

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STANDING ROCK SIOUX TRIBE,

Plaintiff,

and

CHEYENNE RIVER SIOUX TRIBE,

Intervenor-Plaintiff,

v.

U.S. ARMY CORPS OF ENGINEERS,

Defendant.

and

DAKOTA ACCESS, LLP,

Intervenor-Defendant.

Case No. 1:16-cv-1534-JEB

**DECLARATION OF HAROLD C. FRAZIER
IN SUPPORT OF INTERVENOR-PLAINTIFF'S EX PARTE MOTION FOR
TEMPORARY RESTRAINING ORDER**

I, Harold C. Frazier declare as follows:

1. I am the Chairman of the Cheyenne River Sioux Tribe. I was elected to that position in 2014. I was previously the Tribal Chairman from 2002-2006, and also served as a tribal council representative from 1998-2002.

2. As the Chairman of the Cheyenne River Sioux Tribe, I am the chief executive of our government. In that role I have the responsibility to ensure that our tribal government is looking out for the well-being of all of our members and that their rights are being protected from infringement in any way.

3. I have been around Lakota cultural practices and knowledge for the majority of my life. I speak and understand the Lakota language. I participate in Lakota spiritual and ceremonial practices as a regular part of my life, including having sundanced for seven years.

4. I am a member of the Itazipco Band of the seven bands of Lakota. My Lakota name is Ta Hunska Luta (“His Red Leggings”)

5. The Cheyenne River Sioux Tribe consists of the Itazipco, Mnicoujou, Siha Sapa, and Oohenumpa bands of the Lakota Nation (the “People”). The Lakota Nation, in turn, is part of the Teton division of the Oceti Sakowin, or the “Great Sioux Nation.”

6. Our Lakota religion consists of a number of sacred rites and ceremonies, including for example:

A. Inipi – a ceremony where we pray inside a sweat lodge;

B. Hanbleceya – a ceremony where we fast and pray for a vision in a solitary place;

C. Wiwanyang Wacipi – or Sundance – an annual ceremony of renewal and rebirth where we gather and dance, pray, and sacrifice so that the welfare of our relatives and loved ones is enhanced for the next year.

D. Isnati Awicaliwanpi – a coming of age ceremony for young women; and

7. The United States made active efforts to suppress and destroy our People’s traditional religion throughout all of the 19th century and most of the 20th century.

8. The United States’ efforts included (1) explicitly outlawing our religious rites such as the Ghost Dance and the Sun Dance, (2) passing laws that established Christian religious missions on our Reservations, (3) declaring our medicine men and spiritual leaders insane and

locking them up in mental institutions, and (4) forcing assimilation of our children in religious and government boarding schools.

9. It was not until 1978, when Congress enacted the American Indian Religious Freedom Act, 42 USC 1996, that we were freed from laws that prevented the People from fully practicing our sacred rites.

10. Nevertheless, even during those dark years when the government attempted to make our religion illegal and teach our children that it was a sin to practice our religion, our people kept our traditions alive.

11. During those years of suppression, we continued to practice our religion in secret, away from the prying eyes of mission priests and government agents.

12. Therefore, when the civil rights movement of the 1960s and 1970s brought pride in our traditions back to our people and when Congress finally released us from the United States' religious persecution, a religious revival occurred on the Cheyenne River Sioux Reservation.

13. Our people were able to come out of hiding and practice our religion in the open and revitalize our traditions among our youth.

14. The United States failed to kill our Lakota religion; instead our traditional spirituality and traditional practices have experienced a great resurgence.

15. Today, even our people who practice non-Indian religion are proud to incorporate our Lakota rites and teachings into their spiritual lives.

16. The inipi ceremony is the mostly widely practiced rite in our religion. This is true even for our tribal members who observe a hybrid Christian-Lakota faith.

17. Despite the government's 200-year long campaign to destroy our religion, today our People adhere to our traditional Lakota religion and practice our sacred rights, especially the inipi and sundance ceremonies.

18. On February 8, 2017 at approximately 5:15 p.m., Cheyenne River Sioux Tribal Chairman's office received a phone call from Colonel Henderson Commander Omaha District. Colonel Henderson informed the Cheyenne River Sioux Tribal Chairman's Office that the easement would be issued within the hour and that Dakota Access was prepared to start drilling immediately upon being granted the easement.

19. Members of my Tribe have been involved in peaceful demonstration at the confluence of the Cannonball and Missouri Rivers since as early as April 2016. They are unarmed and are exercising their rights to free speech and peaceful assembly. My Tribal members believe that the granting of this easement is violation of their constitutional, statutory and treaty rights.

20. The peaceful demonstrators have been violently attacked on numerous occasions by private armed security guards and state and local law enforcement, as well as officers of the federal government. I have witnessed these attacks with my own eyes. If Dakota Access begins to drill before this Court can rule on the legality of this matter, these attacks will continue.

21. While I have not directed my people to demonstrate, I have every reason to believe they will continue to do so and I cannot prevent it. If Dakota Access security forces and law enforcement's past behavior is any indication, I have every reason to believe that thier violence against the peaceful demonstrators, my people, will continue.

I declare under the penalty of perjury that the foregoing is true and accurate to the best of my knowledge.

Dated: February 8, 2017



Handwritten signature of Harold C. Frazier in black ink, written over a horizontal line.

Harold C. Frazier