

SB 250 Opposition Testimony
Ohio Senate Judiciary Committee
Guy Jones, November 14, 2018

Chairman Bacon, esteemed members of the Ohio Senate and Judiciary Committee, my name is Guy Jones. I am Hunkpapa Lakota and a member of the Standing Rock Sioux Tribe in North and South Dakota. I am a resident of Dayton, Ohio of many years, and am the Director of the Miami Valley Council for Native Americans, as well as a member of the Greater Cincinnati Native American Coalition.

In the Spring of 2016, the youth of our tribe helped bring attention to Energy Transfer Partners and the Dakota Access Pipeline to the world. By the Fall of 2016, there was a tremendous outcry from most all sovereign Tribal Nations worldwide, with representatives from over 300 Tribal Nations present in opposition to the pipeline.

The Treaty Clause of the United States Constitution Article II, Section 2, Clause 2, outlines that a treaty is “primarily a compact between independent nations.” And the Supremacy Clause provides that “treaties,” like statutes, count as “the supreme law of the land. In 1851 and 1868 the United States Government and the Brule, Oglala, Miniconjou, Yanktonai, HunkPapa, Blackfeet, Cathead, Two Kettle, Sans Arcs, and Santee- and Arapaho signed treaties in Fort Laramie, Wyoming establishing a reservation for the Great Sioux Nation. (See map). In 2016 and 2017, the events at Cannonball, North Dakota surrounding the Dakota Access Pipeline took place on the territory of the Great Sioux Nation, my Sovereign Nation recognized by both of the above Federal documents.

Our sovereign rights as the first people of the America’s are unquestionable. Here in Ohio, your history tells us that there were thirty two historical tribal nations but there are no established “reservations” outlining sovereign territories. This is a significant difference between these two areas of the country. Ohio has no state or federally recognized tribes, and no process for that recognition. Senate Bill 250 and Sub. Sb 250 are then an attempt to limit the freedom of speech and property rights of all Ohioans, opening the door to the wide use of eminent domain. Private property owners who do not wish to sign leases for powerlines or pipelines could be slapped with civil and felony charges for “impeding” critical infrastructure project.

The number and scope of the violations and abuse by Energy Transfer Partners is well documented by the United Nations, Amnesty International, and other organizations. The Dakota Access Pipeline was approved without meeting international standards of free, prior and informed consent of the Standing Rock Sioux Tribe. The company ignored calls for a voluntary halt in construction by the U.S. Departments of Justice, the U.S. Department of Interior, and the Army Corps of Engineers, as well as bulldozed an area in the path of the pipeline corridor filled with Tribal sacred sites and graves on September 4, 2016. Documented in a UN report, Sioux elders and cultural leaders reported damage to at least 380 cultural and sacred sites along the pipeline route.

The tools that were used to bring international attention to the violations that were occurring were live stream videos, including aerial videos recorded by drone cameras, and independent journalists and reporters. The journalists, reporters and drone operators subsequently were arrested, but eventually, all charges were dropped, as no laws were broken. The press didn't start taking an interest until early December of 2016. But had tribal members and journalists not documented these violations, the world would not have believed they happened. Because charges were dropped against reporters, journalists and drone operators, the water protectors were able to continue documenting the company's violations of the human rights and treaties of the Standing Rock Sioux Tribe and their supporters. However, Energy Transfer Partners learned from its mistakes.

According to sources, Energy Transfer Partners is a member of the American Legislative Exchange Council (ALEC). ALEC is a corporate bill mill. It's not just a lobby or front group, it is much more powerful than that. Thru ALEC, corporations hand state legislators their wishlists to benefit the bottom line. Corporations fund almost all of ALEC's operations. They pay for a seat in ALEC's task forces where corporate lobbyists and special interest representatives vote with elected officials to approve model bills.

In 2017, ALEC released a model bill called the Critical Infrastructure Protection Act. This is a template of all bills that have been introduced in at least five states in which Energy Transfer Partners has an interest in building future oil pipelines. These states include North Dakota, South Dakota, Iowa, Louisiana and now Ohio.

In addition to targeting activists, independent journalists and drone operators, and making the protesting of oil pipelines a felony, they have also endangered landowners. Due to the vague wording of this bill, the bill's language could be used to claim that landowners with proposed infrastructure projects on their property who fight the industry's claim of eminent domain are "impeding" their commercial interests.

SB 250 is not a necessary bill, it is only amending existing laws to add pipelines as critical infrastructure and increasing criminal charges from misdemeanors to felonies in an attempt to intimidate those who would question and stand in the way of Energy Transfer Partners or their interests. The concern goes beyond this bill. We are aware that by adjusting a few words of SB 250, a similar bill could be introduced and passed during the lame-duck session between November and January.

Not only is SB 250 or any similar bill unnecessary, but it is also corrupt at its core. My hope is that you will see through this thinly veiled attempt to deceive Ohio residents and property owners, and vote no on SB 250.

