



# SIERRA CLUB

## TEHIPITE CHAPTER

### North Dakota jury finds Greenpeace liable for \$667 million in connection with 2017 Dakota Access Pipeline protest

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On March 19, 2025 a North Dakota jury found defendants Greenpeace Inc., Greenpeace International, and Greenpeace Fund, Inc. ("Greenpeace") liable for \$667 million in damages to plaintiffs Energy Transfer LP and Dakota Access LLC ("Dakota Access") for actions related to the Dakota Access Pipeline (DAPL, pronounced "dapple") protests of 2016-2017.

With a budget of \$130 million, the Sierra Club, along with other climate advocacy non-profits, is in danger from coordinated, groundless lawsuits condoned by the courts and an uncritical media. Following up on President Trump's unconstitutional attacks on law firms and universities, Trump has warned environmental groups that he may strip them of their 501(c)(3) nonprofit status (although the Club is not a non-profit, its foundation is a 501(c)(3). Accordingly, our national Club requests that *Chapter activities involving mobilizations, public statements, or coordination with other nonprofits receive prior approval from our national Club attorneys.*

The Dakota Access Pipeline (DAPL) is an 1,722-mile underground 30-inch pipeline delivering fracked oil from North Dakota. A project of Energy Transfer and its

billionaire CEO and Trump donor Kelcy Warren, DAPL crosses more than 25 rivers and streams, ending at the Missouri River, drinking water supply for the Standing Rock Sioux tribe and millions of residents. In December 2016, President Obama halted construction and called for a thorough environmental review. Just a month later, a newly inaugurated President Trump reversed the decision. Oil began flowing that June.

Beginning in April 2016, a DAPL protest encampment adjacent to the Standing Rock Reservation was organized by the tribe with support from North American and global tribes to defend the Tribe's historic lands. An estimated 100,000 peaceful, unarmed "water protectors" camped where the pipeline was proposed to run underneath Missouri River, protesting the threat to the water supply, tribal sovereignty, and sacred Native lands, including burial grounds. Their motto was *Mni Wiconi* (Water is Life).

The trial focused on Greenpeace's involvement in the pipeline protests. Although just six Greenpeace participants participated, the organization was *blamed for the entire protest movement*. Defendants never had a chance after the judge refused to admit evidence that the pipeline had already caused \$1 million in oil spills.

Plaintiffs filed in state court after the case was quickly dismissed by federal court. The jury found Greenpeace liable for inciting illegal behavior by protestors, defaming Energy Partners, trespass, conversion, nuisance, conspiracy, and tortious interference with business. The jury was drawn from Morton County, location of the protest. *Seven jurors and*



*alternates had financial ties to the fossil fuel industry and some admitted to the court that they could not be impartial, but the judge seated them anyway. The judge also refused three requests from Greenpeace to relocate the trial.*

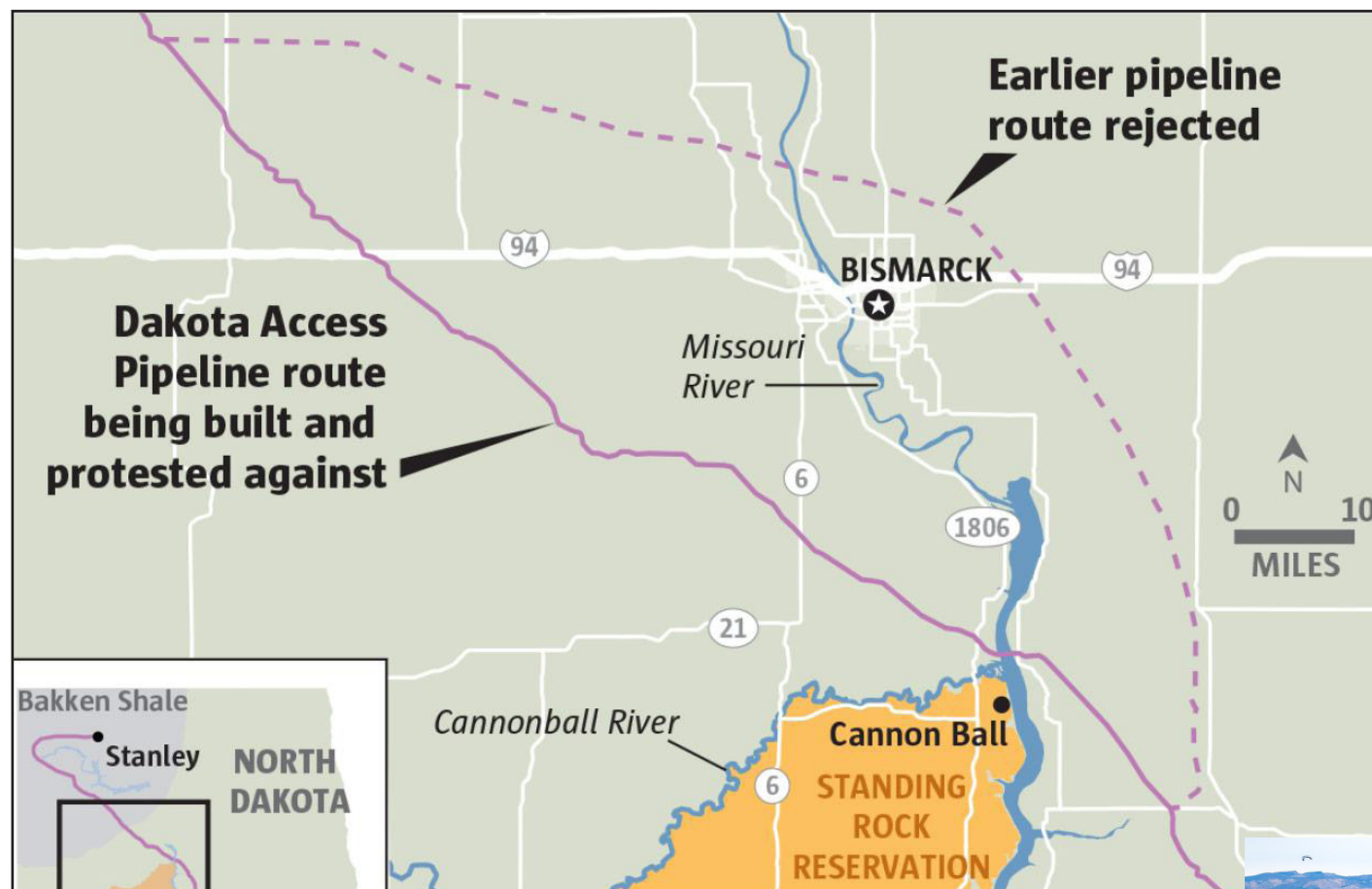
Attorney Steven Donziger described the jury verdict as "*a direct attack on the climate movement, Indigenous peoples, and the first amendment.*" He accused Energy Partners of filing the lawsuit with the **primary intent** of intimidating climate activists and silencing free speech. Donziger, seated at the trial with an independent monitoring team of nine attorneys and four prominent human rights advocates, wrote that the

Gibson, Dunn & Crutcher law firm, which represents Energy Transfer, literally wrote the corporate playbook on how to intimidate environmental organizations through SLAPP lawsuits.

As part of a coordinated smear campaign by local police, federal agents, and private TigerSwan mercenaries, peaceful protestors were labeled as jihadists and terrorists. Police dogs were unleashed on protestors, who were sprayed by fire hoses in sub-freezing temperatures. "Nonlethal" bullets produced serious injury, and one peaceful protestor had an arm shredded when a bang grenade was fired at her from close range.

Greenpeace said it would appeal the verdict to the North Dakota Supreme Court and is pursuing an action against Energy Transfer in the Netherlands under the European Union's new anti-SLAPP directive, arguing that the real goal of the lawsuit was to suppress First Amendment-protected free speech.

**Sources:** Columbia University Law School U.S. Climate Change Litigation Database; *E & E News* 3/19/2025. "Jury finds Greenpeace at fault for protest damages, awards pipeline developer more than \$660 million"; Steven Donziger, "I was an independent observer in the Greenpeace trial: what I saw was shocking." *The Guardian*, 3/28/2025; American Civil Liberties Union, "Why did a private security contractor treat Standing Rock protestors like 'jihadists'?" 6/2/2017. **Credits:** Map: U.S. Army Corps of Engineers; DAPL protest photo: Rob Wilson, peoplesdispatch.org; city protest photo: Devon Young Cupery, *Sierra Magazine*, 11/14/2023.



**Tuesday, May 13 at 7:00 PM on Zoom**

In collaboration with the Fresno Audubon Society, the Sierra Club Tehipite Chapter hosts author Scott Harris who will speak about "**RaptorQuest.**"

This book captures his adventures and misadventures during 17 months spent chasing 53 raptors across 34 states. It's about the birds of course, but it's also about the people he met and the things he learned.

To attend you must pre-register IN ADVANCE to receive the Zoom link on May 13. Visit [sierraclub.org/tehipite](https://sierraclub.org/tehipite) for the registration link.

