

Standing Rock Plaintiffs File First Amended Complaint

Thunderhawk v. County of Morton, North Dakota

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New York, February 1, 2019—Today, Cissy Thunderhawk, Wašté Win Young, the Reverend John Floberg, and José Zhagñay filed their First Amended Complaint in response to state and local defendants’ motions to dismiss. The amended complaint clarifies the civil rights violations caused when defendants closed, to the Tribe and its supporters, the primary road connecting the Standing Rock Reservation to both Bismarck and to numerous public sites of great expressive and religious significance. The plaintiffs are represented by Columbia Law School [Lecturer in Law Noah Smith-Drelich](#) and Professor [Bernard E. Harcourt](#) through the [Columbia Center for Contemporary Critical Thought](#).

The plaintiffs allege in the amended complaint that “Defendants’ true purpose for discriminatorily closing the road in question . . . [was] to extort political concessions from the Standing Rock Sioux Tribe. The concessions Defendants demanded of the Tribe include the Tribe changing its position vis-à-vis Water Protectors in North Dakota and the existence of the camps under [the Tribe’s] jurisdiction.” The amended complaint provides substantial support for this claim, including descriptions of internal documents circulated by state and local officials as well as numerous public statements made by officials during the time in question.

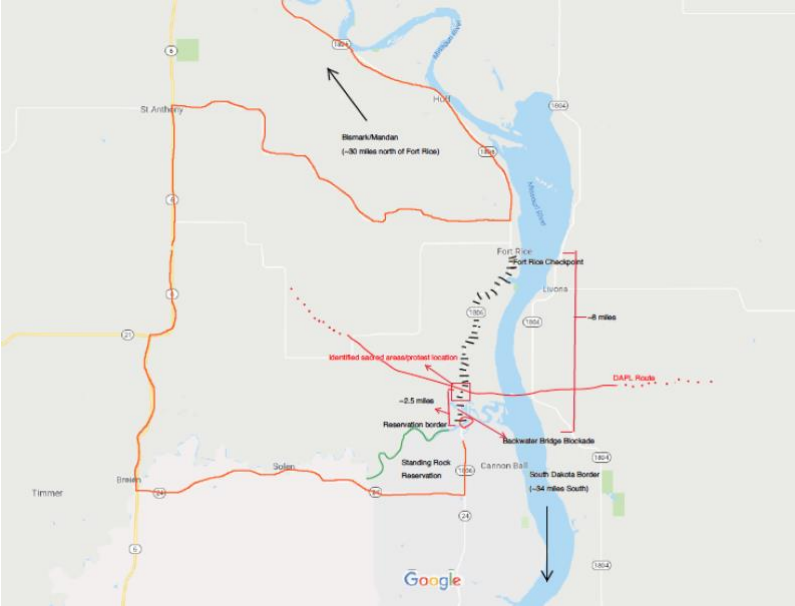
The amended complaint also provides substantially greater detail of how state and local officials, together with TigerSwan, a private security company employed by Dakota Access, persistently mischaracterized Water Protectors and the No-DAPL movement. “Using selective, misleading, and false descriptions of Water Protector conduct, including in press statements, official declarations, and criminal charging documents,” the First Amended Complaint alleges, “state and local officials engaged in a concerted effort to portray the movement as a whole as far more dangerous or criminal or disruptive than was actually the case.”

Moreover, “[b]y making it substantially more difficult for local press in particular to independently obtain first-hand evidence of what was happening in or around the camps . . . the road closure led the local press to rely more significantly on statements made by state and local officials in their reporting. This, in turn, further amplified, especially throughout North Dakota, state and local officials’ exaggerated and often false portrayal of Water Protectors as violent and criminal, and of the NoDAPL movement as defined by mayhem.”



The Amended Complaint also adds a plaintiff to the case, José Zhagñay. José Zhagñay traveled to the camps alongside the Standing Rock boundary from New York to join and support the Tribe in its quest for indigenous rights and environmental justice. At the camps, Mr. Zhagñay volunteered with the camps’ homeschool resource center to ensure that school-age children at the camps received the education necessary for success.

“Our filing makes clear how pernicious this road closure was,” Smith-Drelich said. “We expect through this lawsuit to amplify our plaintiffs’ and the broader community’s legitimate concerns over this plainly unconstitutional policy—and to obtain much needed redress.”



The litigation forms part of the [Practical Engagements](#) initiative of the [Columbia Center for Contemporary Critical Thought](#) (CCCCT), which engages in *pro bono* public-interest representation. Last year, the CCCCT organized a [seminar on Standing Rock](#) that explored many of the legal issues and civil rights violations associated with the Standing Rock movement.

More information and documents on the lawsuit are available here: <https://cccct.law.columbia.edu/content/standing-rock-litigation>

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