

Revealed: how the fossil fuel industry helps spread anti-protest laws across the US

Lobbyists and lawmakers have coordinated to enact new laws that increase criminal penalties for peaceful protests

Hilary Beaumont and Nina Lakhani, *The Guardian*, 26 September, 2024 (shortened)

Records obtained by the *Guardian* show that lobbyists working for major North American oil and gas companies were key architects of anti-protest laws that increase penalties and could lead to non-violent environmental and climate activists being imprisoned up to 10 years.

5 Emails between fossil fuel lobbyists and lawmakers in Utah, West Virginia, Idaho and Ohio suggest a nationwide strategy to deter people frustrated by government failure to tackle the climate crisis from peacefully disrupting the expansion of fossil fuel infrastructure by enacting tough laws with lengthy jail sentences.

10 Amid ongoing record oil and gas expansion in the US, activists say they have turned to protests and non-violent civil disobedience such as blocking roads and chaining themselves to trees, machinery and equipment as a way to slow down construction, raise public awareness, and press for more urgent climate action by governments and corporations.

Civil disobedience is a form of political protest that involves breaking the law in a planned, symbolic way—which activists and rights experts say is part of the bedrock of a democratic society and in the tradition of civil rights movements.

15 The findings from dozens of freedom of information requests suggest that the right to peaceful protest is under attack in the US—much like in other major democracies including the UK, Germany, Canada and Australia.

20 These countries, which are the most responsible for greenhouse gas emissions, continue to back fossil fuel expansion fueling climate breakdown while cracking down on activists and groups sounding the alarm—a trend condemned by Mary Lawlor, UN special rapporteur on human rights defenders, as “unacceptable”.

“People taking peaceful action to draw attention to global warming, and calling for governments to finally do something about it, are human rights defenders—who the US government states that it supports. [But] that must mean support for all human rights defenders, even where they challenge action by the US state itself or the interests of powerful companies,” said Lawlor.

25 “Existing legislation is being misused or new legislation is being brought in to criminalise peaceful acts calling for real action to combat climate change. This is unacceptable.”

A volley of anti-protest laws punishing civil disobedience with felonies, fines and long jail sentences has been passed by states across the US—a response, at least in part, to the 2016 Indigenous-led non-violent uprising against the Dakota Access oil pipeline on the Standing Rock Indian reservation.

30 According to the International Center for Not-for-Profit Law, 45 states have considered new anti-protest legislation since 2017, with 22 critical infrastructure bills enacted in states including Wisconsin, North Dakota, Missouri, Arkansas, Florida and Louisiana. A critical infrastructure law passed in Georgia in 2023 carries a penalty of up to 20 years in prison for intentional damage to critical infrastructure with the intention of disrupting service. In Louisiana, unauthorized entry around pipelines and other oil and gas facilities is punishable by imprisonment—with or without hard labor for up to five years.

35 So far, the critical infrastructure laws have led to scores of criminal and civil charges against climate and environmental activists in several states.

This includes three activists and a journalist in Louisiana protesting against the Dakota Access pipeline; 31 activists charged in Texas after rappelling off a bridge to hang banners protesting against oil and gas; and 40 eight protesters in West Virginia criminally charged for peacefully disrupting construction of the Mountain Valley pipeline (MVP), the fossil fuel project forced through by the Democratic lawmaker Joe Manchin with help from the supreme court.

Critics say the wave of critical infrastructure bills is unnecessary as states can use existing laws to prosecute property destruction and violence, and that these laws impinge on the freedom of assembly, 45 petition and speech—which are first amendment rights.