dane county deputies and because other people in our community made such a big stink, he was forced to withdraw his deputies at the end of that week.

In my interview with him, he admitted he had been going out to Standing Rock. As soon as Sacred Stone Camp got started in the spring, he began consulting with the local sheriff's office about how to respond to the mass protests.

At the time Mahoney was vice president of the National Sheriff's Association. He went on to become the president and even met with Trump. He told me that their operation at Standing Rock was really a practice run for all the other upcoming pipeline struggles they were anticipating.

Enbridge was well aware of the opposition to their pipelines and had even been forced in 2016 to withdraw their application for an underground pipeline that would travel more than 600 miles from North Dakota through Minnesota and end in Superior, Wisconsin.

The Sandpiper pipeline was to transport fracked oil and would cross 28 rivers including the Mississippi. Having lost that battle, they were eager to have a mercenary force composed of sheriff departments in the area and linked to Homeland Security fusion centers. These exist all over the country and function as centers for law enforcement from various jurisdictions.

Those fusion centers were used as sort of a home base not just for public law enforcement, but for TigerSwan, a security firm contracted by Enbridge and previously used by Energy Transfer during the Dakota Access Pipe Line (DAPL) struggle. The information they shared was surveillance on water protectors. [TigerSwan has not been identified as working for Enbridge on Line 3.]

When the state of Minnesota authorized the construction of Line 3, they mandated that Enbridge put money into escrow to reimburse law enforcement for their costs. There is a direct relationship to Enbridge paying for public law enforcement services in order to protect their property this is something brand new.

Sheriffs will say, "We're here to keep the peace," right? Yet near the end of the drilling under the headwaters of the Mississippi there were some arrests, really violent ones.

Jill Ferguson, AKA Bad-ass Grandma, was injured in her head, shoulders and neck as she was arrested by an officer who used multiple "pain compliance" techniques. Others have been shot with teargas canisters and rubber bullets.

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Dozens of officers are there to keep water protectors away from the pipeline property. So here we have our taxpayer-funded law enforcement agencies for hire by a multinational corporation.

That deal was facilitated by the state of Minnesota and by Governor Tim Walz who, when he was campaigning for the office he now holds, said any pipeline through treaty territory is a non-starter.

He chose Peggy Flangan, a member of the White Earth Band of Ojibwe, as his running mate. He got out the Native vote to win that election and totally turned his back on them. He won't even talk to any of the water protectors.

When five frack-outs happened as Enbridge drilled under the headwaters of the Mississippi, violent arrests took place. At that point the water protectors decided they would walk 256 miles to the state Capitol and publicize what was happening.

They walked for two-plus weeks down to St. Paul, but prior to their arrival, Walz shut down the roads around the Capitol, barricading the building with concrete barriers and high fencing. That's how unwilling he is to listen.

There were over 200 cops from this Northern Lights Task Force guarding the Capitol because these marchers are supposed to be such a threat. Governor Walz has a lot to answer for.

By now there have been more than 800 arrests, surpassing the number of arrests at Standing Rock. The construction on Line 3 is almost complete and none of the "decision makers" are listening. Once again, this country is using Indigenous territory as a sacrifice zone for profiteers.

DF: How much money has Enbridge put into Northern Light Task Force?

RK: According to Canada's National Observer, as of this April 2021 Enbridge had put \$1,250,000 in the escrow account. They are using it for overtime pay and to buy new toys, new weapons and surveillance equipment including drones.

Sometimes when people are arrested, they have been detained in cages. ("Canadian pipeline giant accused of paying U.S. police to harass activists," Timothy E. Wilson, 4/19/21) Enbridge's legacy will be the even further militarization of law enforcement agencies in rural Minnesota.

Another aspect of how this area is a sacrifice zone is the scandal of the "man camps" and the missing and murdered indigenous women. Early in the summer there were several arrests of Enbridge workers involved in the sex trafficking.

In fact, this is typical of the pattern that develops when these construction camps are set up. It becomes yet another layer in the wholesale exploitation of people, land, food and water.

Solidarity and Outreach

DF: You were at Standing Rock. [See Rebecca's report "[Eyewitness at Standing Rock, Against the Current 186, January-February 2017](#) Could you compare the two mobilizations? What have activists learned from the DAPL

struggle that informed the fight around Line 3?

RK: One of the differences is that the DAPL fight was focused on one river crossing, at the Missouri river. The Line 3 struggle is dispersed and distributed throughout the whole territory of Northern and north central Minnesota.

There are at least five autonomous camps, but of course they talk with each other. There are treaty camps, culture camps, direct action camps. Each has a role to play, but they're all united in defense of the water, the land, the wild rice, and the territory.

This means there aren't 10,000 people in one place. Instead, there is an unknowable number of people all throughout the territory, monitoring Enbridge and initiating direct actions. This makes it a bit harder for the police because folks could be anywhere.

One of the lessons we learned at Standing Rock was the role of the U.S. Army Corps of Engineers in approving projects, and the role of the banks in financing them. From the get-go, Line 3 activists have directed concerted action on those two fronts.

Stop the Money Pipeline is a place where there is specific information about Wall Street's funding of fossil fuels, with a specific section on Line 3.

What happened at Standing Rock was historically unprecedented because it was a gathering of Indigenous peoples, not just from Turtle Island, but from all over the world. Kinship relationships and relationships of solidarity were made there. So much happened at Standing Rock to plant the seeds for other people to launch their struggles in their own territories.

For the Line 3 struggle, solidarity relationships are already there. In one three-day period while I was in Northern Minnesota, we had water walkers walking Line 3 from east to west, from Superior, Wisconsin over to North Dakota. At the same time there were youth running from west to east, from Standing Rock and the Cheyenne River reservation to Superior. At one point the walkers met the runners and since they weren't aware of each other's plan, their meeting was joyful.

That same weekend the House of Tears carvers from the Lummi Nation brought their totem pole and performed a ceremony as they made their cross-country journey. That night we held a feast. As the carvers say, the sacredness is not in the totem pole but in the gathering.

There's so much indigenous solidarity and awareness around these pipelines. Folks from the camp in northern Nevada, who are protesting the proposed lithium mine at Thacker Pass, site of sacred land, came through. Indian Country is connected especially around these struggles for treaty rights, for the land and waters.

DF: Has it been possible to build a relationship with any of the workers on these pipelines? You talked about the man camp.

RK: When direct actions happen, sometimes there is the opportunity to talk to workers. People ask: "Don't you want to work to build the future, build a future new green economy? There are jobs for you in a new economy. You don't have to be building this machine of death for the whole planet. You can use your skills in other ways."

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Those are the kind of conversations happening. The same thing with the police. When arrests are taking place, water protectors say: "When you took your oath to protect and serve, did you think you'd be hired out to a foreign multinational corporation to protect their project, one that will hurt your people?"

DF: You helped pass a resolution in the Madison City Council to support the shut down Line 3. What's possible to project following the adoption of the resolution? What impact can it have on the population in Madison?

RK: I was asked to help write that resolution in support of clean water and treaty rights for several reasons. Number one, just to raise awareness, Second, to draw the connections between Lines 3 and 5 and Line 61 that runs right through our backyard here in Dane county. We need to raise awareness about fossil fuel pipelines and the threats they pose to clean water.

Third, we need to learn about treaty rights. In Northern Wisconsin, Minnesota and Michigan there are several treaties between the U.S. government and tribal entities. These reserve the right to use land for hunting, fishing, gathering, and maintaining their lifeways in exchange for their ancestors having "sold" the title to settlers.

These were peace treaties initiated by the U.S. government as a less costly alternative to the military campaigns the government was waging in Indian Country.

The federal government was attempting to conquer and take the land. Those Nations who signed the treaties did so while reserving the right to live and maintain their way of life.

Article VI of the U.S. Constitution states that treaties are the supreme law of the land. So our resolution was raising consciousness that those treaties exist in our state as well as in Canada. They need to be respected.

The resolution passed our Common Council unanimously and the mayor signed on as a sponsor, Dane county passed a similar one. The resolution does ask the Wisconsin DNR to decommission Line 5.

We also ordered our chief of police to reject any law enforcement request for Lines 3 or 5. Our new police chief rankled at that and said, "Well, I wouldn't do that. You should just trust me."

We replied, "Well, no, this is a public document and a public statement that tells our community that the council and the mayor actually do have authority over police. We are ordering you to not participate. Whether or not you would not do it yourself doesn't matter. This document says that the elected people of this city are ordering the police chief not to participate."

Earlier in the summer, Minneapolis was the first city to pass such a resolution. Hopefully other communities will pass resolutions like this too.

The Indigenous people's assertion of their sovereignty seems to me a counter-force to the capitalist economy that is destroying the planet. Their struggle is not only a struggle for their justice, but a fight for humanity's very future.

Source: [Against the Current](#)

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