

WISCONSIN

'A new chapter of a very old story': Documentary shows Bad River Band's fight against Line 5

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The Kakagon River flows through the Bad River Band of Lake Superior Chippewa's land into Lake Superior. It's home to the Kakagon Sloughs, a system of wetlands with the largest natural wild rice bed in the Great Lakes basin. A new documentary highlights the Bad River Band's efforts to protect the land and water. *Richard Schultz, Courtesy Of 50 Eggs Films*

A new documentary chronicles a Wisconsin's tribe's ongoing fight to protect Lake Superior for future generations.

"Bad River" shows the Bad River Band of Lake Superior Chippewa's long history of activism and resistance in the context of continuing legal battles with Enbridge Energy over its [Line 5 oil pipeline](#). The Line 5 pipeline has been operating on 12 miles of the Bad River Band's land with expired easements for more than a decade. The Band and the Canadian company have been locked in a legal battle over the pipeline since 2019.

The Journal Sentinel got a sneak peak at "Bad River," which will open on March 15. It will be showing in select cities including at [AMC Mayfair Mall](#) in Wauwatosa as well as in Chicago, Madison and Ashland.

The Band's resistance against Line 5 is "a new chapter of a very old story," said Mary Mazzio, [the director of the documentary](#).

"Bad River" shows the Band's constant battle for land, water and culture, Mazzio said. For instance, the Dawes Act of 1887 allowed the federal government to chop up the Band's land and sell it to non-tribal citizens. Some Bad River Band members spoke of their experiences in boarding schools and how families were forced to relocate to cities, causing them to lose their connection with their tribal culture. The Band's stories also take the audience through the American Indian Movement in the late 1960s as well as the struggle to protect the right to fish during the Walleye War.

Much of the legal battles over Line 5 have stemmed from whether Enbridge is trespassing on the Band's land. According to the documentary, Line 5 was installed on the Band's land without consent from the tribal council. Instead it was the Bureau of Indian Affairs that signed the easement agreement. It wasn't until the 1990s that the Band gave its input for the first time, the documentary shows.

For the Band, concern over the aging oil pipeline heightened after an oil spill in the Kalamazoo River in 2010, when Enbridge's Line 6B pipeline burst, releasing more than 1 million gallons of crude oil. It was one of the largest oil spills in U.S. history.

With major flood events continuing to hit northern Wisconsin, the Band fears that it's only a matter of time until the Line 5 pipeline ruptures.

The struggles over sovereignty and treaty rights aren't specific to the small Wisconsin-based tribe, Mazzio said. "They are reflective of what every Native community faces."

The documentary also included the perspective of Mike Fernandez, the senior vice president and chief communications office at Enbridge, who said that the Band wants to shut down a vital resource that millions of people depend on.

Patty Loew, a professor emerita at Northwestern University and Bad River Band citizen, said that she believes the documentary captured the majority voice of the Bad River Band people and how it wants to protect the water for seven generations to come, as is tribal tradition.

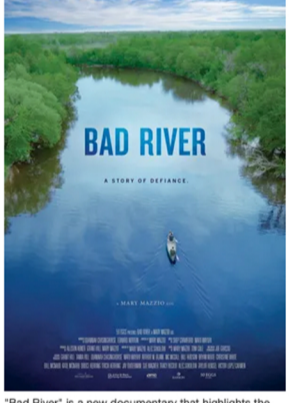
"Clean water is an important legacy to leave," she said.

Bad River Band, Enbridge waiting on the U.S. government to weigh in

Tribes throughout the Great Lakes say that Line 5 is infringing on treaty rights and sovereignty and it's one of the greatest threats to the world's largest surface freshwater system. The pipeline has had 35 spills in its 70-year tenure, releasing a total of more than 1 million gallons of oil into the environment.

Earlier this month, a federal appeals court [heard oral arguments](#) on whether Enbridge can continue to transport oil via the pipeline.

More: [Great Lakes tribes teach 'water is life.' But they're forced to fight for a voice in safeguarding it.](#)



"Bad River" is a new documentary that highlights the Bad River Band of Lake Superior Chippewa's efforts to protect the land and water. *Courtesy Of 50 Eggs Films*

Enbridge argued that the pipeline is safe and necessary to meet energy needs in Michigan and Canada. The company also argued that a 1977 treaty between the U.S. and Canada, which prevents the disruption of the flow of oil between the two countries, should shield the pipeline from a shut down.

The Band argues that Line 5 is in trespass and that a rupture is imminent as flooding from last spring has pushed one part of the Bad River as little as 11 feet from the buried pipeline.

After the oral arguments, the judges said they could not make a decision until the U.S. government weighs in.

And the Line 5 pipeline isn't just a worry in Wisconsin. There is also a legal battle playing out in Michigan between Michigan Attorney General Dana Nessel and the oil company. A federal appeals court will hear oral arguments for that case on March 21.

More: [Judge orders removal of the Enbridge Line 5 pipeline from tribal lands within three years](#)

More: [Michigan Public Service Commission approves Enbridge Line 5 permit for tunnel under Straits of Mackinac](#)

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