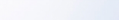


Documentary shows Bad River Band's resilience as Line 5 battle continues

BY: KYLE DAVIDSON - MARCH 15, 2024 9:55 AM



Man and his son at Waverly Beach on Lake Superior by Richard Schultz 2022. | Photo courtesy of 50 Eggs Films

As the Bad River Band of Lake Superior Chippewa continues its case against Canadian pipeline company Enbridge and its controversial Line 5 pipeline, a new film is documenting the band's history of resistance in order to protect the Bad River and its tribal sovereignty.

Written and directed by Mary Mazzio and narrated by Indigenous activist and model Quannah ChasingHorse and actor Edward Norton, "Bad River: A Story of Defiance" documents the tribe's many battles against injustice, including its efforts to evict the Line 5 pipeline from their land due to concerns that the pipeline is set to rupture, carrying potentially catastrophic consequences for the Bad River Watershed and Lake Superior.

The Bad River Band and the case against Line 5

Enbridge's Line 5 pipeline stretches from Northwest Wisconsin through Michigan and into Sarnia, Ontario, including 12 parcels of land owned partially or wholly by the Bad River Band. The pipeline transports up to 540,000 barrels of crude oil and natural gas liquids per day.



Bad River - Full Trailer

The case began in 2019, when the tribe took legal action against Enbridge to remove the pipeline from their territory, after refusing to renew the company's easements to operate the pipeline on their land. Although the easements expired in 2013, and the Tribal Council passed a resolution in 2017 insisting the pipeline company leave the reservation, Enbridge refused to remove the pipeline.

Wisconsin's Western District Court later ruled that the Canadian company had been trespassing since the easement's expiration. Enbridge was ordered to pay more than \$5 million in damages and must shut down the 12-mile section of pipeline running through the tribe's sovereign territory by 2026.

While the Bad River Band filed for an injunction for an immediate shutdown of the pipeline, this request was denied.

Both sides are now appealing the ruling, with the Bad River Band asking for a greater share of Enbridge's profits and for the pipeline to be shut down in six months, alongside a stricter monitoring and shutdown plan for the section of pipeline the tribe says is at risk of being exposed and rupturing as the result of erosion.

Enbridge maintains it is not trespassing, with spokesperson Ryan Duffy previously telling the Advance via an email that the company's 1992 easement agreement permit allows the company to remain on the reservation through 2043.

The company's attorney also argued that the order to shutdown the pipeline violates the 1977 Transit Pipelines Treaty, which ensures crude oil can flow between the U.S. and Canada, provided the pipelines involved comply with various rules and regulations.

While the Canadian government has sided with Enbridge in its appeal, the U.S. government has yet to weigh in on the case, with more than 30 Tribal Nations in the Great Lakes Region calling on the Biden Administration to respond to the Seventh Circuit Court of Appeals' request for federal input.



Mary Mazzio and Director of Photography Joe Grasso on location at the Bad River Reservation. | Photo courtesy of 50 Eggs Films

Documenting a history of resistance

According to Mazzio, the documentary came about through happenstance when she was introduced to Mike Wiggins in 2020. At the time, Wiggins was serving as the tribe's chairman, and held that position through the duration of the project.

"As a recovering lawyer, myself, I thought, what an extraordinary David and Goliath story that the band is fighting, with extraordinary monumental effort, but doing so in relative obscurity," Mazzio said.

"So few people know who the Bad River people are, that the Bad River Band exists and how hard they're fighting to protect Lake Superior," Mazzio said.

The project began with several visits to the Bad River Reservation without cameras and several discussions with Bad River members, including tribal elders, Mazzio said. While she initially thought the project would focus on the band's legal battle with Enbridge, Bad River elders began speaking about the issues leading up to this case and how their parents and grandparents had stood up for their beliefs.

"This is really a story about sovereignty," Mazzio said.

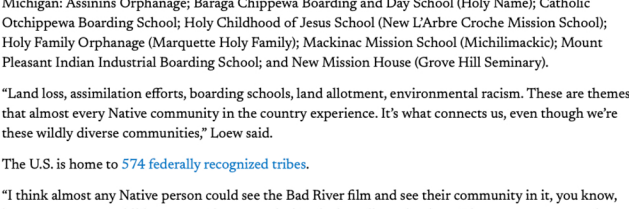
"This is not a film about the case, right? This is a film about the people. And this case, this struggle is only one chapter of many," Mazzio said.

Patty Loew, a Bad River tribal citizen and former professor at the Medill School of Journalism at Northwestern University, said Enbridge is just another in a long line of Goliaths the tribe has taken on.

"We have this history of being very predictable in the way we approach trying to protect our treaty rights, our treaties, our cultural ways of life. This is who we are; we've always been this way," Loew said.

While the film documents the Enbridge case, it also spotlights the tribe's fight against the Gogebic Taconite mine proposed in the headwaters of the Bad River, members' involvement in the American Indian Movement, and the "Walleye Wars" of the 1980s and '90s, where sports fishermen and anti-treaty groups clashed with native fishermen in Wisconsin over their rights to hunt and gather in ceded territory.

It also shows the harms of residential boarding schools, and the Indian Relocation Act of 1956, aimed at assimilating tribal citizens into white American culture as part of an effort to eliminate Tribal Nations that were often marked by abuse and violence.



Mt. Pleasant Indian Industrial Boarding School opening day, June 30, 1893 | Courtesy of the Alice Littlefield Collection, Saginaw Chippewa Indian Tribe of Michigan, Zibiwing Center of Anishinabe Culture & Lifeways.

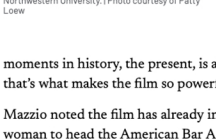
Research from the Department of Interior and the National Native American Boarding School Healing Coalition (NABS) shows that there were 523 boarding schools in the U.S. Eight were operated in Michigan: Assinibon Orphanage; Baraga Chippewa and Day School (Holy Name); Catholic Otchipewa Boarding School; Holy Childhood of Jesus School (New L'Arbre Croche Mission School); Holy Family Orphanage (Marquette Holy Family); Mackinac Mission School (Michilimackic); Mount Pleasant Indian Industrial Boarding School; and New Mission House (Grove Hill Seminary).

"Land loss, assimilation efforts, boarding schools, land allotment, environmental racism. These are themes that almost every Native community in the country experience. It's what connects us, even though we're these wildly diverse communities," Loew said.

The U.S. is home to 574 federally recognized tribes.

"I think almost any Native person could see the Bad River film and see their community in it, you know, because everyone's children were taken away during the boarding school era. Almost every community had their reservation privatized and allotted, and lost land as a result. Almost every community has seen industrial threats come in because "They're just Indians, you know, who the heck cares if we pollute, you know, with this industry or that industry or that mine or or this pipeline," Loew said.

As Indigenous people across the country and the globe continue to fight against industrial threats, Loew pointed to a movement of solidarity, noting the 450 tribal flags in support of the Standing Rock Sioux Tribe during protests against the construction of the Dakota Access Pipeline. She hopes this film will help reinforce that solidarity.



Patty Loew, a tribal citizen of the Bad River Band of Lake Superior Chippewa and a retired journalism professor at the Medill School of Journalism at Northwestern University. | Photo courtesy of Patty Loew

"There's this thread, this determined thread of stewardship in the face of whatever comes along, by Native people to protect the Earth," Loew said.

"People who have this long history of staying in one place, you know, people who are indigenous to a land, who understand its rhythms, who have organized their society around their natural landscape, have this sense of really deep stewardship, and whatever comes their way they're going to fight to protect it," Loew said.

Both Mazzio and Loew spoke to the impact of using interviews to showcase Bad River Band's citizens and its struggles.

"It's a film that's told through the eyes of Bad River tribal members. And I think that's where its power lies," Loew said. "The big moments in history, the little moments in history, the past moments in history, the present, is all told through the perspective of Bad River's citizens and I think that's what makes the film so powerful."

Mazzio noted the film has already inspired policy action with both Mary Smith, the first Native American woman to head the American Bar Association, and Aurene Martin, a member of the Bad River Band and former acting deputy assistant secretary of Indian Affairs at the Department of Interior, working to form a team of Indigenous lawyers from across the country to develop best business practices and recommendations relating to extraction on or near tribal land.

Where you can see the film

"Bad River: A Story of Defiance" is set to premiere Friday.

- The film will run Friday through Wednesday at select AMC Theatres in New York, N.Y.; Minneapolis; Milwaukee; Boston; Madison, Wisc., Los Angeles; Seattle; Chicago; Atlanta, Detroit; and Washington, D.C.
- Ashland Bay Cinema in Ashland, Wisc. will also show the film during this run.
- Additional screenings on Friday will be held in Traverse City and Park Falls, Wisc., as well as a free screening hosted by the Bay Mills Indian Community in Sault Ste. Marie.
- The State Theater in Ann Arbor will also host two screenings on March 23.

Information on tickets and screening locations can be found on the film's website, with 50% of the profits will be donated to the Bad River Band.



KYLE DAVIDSON

Kyle Davidson covers state government alongside health care, business and the environment. A graduate of Michigan State University, Kyle studied journalism and political science. He previously covered community events, breaking news, state policy and the environment for outlets including the Lansing State Journal, the Detroit Free Press and Capital News Service.

Michigan Advance is part of States Newsroom, the nation's largest state-focused nonprofit news organization.

MORE FROM AUTHOR

ABOUT US

Corporate media aren't cutting it. The Michigan Advance is a nonprofit outlet featuring hard-hitting reporting on politics and policy and the best progressive commentary in the state.

We're part of States Newsroom, the nation's largest state-focused nonprofit news organization.

© Michigan Advance, 2024 v1.042