Climate & Earth Systems | Jan 10, 2026 | 9 min read | By Bryan White

How Corporate Security Weaponized Law and Surveillance Against NoDAPL at Standing Rock Reservation

Environment * Climate Change * Urban Environment

Introduction: The Securitization of Dissent at Standing Rock

The conflict over the $3.8 billion Dakota Access Pipeline (DAPL) at the Standing Rock Sioux Reservation in 2016-2017 marked a watershed transformation in the policing of American environmental and Indigenous sovereignty movements.[1] Designed by Energy Transfer Partners (ETP) to transport Bakken shale crude oil from North Dakota to Illinois refineries beneath Lake Oahe -- the primary drinking water source for the Standing Rock Sioux Tribe across lands claimed under the 1851 Treaty of Fort Laramie -- the project catalyzed the largest gathering of Native American nations in over a century at the Oceti Sakowin and Sacred Stone camps.[1]

Beneath the visible standoff on the Cannonball River, ETP retained TigerSwan, a private military and intelligence contractor founded by retired U.S. Army Delta Force commander James Reese, to coordinate pipeline security alongside local, state, and federal agencies.[3][4] Drawing on leaked internal TigerSwan situation reports (SITREPs), court filings from the landmark March 2025 Energy Transfer v. Greenpeace trial and subsequent 2026 post-trial rulings, and the U.S. Army Corps of Engineers' Final Environmental Impact Statement (FEIS) and May 2026 Record of Decision (ROD), this report examines the "securitization of dissent."[2][5][19] That framework combined three interlocking mechanisms: the privatization of military counter-insurgency (COIN) intelligence, the deployment of electronic warfare surveillance, and corporate "lawfare" alongside "critical infrastructure" statutes designed to bankrupt environmental advocacy.[3][7][23]

Privatized Counter-Insurgency and Electronic Surveillance Architecture

Having operated extensively in Iraq and Afghanistan, TigerSwan transposed U.S. military Counter-Insurgency (COIN) doctrine and "Human Terrain System" (HTS) social mapping directly onto Indigenous Water Protectors.[4][8] In daily SITREPs delivered to ETP executives and shared with state intelligence fusion centers, TigerSwan analysts systematically pathologized non-violent civil disobedience as an ideologically driven "jihadist insurgency."[3][6] To justify multimillion-dollar security contracts and militarized policing, internal memos deployed racialized War on Terror tropes -- alleging without evidence a "strong female Shia following" inside Lakota prayer camps and flagging the presence of Palestinian solidarity activists as foreign security threats.[3][9] Simultaneously, TigerSwan operatives mapped internal dynamics among the Standing Rock Sioux Tribal Council, Sacred Stone Camp, and Red Warrior Camp, utilizing infiltrators and targeted disinformation to "instigate rifts between activists" and erode community trust.[3][10]

Complementing human infiltration, the camps were subjected to continuous aerial and

electromagnetic surveillance.[1] Low-flying helicopters, fixed-wing aircraft, and drones conducted visual intelligence (VISINT) tracking and psychological "presence patrols" that deprived residents of sleep and privacy.[1][3] On the electromagnetic spectrum, technical anomalies documented by security researchers and camp medics -- including rapid battery depletion, dropped calls during police raids, and blocked livestreams -- indicated the deployment of International Mobile Subscriber Identity (IMSI) catchers ("Stingrays").[11][12] Broadcasting a signal stronger than commercial cellular towers, an IMSI catcher masquerades as a legitimate base station, forcing every mobile phone within range to transmit its unique SIM identity while downgrading connections from encrypted 4G/LTE to unauthenticated 2G protocols vulnerable to man-in-the-middle interception.[11] Because private contractors are not directly bound by Fourth Amendment warrant requirements or Freedom of Information Act disclosures, intelligence gathered by TigerSwan and funneled into state fusion centers operated in an extra-constitutional gray zone.[4][5][13]

Corporate Lawfare: From Federal RICO Claims to the North Dakota Verdict and Appeal

After federal and state forces cleared the camps in February 2017, Energy Transfer shifted its campaign to the judiciary through Strategic Lawsuits Against Public Participation (SLAPP).[7] In August 2017, ETP sued Greenpeace, Earth First!, and individual organizers in federal court under the Racketeer Influenced and Corrupt Organizations (RICO) Act, alleging that environmental non-profits operated as a "criminal enterprise" that fabricated claims about treaty rights and water safety to defraud donors and fund "eco-terrorism."[7][14] Although a federal judge dismissed the RICO charges with prejudice in 2019 -- ruling that characterizing a pipeline as unsafe or a "black snake" constituted protected political speech rather than wire fraud -- ETP promptly refiled state-law claims for defamation, trespass, nuisance, and civil conspiracy in Morton County, North Dakota.[16][25]

On March 19, 2025, the Morton County jury in Energy Transfer v. Greenpeace returned a historic verdict holding Greenpeace Inc. (USA) and Greenpeace International liable for more than $660 million (~$264 million in compensatory damages for construction delays and security costs, plus ~$402 million in punitive damages) -- an award the state district court later reduced to a finalized $345 million judgment.[16][17][25] The court accepted ETP's theory of vicarious conspiracy liability -- holding advocacy organizations financially responsible for the independent trespass or property damage of frontline protesters because the non-profits provided training, amplification, or logistical support -- while treating statements regarding 1851 Treaty land title and water contamination risks as actionable defamation.[17][18] On November 2, 2026, the North Dakota District Court denied Greenpeace's motion for a new trial, prompting Greenpeace to proceed with an appeal of the $345 million judgment to the North Dakota Supreme Court alongside a countersuit in the Netherlands invoking the European Union's Anti-SLAPP Directive.[15][28]

Regulatory Entrenchment, Legislative Criminalization, and Uncounted Social Costs

Concurrently, the regulatory struggle over Lake Oahe culminated in 2026. Although a federal court vacated DAPL's sub-lake easement in 2020 due to the U.S. Army Corps of

Engineers' (USACE) failure to prepare a full Environmental Impact Statement under the National Environmental Policy Act (NEPA), the pipeline continued pumping oil throughout a multi-year review.[19] Following the December 2025 publication of its Final Environmental Impact Statement (FEIS), the USACE Omaha District signed its official Record of Decision (ROD) on May 21, 2026, selecting Alternative 4 to grant Dakota Access, LLC a new Mineral Leasing Act easement across Lake Oahe subject to enhanced leak-detection and monitoring conditions -- prompting the Standing Rock Sioux Tribe to file a new federal lawsuit in October 2026 seeking to vacate the ROD.[19][20][26]

As summarized in Table 1, legal scholars and tribal comments led by Earthjustice criticized the USACE environmental review for omitting both the downstream Social Cost of Carbon and the "Social Cost of Policing" -- including $38 million in public law-enforcement mobilization costs, community mental-health trauma, and civil-liberties erosion.[21][27] Simultaneously, model "Critical Infrastructure Protection Act" bills drafted by the American Legislative Exchange Council (ALEC) have been enacted across more than 17 U.S. states since 2017, elevating pipeline trespass to a felony and imposing tenfold vicarious fines on organizations deemed to have "conspired" with protesters.[22][23][24]

| Cost / Impact Category | | Primary Bearer | | Mechanism & Empirical Magnitude | | Quantified in USACE FEIS / ROD? |

| Construction & Delay Costs | | Energy Transfer / Greenpeace | | >$660M jury verdict reduced to $345M ND state judgment (under appeal, Nov 2026).[16][25] | | Yes (Reflected via economic project filings) |

| Private COIN Intelligence | | Energy Transfer Partners | | Multimillion-dollar TigerSwan SITREPs, aerial VISINT, infiltration.[3][4] | | No (Internalized corporate security expense) |

| Public Police Mobilization | | North Dakota Taxpayers | | $38M+ for Morton County Sheriff & multi-state tactical deployment.[4] | | No (Treated as external state expenditure) |

| Downstream Climate Emissions | | Global Biosphere | | Greenhouse gas forcing from ~570,000+ bbl/day Bakken crude.[21] | | Partially (Downstream SCC largely discounted) |

| Community & Cultural Trauma | | Standing Rock Sioux Tribe | | Persistent psychological distress, social division, treaty erasure.[10][21][27] | | No (Excluded from NEPA scope by USACE) |

| Civil Liberties & Speech Chilling | | Civil Society & NGOs | | IMSI-catcher surveillance, $345M SLAPP judgment, 17+ state felony laws.[11][24][25] | | No (Omitted from regulatory cost-benefit ledger) |

Conclusion: The Standing Rock Model of Corporate Sovereignty

From the deployment of private special-operations contractors and IMSI catchers in 2016 to the Morton County verdict (finalized at $345 million and appealed after the November 2026 denial of a new trial) and the May 2026 USACE Record of Decision, the Dakota Access Pipeline conflict established a durable template for insulating

fossil-fuel infrastructure from democratic opposition.[1][16][26][28] By fusing privatized COIN surveillance, ALEC-modeled felony "critical infrastructure" statutes, and existential tort lawfare while excluding community trauma and civil-rights erosion from federal NEPA reviews, the "Standing Rock Model" shifts the social and constitutional costs of energy extraction onto Indigenous nations and civil society.[21][24][27]

Updates... (Nov 23, 2026): Added Greenpeace USA's November 2, 2026 announcement [28] directly supporting the November 2, 2026 denial of a new trial and North Dakota Supreme Court appeal (consolidating the Nov 16, Nov 21, and Nov 22, 2026 updates covering D browski et al., 2014, the May 21, 2026 USACE Record of Decision, the October 2026 Standing Rock Sioux Tribe lawsuit, the $345 million Greenpeace judgment, and Harvard EELP Regulatory Tracker).

References & Primary Sources

* [1] ACLU (Oct 10, 2016). The Surveillance State Descends on the Dakota Access Pipeline Spirit Camp. -- https://www.aclu.org/news/free-speech/surveillance-state-descends-dakota-access-pipeline-spirit-camp

* [2] The Guardian (Feb 20, 2025). Fossil fuel firm's $300m trial against Greenpeace to begin: 'Weaponizing the judicial system'. -- https://www.theguardian.com/us-news/2025/feb/20/greenpeace-energy-transfer-dakota-pipeline-trial

* [3] ACLU (Jun 2, 2017). Why Did a Private Security Contractor Treat Standing Rock Protesters Like 'Jihadists'? -- https://www.aclu.org/news/free-speech/why-did-private-security-contractor-treat-standing-rock

* [4] High Country News (Jun 1, 2017). Inside the military tactics used during Standing Rock. -- https://www.hcn.org/articles/the-government-used-military-tactics-to-supress-nodapl-activists/

* [5] H-Net Reviews (Dec 2014). Review of Peter Dauvergne and Genevieve LeBaron, Protest Inc.: The Corporatization of Activism. -- https://www.h-net.org/reviews/showrev.php?id=41954

* [6] Drilled Media (May 3, 2024). Standing Rock Documents. -- https://drilled.media/documents/1ed15ccd-a1cf-4f20-aaff-483b4714ab57

* [7] ACLU (Feb 28, 2019). The Dakota Access Pipeline Company Is Abusing the Judicial System to Silence Dissent. -- https://www.aclu.org/news/free-speech/dakota-access-pipeline-company-abusing-judicial-system-silence

* [8] Fuller, M., & Weizman, E. (2021). Investigative Aesthetics: Conflicts and Commons in the Politics of Truth. Verso. -- https://uap.edu.pl/wp-content/uploads/2024/04/Matthew-Fuller-Eyal-Weizman-Investigative-Aesthetics-Conflicts-and-Commons-in-

* [9] ACLU of South Dakota (Jun 2, 2017). Why Did a Private Security Contractor Treat Standing Rock Protesters Like 'Jihadists'? -- https://www.aclusd.org/news/why-did-private-security-contractor-treat-standing-rock-protesters-jihadists/

* [10] Drilled Media (Dec 7, 2023). Seven Years Later, an Environmental Impact Statement for the Dakota Access Pipeline. -- https://drilled.media/news/drilled-trfst-standingrock

* [11] D browski, A., Pianta, N., Klepp, T., Mulazzani, M., & Weippl, E. (Dec 8, 2014). IMSI-catch me if you can: IMSI-catcher-catchers. Proceedings of the 30th Annual Computer Security Applications Conference, 246-255. -- https://doi.org/10.1145/2664243.2664272

* [12] Park, S., Shaik, A., Borgaonkar, R., Martin, A., & Seifert, J.-P. (Aug 2017). White-Stingray: Evaluating IMSI Catchers Detection Applications. 11th USENIX Workshop on Offensive Technologies (WOOT '17). -- https://www.usenix.org/system/files/conference/woot17/woot17-paper-park.pdf

* [13] Just Security (Nov 16, 2016). Investigating Surveillance Around Standing Rock. -- https://www.justsecurity.org/34449/investigating-surveillance-standing-rock/

* [14] Sabin Center for Climate Change Law (Aug 22, 2018). Energy Transfer Equity, L.P. v. Greenpeace International -- Climate Litigation Database. -- https://www.climatecasechart.com/document/energy-transfer-equity-l-p-v-greenpeace-international_82fd

* [15] Sabin Center for Climate Change Law (Jul 23, 2024). Greenpeace International v. Energy Transfer -- Climate Litigation Database. -- https://www.climatecasechart.com/document/greenpeace-international-v-energy-transfer_29bd

* [16] Greenpeace USA (May 30, 2024). Fighting Energy Transfer's SLAPP Lawsuit. -- https://www.greenpeace.org/usa/energy-transfer-lawsuit/

* [17] Greenpeace USA (May 30, 2025). Energy Transfer vs. Greenpeace trial analysis. -- https://www.greenpeace.org/usa/energy-transfer-vs-greenpeace-trial-analysis/

* [18] Greenpeace International (May 3, 2024). Summary Judgment Brief on Statements re Damage to Cultural Sites (Morton County District Court). -- https://www.greenpeace.org/static/planet4-international-stateless/2025/02/20240503-GP-Brief-ISO-MSJ-on-Statements-re-Damage-t

* [19] U.S. Army Corps of Engineers, Omaha District (Dec 19, 2025). USACE publishes final Dakota Access Pipeline environmental impact statement. -- https://www.nwo.usace.army.mil/Media/News-Releases/Article/4364837/usace-publishes-nal-dakota-access-pipeline-environmental-

* [20] Harvard Law School Environmental and Energy Law Program (EELP) (2026). The Dakota Access Pipeline (DAPL) Regulatory Tracker. -- https://eelp.law.harvard.edu/tracker/dakota-access-pipeline/

* [21] Earthjustice (Feb 20, 2023). Standing Rock Sioux Tribe's Comments on July DEIS. -- https://earthjustice.org/document/standing-rock-sioux-tribes-comments-on-july-deis

* [22] U.S. House Committee on Oversight and Reform (Sep 14, 2022). Protecting Americans' Right to Peaceful Assembly From "Critical Infrastructure" and Other Anti-Protest Laws. -- https://docs.house.gov/meetings/GO/GO02/20220914/115106/HHRG-117-GO02-Wstate-PageE-20220914.pdf

* [23] Korten, T. / Sierra Club (Sep 17, 2023; Fall 2023). States Are Criminalizing Environmental Protest. Sierra Magazine. -- https://www.sierraclub.org/sierra/2023-3-fall/notes-here-there/states-are-criminalizing-environmental-protest

* [24] International Center for Not-for-Profit Law (ICNL) (Oct 2019). Critical Infrastructure Bills: Targeting Protesters through Extreme Penalties. --

https://www.icnl.org/wp-content/uploads/CI-Bill-Briefer-final-formatted.pdf

* [25] Parenteau, P. A. (2026). SLAPP vs SLAPP-BACK: The Seismic Greenpeace Verdict and the Future of Environmental Protests. Environmental Liability, 29(6), 221. -- https://doi.org/10.2139/ssrn.6967178

* [26] U.S. Army Corps of Engineers, Omaha District (May 21, 2026). Dakota Access Pipeline FEIS & Record of Decision. -- https://www.nwo.usace.army.mil/Missions/Dam-and-Lake-Projects/Oil-and-Gas-Development/Dakota-Access-Pipeline/

* [27] Johnson, G. (Aug 6, 2021). Review of Dina Gilio-Whitaker, As Long as Grass Grows: The Indigenous Fight for Environmental Justice, from Colonization to Standing Rock. Journal for the Study of Religion, Nature and Culture, 15(2). -- https://doi.org/10.1558/jsrnc.39921

* [28] Greenpeace USA (Nov 2, 2026). Greenpeace to appeal after North Dakota court denies new trial request, failing to rectify error-filled trial in Energy Transfer SLAPP lawsuit. -- https://www.greenpeace.org/usa/greenpeace-to-appeal-after-north-dakota-court-denies-new-trial-request-failing-to-rectify-error-fille