

The Dirty Playbook.

How a corporation abuses the American legal system to silence dissent and intimidate the climate movement.

Documentary Pitch Deck

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Director's Biography

Xander Tillou is a documentary cinematographer from Brooklyn, New York. *The Dirty Playbook* will be his debut film as a documentary director. Previously, Xander was the director of photography for two award winning biographical documentaries, *Light Inside The Darkness* and *Roger Peele: A Revolutionary in Psychiatry*, made during his time at Emerson College with his close colleague Robbie Shinder. Based on his recent work amongst people such as Steven Donziger, his future goals revolve around creating films that explore environmentalism, corporate corruption, and social justice in the United States.

Logline

Most people are familiar with the devastating tolls that fossil fuel production has had on our planet. However, many are completely unaware of how these corporations are utilizing the justice system to silence free speech and the right to protest. This is the story of how Energy Transfer is trying to prevent another Standing Rock protest by bankrupting Greenpeace and intimidating the entire climate movement.

Visual Style



The Dirty Playbook is currently being shot on Sony FX3 and FX6 cameras paired with DZO Catta Ace Zoom lenses. The visual style focuses on having a cinematic look with warm tones and a soft focus. There is little to no autofocus and the goal is to have a textured and natural feel in the image. Interviews are shot on the shadow side with a-cam capturing a medium bust shot of the subject while the b-cam captures a medium-wide shot. This film brings you into an authentic world contrary to the depictions of mainstream media coverage.



Treatment

My name is Xander Tillou and I am incredibly excited to be sharing my documentary project *The Dirty Playbook* with you. This is a story of power and how power is wielded to maintain a dangerous status quo that has always threatened natural and native ways of life. Corporations and particularly energy companies are ramping up their abuse in the American justice system by using S.L.A.P.P harassment lawsuits (strategic lawsuits against public participation) in order to silence dissent.

This film begins with a complete story of how Dakota Access Pipeline company, Energy Transfer, has sued Greenpeace, one America's most prominent environmental organizations. The lawsuit ended with a verdict of \$660 million against Greenpeace for their role in the 2016 Dakota Access Pipeline protests. It's important to note that this trial was thrown out of federal court, refiled in state court and tried in the county of Mandan North Dakota where fossil fuels are a central part of the economy. These protests were organized by Native Americans from hundreds of tribes along with an army of non-native supporters. Energy Transfer argued that the "violent and destructive" elements of the protest were caused by Greenpeace's involvement. Greenpeace argued that they played a minor role supporting a native led movement to oppose the Dakota Access Pipeline's construction on their ancestral treaty lands and that their actions were not defamatory or damaging. I had the privilege of interviewing locals, Greenpeace staff, trial monitors and indigenous members of the Standing Rock Sioux and the Sicangu Lakota to discuss this trial, what happened at Standing Rock, and what people should know about this situation. What I've learned from these interviews is absolutely astonishing.

The 2016 Standing Rock protests and its following litigation is a microcosm for the climate movement, indigenous rights movement and the playbook of American energy companies. Over one hundred thousand people were involved at the Standing Rock protests and it was a glimpse into the power of solidarity between non-native and native people in regards to environmental activism. Energy Transfer and other fossil fuel companies have a real reason to be concerned given that the protests led to the pipeline's delay and there was unprecedented global attention generated during that time. Now the crux of this film is found here: Energy Transfer has gone down the classic path of suing as many people as they can, particularly groups who are known throughout the progressive world. Greenpeace, one of the oldest environmental organizations in the country, was the perfect target for litigation regardless of the extent of their involvement or what they actually did on the ground. In closing statements from the lawsuit featured in this film, Energy Transfer's lead attorney Trey Cox called this a "day of reckoning for Greenpeace" and "these are the facts, not the fake news of the Greenpeace propaganda machine". Paul Paz Y Miño, an ally of Greenpeace and deputy

director of Amazon Watch, said “this was an attack on free speech” and “Greenpeace is just the sacrificial lamb because Energy Transfer wants its pound of flesh”. Paul’s statement was a shared consensus of many people who tuned into this trial.

This film uses this case against Greenpeace as a launchpad into a story about indigenous rights, the climate movement and how powerful corporations seek to eliminate future dissent. By investigating Greenpeace’s actions, understanding what happened at Standing Rock, and exploring Native American history we can begin to understand what the path to a sustainable future could look like. But one thing is clear, corporations are putting civil disobedience and the right to protest on trial; threatening future resistance to environmental devastation.

Outline

The outline below is listed in the order of what will be shown in the final film.

1. What Happened At Standing Rock:

Despite being a highly covered and documented event, it is important for this film to lay a foundation by explaining what happened throughout 2016 when Native Americans, religious organizations, environmental activists, and regular everyday people got together at the Standing Rock reservation. They were protesting a pipeline that was going to be built less than a mile away from the Standing Rock reservation, running under the Missouri River. If ruptured or damaged in the slightest the pipeline would destroy their fresh water supply. Protesters referred to each other as water protectors and

deployed a combination of peaceful protests and direct action interventions against the pipeline's construction. There are incredibly important points to make here considering that this will be discussed during this film's featured lawsuit. One point being that the pipeline was originally planned to go north of Bismarck but was moved to Standing Rock after non-native locals of Bismarck complained about the risk to their own fresh water supply. Another important point was that Energy Transfer deliberately evaded environmental and cultural assessments, even going as far to bulldoze sacred burial sites the day after the locations were reported by the Standing Rock Tribal Council. These facts and many others culminated in the protests becoming more and more violent as the pipeline neared completion.



2. Energy Transfer v. Greenpeace and other lawsuits: As mentioned in the treatment, the lawsuit between Energy Transfer and Greenpeace is the central focus of the documentary. Similar lawsuits will be referenced such as Chevron v. Steven Donziger. But the Greenpeace case is the most recent example of a fossil fuel company attacking the climate movement. Greenpeace is seen as a stand in for everyone involved at the Standing Rock protests. Greenpeace was involved by sending a half dozen people for a couple of weeks to teach “non-violent direct action” or simply civil disobedience. An example of this would be locking yourself to a bull dozer to impede construction. Energy Transfer went after this and Greenpeace’s support of a “BankTrack” letter which was sent to European banks financing the pipeline. Greenpeace was one of 500 other organizations to say that the pipeline was on unceded treaty lands recognized under the 1868 Fort Laramie Treaty. The letter pointed out the injustice of the pipeline due to the Standing Rock Sioux being ignored when saying no to its construction on their treaty lands. Supporters of Greenpeace and the Native Americans understand that this jury in Mandan, North Dakota was inherently biased considering the contributions fossil fuel production has to their local economy; making the verdict of \$660 million against Greenpeace somewhat understandable. Due to the jury’s conflicts of interest and other issues with the trial Greenpeace has a fair chance at a successful appeal process if they can afford to keep fighting.

3. History of the Great Sioux Nation: This story cannot be told without exploring the history of the Great Sioux Nation and its colonization.

Understanding this history will allow the viewers to understand the context of *this* situation. Whether it was mining in the Black Hills or it was the seizing of land for settlers to farm on, the Native Americans of North Dakota have consistently been experiencing what they see as a slow genocide. Every single



treaty the United States has signed with sovereign Native American nations has been broken or ignored. This has led modern America to completely forget the promises it made in the past to indigenous people and the responsibility the federal government has in upholding such important agreements. Furthermore, this film is highlighting native belief systems that are fundamentally in alignment with nature, not separate from it. Companies such as Energy Transfer know that they can do things that are technically illegal through the lens of treaty law and federal law, but find support in state and local law. This is why Greenpeace is on trial and why the trial was held in a North Dakota county that relies on the fossil fuel industry.

4. Societal Differences Between Native Americans and Non-Natives: Everyone’s point of reference in life is different. Fossil fuel production threatens the livelihood of

some while providing livelihoods to others. This film has received completely different opinions from people who are worried about environmental damage versus people who are worried about their job disappearing. Environmentalism and sustainability is definitely a trade off. In certain circumstances it might require short-term economic disruption in order to achieve long term environmental sustainability. Ironically the same line of thinking around current tariff policies, just for different reasons. The question lies in what's more important at what time. Is someone's paycheck from fossil fuel production more important than the risk of contaminating and destroying natural resources? This film is seeking to interview proponents of fossil fuel production in order to understand why this risk is worth it..

5. Finding Solidarity: Something that has been asked in every interview is, "how do you think the climate movement and the indigenous rights movement can work together?". The answers found in this question is what this film is trying to build toward. It's the reason why the protests at Standing Rock happened the way they did and the reason why Energy Transfer became terrified. The unification of social justice movements and the ability to mount fierce opposition is the only thing that threatens the future of fossil fuel production. Climate change and natural habitat destruction are key issues that progressive non-native and natives share. By upholding federal treaty law and supporting Native American voices, a path to a more sustainable future is feasible.

Production Strategy

Interviews

Eleven interviews have been conducted. Three of these interviews will be expanded upon and the subjects will become central characters in the film. More interviews are going to be shot throughout the summer and fall of 2025. Xander Tillou and a small crew are planning a third trip to North Dakota and other miscellaneous trips to cover relevant events or people.

- Main Subjects:

1. **Jennifer Martel:** is a prominent member of the Standing Rock Sioux and operates the visitors center on the reservation in North Dakota. She has been influential in introducing people to this film. Her contribution to this film has revolved around a want for environmental activists to more strongly align with Native American issues. She was an organizer of the 2016 protests at Standing Rock and is a proponent of solidarity between native



and non-native people. She also has very strong naturalism beliefs that influence her opinions.

2. **Kendrick Eagle:** was an original organizer of the “No Dakota Access Pipeline (DAPL)” movement. As a teenager he ran over 1,500 miles with other youths to D.C to protest the pipeline and spread awareness. He had an exclusive meeting with Obama during the presidential trip to a Native American powwow in Bismarck. Kendrick was an instrumental part of the NoDAPL movement and represents the future of indigenous activism.



3. **Father John Floberg:** is the Priest of the Standing Rock Sioux Reservation. He is a Norwegian immigrant and has provided a wealth of knowledge in regards to Native American history and almost more importantly, through a white man's eyes. His interview was one of the most compelling I have ever filmed and he gives a brutally honest take on the plight Native Americans have suffered on behalf of christian supremacy. He was also an active supporter of the protests in 2016.



4. **Deepa Padmanabha:** is the Senior Legal Advisor at Greenpeace USA. She is at the lead of the Energy Transfer v. Greenpeace lawsuit. She is the authority on Greenpeace's strategy inside and outside of the courtroom. She provides clarity about Greenpeace as an organization and its actions during the Standing Rock protests.



5. **Marty Garbus:** is a renowned civil rights attorney who has represented Nelson Mandela and Ceasar Chavez. He is an expert in civil rights law and has a textured perspective on how corruptions abuse the legal system.



6. **Paul Paz Y Miño:** is an ally to indigenous people and is the deputy director of Amazon Watch. He is an active organizer for climate change and deforestation initiatives. He has been one of the most vocal individuals in regards to speaking out about corporate corruption and abuse.

- **Secondary Subjects:**



7. **Steven Donziger:** Human Rights Attorney and the lawyer who won a \$10 billion dollar judgement against Chevron, but was later attacked under RICO laws by Chevron. Another example of a corporation abusing the legal system.



8. **Phil Two Eagle:** A member of the Lakota and an authority on Native American culture and history.



9. **Carol Jean Larsen:** Member of Bismarck's Unitarian Universalist Church and was an active participant of the Standing Rock protests.



10. **Trisha Camisa:** A local business owner in Mandan, North Dakota. She is a moderate non-native who is sympathetic to the Native Americans and energy companies. She provides a view into the non-native local perspective of the Standing Rock protests.



11. **Andy Ried:** is a leading scholar and attorney of Native American Treaty Law. He gave a detailed and riveting account of Native American history. He understands and explains how our legal system is designed to protect the colonizers, not Native Americans.



On Location Segments

We want this film to take place in contextually important places such as around the Mandan courthouse and on the Standing Rock reservation. Additionally we are looking to film "man on the street" mini interviews of liberal leaning people in New York and conservative leaning people in Bismarck to gauge people's opinion of fossil fuel production.

1. **Standing Rock:** During our third trip to North Dakota we plan on documenting Native American powwows and touring the reservation with Kendrick Eagle and Jennifer Martel. We want to ask local natives about key points of Native American history in regards to colonization and resource extraction on treaty lands. We also want to discuss spirituality and traditional practices.

2. **Mandan:** Due to North Dakota's prosperity being tied to coal, natural gas, and crude oil extraction local non-native people have very positive views of energy production. We want to talk to more non-natives about the contributions Energy Transfer has made to their community. We would also like to discuss the current

administration and its promises to roll back environmental protections in order to increase production of lumber and fossil fuel extraction.

3. New York City: Left leaning, liberal minded people in a coastal city such as New York commonly condemn fossil fuel for its role in climate change and environmental pollution. However, an urban lifestyle is the furthest thing from a more sustainable subsistence based lifestyle. This film wants to contrast these opinions with the ones of middle Americans whose economies are more directly connected to fossil fuel production.

Potential Debates

After getting a gauge on public opinions around the environment and the future of energy production in this country the film would like to feature a debate between an environmentalist and a pro-fossil fuel individual. Discussing the pros and cons of renewable energy, fossil fuel energy, and what the future looks like for maintaining a clean environment while also adhering to the needs of everybody.

Archival Footage and Images

The film will be contextualizing the corporate abuse of the American judicial system by outline key historical topics around colonialism, the extermination policies of Native Americans, and private interests in resources found of native treaty lands. Furthermore, the film is currently in search to license footage from cinematographers and filmmakers who captured important moments in the 2016 Standing Rock protests. The following events are examples of archival footage or images that will be featured in the documentary:

- Protestors clashing with private security and police
- Relevant statements from Energy Transfer and relevant news clips of protesting
- Pipeline construction
- 19th century of Native Americans, settlers, and Fort Lamerie Treaty of 1868
- The Wounded Knee massacre in the Black Hills
- Trail of tears
- Doctrine of discovery propagation
- Pan-Indianism movement of the 1960s
- Greenpeace protests outside of Standing Rock.

Target Audience and Distribution Strategy

This film can be considered an impact documentary that *does* have a call to action. However, Xander Tillou has made it a critical point that this documentary isn't inherently an "activist film". The ultimate goal is to find truth in the chaos of multi-million dollar litigation and massive protesting. There will be a strong sense that two differing opinions are equally true. With that being said, there is incredible potential for this film to embolden people to defend essential constitutional rights and fight for a sustainable future. The following bullet points will be in chronological order of how this film is expected to be released and who will be the target audience:

- 1. Film Festivals:** Xander Tillou wants to submit this film to festivals that attract a socially conscious audience who are interested in topics such as freedom of speech, environmentalism, and indigenous rights.
- 2. Private Screenings With Non-profits:** The contents and message of this film are incredibly relevant to current public conversations about the future of America, climate change, and shifting political sentiments. It is important that this film is made available to politically engaged people who wish to equip themselves with a deeper understanding of corrupt practices being deployed by corporations. Private screenings will enable Xander Tillou and featured subjects of the film to have a platform where they can directly engage with an audience. Through Q&A's and collaborative panel discussions more people can start to understand the dirty playbook that is being wielded in our courts.
- 3. Streaming Distribution:** After time in the film festival circuit, this film and its reception will be pitched to leading streaming services. Xander Tillou and his production team are currently trying to connect with production companies, agencies and streaming services as the film is being shot.

Fundraising Strategy

The Dirty Playbook has been funded by Xander Tillou and small donations from March 2025 to the present. Xander and his production team are currently conducting outreach to non-profits, organizations, film festivals, and private individuals for grants and donations. There is a strong urge for the film's creators to retain all rights to the project at this time, but distribution deals are very much on the table. Due to the highly sensitive nature of the material shown in the film there is going to be an emphasis on

maintaining editorial control. People can support the film by visiting <https://www.xandertillou.com/the-dirty-playbook>. We are now accepting public donations. If you are interested in supporting this project or participating in any way you can email us at connect@xandertillou.com.