



RIGHT TO RESIST

Critical Infrastructure Bills & the Criminalization of Resistance



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THE RIGHT TO RESIST: A UU VALUE UNDER ATTACK

An Indigenous water protector in Louisiana faces up to ten years in prison for attending a nonviolent protest—on land she was invited to occupy. Members of a Native nation in Wisconsin are threatened with criminal charges for “trespassing” on a pipeline—one that was built illegally on their tribal land. Climate justice activists in Texas are charged with disrupting “critical infrastructure” for rappelling off a bridge. A Black Lives Matter activist in Baltimore is sued—[just for organizing a demonstration against police brutality.](#)

These are some of the individuals facing life-altering consequences right now for peacefully exercising their right to resist. Our country is in the midst of a wave of efforts to clamp down on the right of activists and protestors to freely express dissent. Some of these initiatives come from the federal level, including the Trump administration’s arrest and prosecution in January 2018 of humanitarian aid workers in Arizona for leaving life-saving supplies for migrants in the desert. In other cases, however, these threats to First Amendment rights have crept in more gradually at the state and local level.

Backed by powerful corporate interests and their lobbyists, a national network of far-right politicians has pushed copycat legislation in state houses around the country in recent years that is designed to intimidate and suppress activists—particularly activists of color. This toolkit focuses on one aspect of this multi-pronged assault on the rights of protesters at the state level: a series of so-called “Critical Infrastructure” bills that target climate organizers.

The purpose behind this legislation is often disguised. Co-opting a term from federal anti-terrorism legislation passed in 2001, the bills purport to protect “critical infrastructure” (which it defines to include all kinds of fossil fuel facilities) from violence. In reality, trespassing, vandalism, and related acts that might violently interfere with these facilities are already criminalized in every state in the nation. The “Critical Infrastructure” bills seek to heighten penalties for these already unlawful acts, while broadening the definition of “critical infrastructure” - and what it means to “impede” or “interfere” with it - in dangerously vague ways.

Such language could easily be used to target climate protesters for peacefully protesting fossil fuel extraction. Moreover, the bills also create new penalties for organizations found to be “conspiring” in these acts of protest.

Like many of the state-level initiatives targeting activists, the “Critical Infrastructure” bills are pushed by the American Legislative Exchange Council (ALEC), a right-wing policy shop with ties to conservative evangelicals and wealthy corporations. For years, ALEC has been active in state governments around the country sponsoring legislation that restricts civil rights and harms people of color. Examples include the notorious “Stand Your Ground” laws that denied justice for the killing of unarmed Black teenager Trayvon Martin in 2012, as well as state-level “Voter ID” laws, which courts have repeatedly found intentionally interfere with the voting rights of African Americans, Native Americans, and other communities of color.

READ MORE:

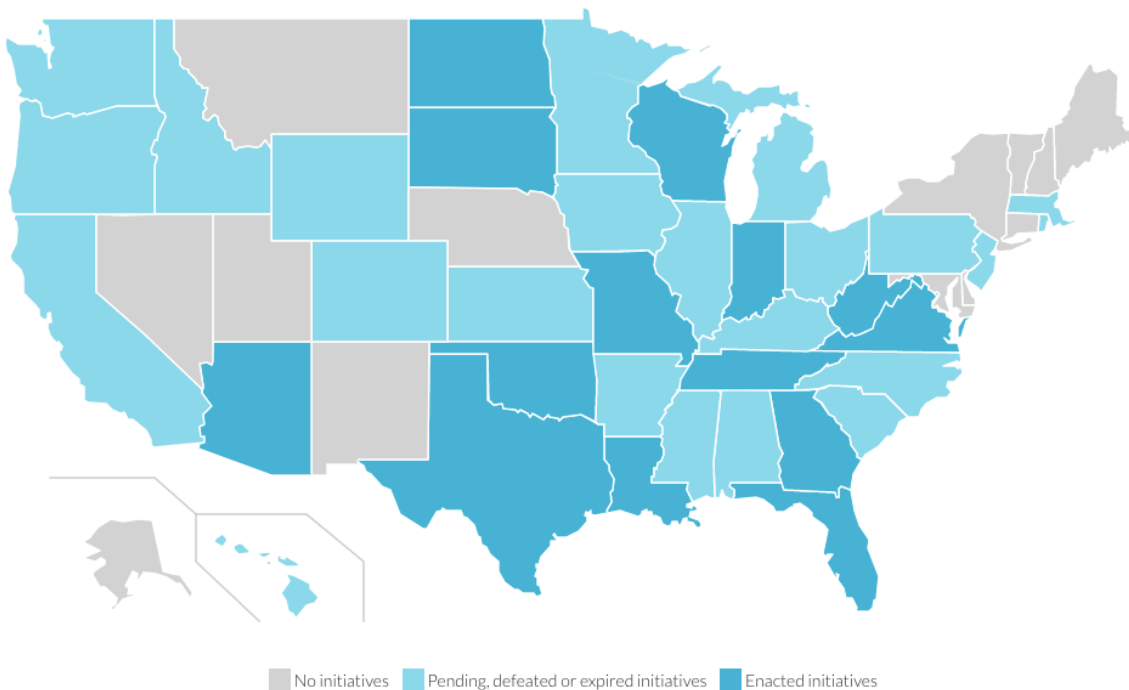
[ALEC ATTACKS: HOW EVANGELICALS AND CORPORATIONS CAPTURED STATE LAWMAKING TO SAFEGUARD WHITE SUPREMACY AND CORPORATE POWER, A REPORT BY THE CENTER FOR CONSTITUTIONAL RIGHTS, DREAM DEFENDERS, PALESTINE LEGAL, THE RED NATION, AND THE US CAMPAIGN FOR PALESTINIAN RIGHTS](#)



So far, 18 state legislatures have taken up so-called “Critical Infrastructure” bills, and [nine](#) have already passed these measures into law. While each state’s version is different, the bills share common disturbing features drawn from the original ALEC-backed proposal.

According to the language of the [“model” version](#) available on ALEC’s website, under these bills any action found to “impede or inhibit operations” of a fossil fuel installation or other facility deemed “critical infrastructure” could be charged as a felony—carrying both fines and a prison sentence as potential consequences. The model bill also lays out criminal and civil penalties for “any organization that is found to be a conspirator with persons” convicted of these acts.

Taken together, these provisions create special protections for fossil fuel companies and criminalize activists engaged in peacefully resisting activities that harm the Earth’s climate. Further, by creating new penalties for so-called “conspiracy” in acts of nonviolent civil disobedience and disruption of fossil fuel infrastructure, the bills could be used to target virtually any advocacy organization, congregation, or other faith community that has supported protests or peaceful climate-related civil disobedience.



CONNECTING UU VALUES & ENGAGEMENT

Everyone in the United States should be concerned about these threats to our Constitutional rights. Unitarian Universalists, though, have particular reason to care about the so-called “Critical Infrastructure” legislation. These bills implicate many of our core principles as a faith community, including the right of conscience and the use of the democratic process, as well as our commitment to honoring the web of all existence.

Recognizing the interdependence of life on this planet demands support for a livable climate. Among other things, this value calls us to support activists working to create a more environmentally just and sustainable society. Historically, Unitarians and Universalists have taken part in social movements that disrupted laws and social norms and were heavily criminalized by the state.

These include the Abolitionist, Women’s Suffrage, and Civil Rights struggles, as well as the Sanctuary Movement.

Today, UUs around the country engage in forms of peaceful civil disobedience to advance values we support, including nonviolent disruptions of fossil fuel infrastructure.

Any act of civil disobedience by definition carries legal risk. However, by raising the potential consequences of nonviolent disruptive acts to the level of felony criminal charges and exorbitant fines, “Critical Infrastructure” bills threaten to make many forms of peaceful resistance all but impossible. No person should have to fear bankruptcy or lengthy prison terms for defending the sovereignty of Indigenous peoples, the integrity of the land, the water we drink, or the air we breathe.



Photo: Leslie Peterson via Flickr

ARRESTED, JAILED, FINED: THE PRESENT AND FUTURE IMPACT OF “CRITICAL INFRASTRUCTURE” LAWS

The danger of “Critical Infrastructure” laws being used to target peaceful protesters is not hypothetical. In Louisiana, where such a bill was signed into law in 2018, climate activists and water protectors have already been charged with crimes that could lead to years in prison. In Texas, where a similar bill became law in June 2019, multiple activists were recently charged with disrupting “critical infrastructure” by rappelling off a bridge, as an act of climate protest.

In Wisconsin, where Governor Tony Evers signed a similar bill in November, members of the Bad River Reservation fear the new law will be used to directly interfere with their tribal sovereignty. Currently, the Bad River Band of the Lake Superior Tribe of Chippewa Indians is suing a pipeline company for trespass on reservation lands. Under Wisconsin’s new law, however, their members, rather than the company, could be charged with felony trespassing for being on the property of any “company that operates a gas, oil, petroleum [...] transportation and delivery system[.]”

In many of these instances, protest activities that would normally be protected have now been rendered “criminal.” The Louisiana prosecution of Indigenous water protector Anne White Hat is a glaring example. White Hat is Sicangu Lakota and was active in the movement against the Dakota Access Pipeline at Standing Rock before returning to her home in Louisiana.

There, she helped lead opposition to the Bayou Bridge crude oil pipeline that runs through the state. In September 2018, she was arrested by private security forces hired by the pipeline company, Bayou Bridge LLC—working with local law enforcement at the time—for attending a peaceful protest near a pipeline construction site.

As detailed in White Hat’s Constitutional challenge to Louisiana’s “critical infrastructure” bill, she was present on this land with the permission of its co-owners. In fact, the intent of the protest was partially to call attention to the fact the pipeline company was illegally constructing on private land. A Louisiana state court later ruled the Bayou Bridge company failed to obtain the permission of co-owners or the court orders it would need to begin construction in this area. Thus, the company, rather than White Hat and her fellow protesters, was guilty of trespassing. Nevertheless, it was White Hat who was charged with two felony counts of “unauthorized entry of a critical infrastructure,” the definition of which under Louisiana’s new law is dangerously sweeping and vague.

READ MORE:

[**ALEC-CRAFTED LAWS COULD SEND ME TO PRISON FOR A DECADE FOR MY ACTIVISM, BY ANNE WHITE HAT**](#)

In addition to the new threats faced by climate activists engaged in peaceful demonstrations or civil disobedience, “Critical Infrastructure” laws also endanger any advocacy organization or congregation that supports these activities. One version of the bill introduced in Ohio, SB33, would impose fines on any organization deemed “complicit” in trespassing on fossil fuel installations or related offenses. Many climate activists in the state fear this language could be used to bankrupt their organizations or frighten them into silence. Rev. Joan VanBecclaere, Executive Director of Unitarian Universalist Justice Ohio, warned in public testimony against the bill on September 25, 2019:

*“How far does complicity extend? Does it include Facebook event posts?
An announcement on Sunday morning?
Preaching an inspiring sermon on environmental justice from the pulpit?
Any of these could potentially make a non-profit or church complicit.
Do I need to muzzle my preaching to save my congregation?”*

In recent years, Unitarian Universalists around the country have been active in supporting climate justice in many forms. Some congregations and ministers have participated in civil disobedience designed to disrupt and impede the construction of fossil fuel infrastructure. UU ministers, for example, were among the [16 members of the clergy](#) arrested in May 2016 for protesting the West Roxbury Lateral Pipeline in Massachusetts. In the course of their arrest, and the court hearing that followed, clergy argued that protesting for climate justice is an essential plank of their religious witness.

In this case, the faith leaders involved were quickly released from custody with minor penalties. If this action had occurred in a jurisdiction with a critical infrastructure law, however, consequences could have ranged from lengthy prison sentences for the individual protestors to prohibitive fines for their congregations.

In other words, the kinds of protest activities that many UUs and UU congregations have conducted in the past, and which many feel are central to their religious calling, are directly implicated in this wave of legislation aiming to restrict the right to protest. For UUs, opposing “Critical Infrastructure” bills is a matter not only of living our values, but of defending our and our neighbors’ basic rights.

READ MORE:

[WE MUST OPPOSE THE ALARMING LEGISLATIVE PUSH TO SILENCE CLIMATE ACTIVISM BY ANA MARIA DE LA ROSA, UUSC](#)

WHEN WE FIGHT WE WIN

One may well ask, 'How can you advocate breaking some laws and obeying others?' The answer is found in the fact that there are two types of laws: there are just laws, and there are unjust laws. I would agree with St. Augustine that 'An unjust law is no law at all.'

- Rev. Dr. Martin Luther King Jr.

Reversing this wave of anti-protest bills can seem a daunting task. After all, there are so many powerful actors organizing in support of these bills, including wealthy oil and gas giants, networks of far-right legislators with ready cash from corporate backers, and private security forces hired by fossil fuel companies working hand-in-glove with official law enforcement. When anti-protest bills have the support of so many vested interests, prospects for overturning them can appear dim.

Nevertheless, in state after state where anti-protest bills have been introduced, popular movements eventually brought them down in defeat. This section of the toolkit examines how this has been done in the past, and how these victories can inform future strategies to block or reverse current and pending “critical infrastructure” bills.

LEGAL STRATEGIES

In part, movements have been able to defeat anti-protest bills because the law is on our side. The First Amendment of the U.S. Constitution, as it has been interpreted and reinterpreted over the centuries, is a powerful instrument for resisting over-broad legislation that limits free expression and the right of conscience.

South Dakota, for instance, was recently [compelled to drop](#) the so-called anti- “riot-boosting” provisions in its critical infrastructure law, which would have made individuals and organizations liable for “encouraging” actions deemed to constitute “riots” - a term the law defined so broadly it could sweep in many forms of peaceful protest. After facing a First Amendment challenge, South Dakota’s government agreed in a court settlement to abandon enforcement of these portions of the law.

In ruling this way, the district court that enjoined South Dakota’s law had a strong precedent in its favor. The Supreme Court has repeatedly found, in cases stretching back decades, that organizations and activists who encourage protests cannot be held responsible for acts committed by individuals in the course of these protests. Unfortunately, however, this has not stopped state governments and local police departments from filing lawsuits against organizers in an effort to intimidate them.

In one disturbing case currently working its way through the courts, Black Lives Matter activist [DeRay Mckesson](#) was sued by police for organizing a protest in which someone threw a rock at an officer. Mckesson is not accused of throwing the rock himself, or of encouraging anyone to engage in any act of violence. Baton Rouge police are claiming the right to sue him, nonetheless, simply for organizing the protest where this act occurred. Frighteningly, the federal appeals court with jurisdiction over Louisiana has taken up this case for consideration, overturning the ruling of a lower court judge who dismissed the lawsuit as frivolous and contrary to precedent.

Despite the appeals court's action, Constitutional law on this matter could not be more clear. During the Civil Rights movement, Black organizers fighting for equality in the South were sued for alleged violent incidents that occurred in the course of an NAACP-backed boycott. The Supreme Court took up the case and issued an unequivocal ruling. The decision found, in part, that the “effort to change the social, political, and economic structure of a local environment cannot be characterized as a violent conspiracy simply by reference to the ephemeral consequences of relatively few violent acts.”

As activists and legal experts continue to challenge “critical infrastructure” bills in the years ahead, this Supreme Court precedent will prove a helpful form of protection against versions of the bill that try to hold organizations liable for “conspiracy” to commit civil disobedience, trespassing, or related offenses. Behind this precedent is the First Amendment itself, which remains the best legal firewall we have against efforts to limit the right to resist.

READ MORE:

[JENNA RUDDOCK: “COMING DOWN THE PIPELINE: FIRST AMENDMENT CHALLENGES TO STATE-LEVEL ‘CRITICAL INFRASTRUCTURE’ TRESPASS LAWS”](#)



POLITICAL STRATEGIES

Even before the need arises for courts to strike down unjust statutes, however, public opposition can halt anti-protest bills before they become law. In Virginia in 2017, for instance, a bill targeting activists for failing to disperse when police declare an assembly “unlawful” was defeated in the state senate by [bipartisan vote](#). A few months later, Virginia’s governor [vetoed similar legislation](#) that heightened penalties for “incitement to riot.” (Both bills were widely understood to implicitly target Black Lives Matter activists.)

Similarly, a wave of legislation that was introduced in states across the country aiming to [exempt drivers from liability](#) for hitting protesters failed to pass. In seven states where these bills were introduced in 2017, they eventually expired or were defeated. In Tennessee, the [bill failed to make it out of committee](#). In North Dakota, where the bill made it as far as the floor of the state House of Representatives, legislators finally voted it down by a considerable margin.

Related anti-protest bills have also been defeated in [North Carolina, Georgia, Arkansas](#), and many other states, whether by veto, committee process, or a vote in the legislature. In every case, impacted social movements, advocates, faith communities, and concerned members of the public were instrumental in turning out opposition to stop these rights-denying bills.

By appealing to core Constitutional principles and the history of prior struggles for justice and equality, members of the public can hold their state government accountable to higher ideals. In Virginia, opponents of the anti-protest bills [pointed to the example of Civil Rights activists](#) who organized the first lunch counter sit-ins in the state, noting that they could easily have been penalized for “unlawful assembly” under the state’s proposed bill.

In the district court [ruling](#) that placed on hold South Dakota’s “riot-boosting law,” Judge Lawrence Piersol was moved to make a similar analogy: “Imagine that if these [...] statutes were applied to the protests that took place in Birmingham, Alabama, what might be the result?” Judge Piersol wrote. “Dr. King and the Southern Christian Leadership Conference could have been liable under an identical riot boosting law.”

The long list of anti-protest bills that have been defeated already in the courthouse and the ballot box suggests that today’s “critical infrastructure” bills are not immune to challenge. They are buoyed, to be sure, by the wave of far-right politics currently dismantling human rights protections across the United States—as well as the backing of corporate interests that stand to benefit from it. Nevertheless, these bills are opposed by mighty forces too, not least of which is the emerging cross-movement coalition fighting for a livable climate.

**As the poet William Wordsworth once urged,
“take comfort... you have/ Powers that will work for thee; air, earth, and
skies; ... and love, and the unconquerable mind.”**

WHAT ACTIVISTS NEED TO KNOW ABOUT CRITICAL INFRASTRUCTURE BILLS

Propelled by American Legislative Exchange Council (ALEC) model legislation, so-called critical infrastructure bills are popping up in state legislatures across the country. While “critical infrastructure sabotage” sounds very menacing, these bills are actually responses to anti-pipeline activism, such as the protests against the Dakota Access Pipeline by Standing Rock Water Protectors. While every state has its own criminal laws and every state bill is unique, here is what activists should know about critical infrastructure bills broadly

These bills are unnecessary. Every state has laws on the books covering vandalism, property destruction, trespass, and other offenses that fall under the rubric of sabotaging infrastructure. These redundant bills do nothing new to protect critical infrastructure from genuine sabotage.

These bills are designed to promote a narrative that demonizes protesters. If there are already laws on the books to address actual critical infrastructure sabotage why are supporters promoting these bills? Part of the reason is that they help to demonize anti-pipeline protesters. “Critical infrastructure sabotage” sounds alarming. Proponents of some of these bills have gone so far as to claim anti-pipeline protesters are “terrorists.” While some protesters engage in civil disobedience, regardless of what you think of their actions, conflating their protests with “terrorism” is an outrageous attempt to demonize their activism.

These bills potentially infringe on First Amendment protected activities. Some of these bills, such as the critical infrastructure bill signed into law in Iowa in 2018, use broad language defining sabotage of critical infrastructure as “disruption” of its services. Such language could plausibly be construed to include First Amendment protected activity, such as picketing. In Iowa, an amendment specifying that the bill did not apply to “picketing, public demonstrations, and similar forms of expressing ideas” was rejected by state legislators, laying bare the true motive behind these bills.

These bills often use guilt by association to chill organizing. The ALEC model bill doesn’t just target pipeline protesters, it creates conspiracy liability for individuals and groups that support them. This is clearly meant to undermine environmental NGOs and other civil society groups engaged in anti-pipeline advocacy and organizing. It’s also about pushing a racist narrative that Indigenous people and other local groups fighting to protect their access to clean water are really just pawns of environmental groups who are “inciting” them to protest.

These bills are backed by powerful corporate interests in order to intimidate their opponents. Pipelines are big business and oil and gas companies are devoted to defending their profit margins. ALEC has ties to the oil and gas industry and they have a history of promoting bills designed to curtail the rights of those who criticize or expose their powerful corporate members. Crafting a narrative that conflates protesters with terrorists while championing bills that punish political organizing and implement draconian penalties for civil disobedience are meant to chill their opponents’ speech.

SAMPLE WRITTEN TESTIMONY FOR BILL HEARING

This is a transcript of the opposition testimony given to the Ohio Legislature

Reverend Joan VanBecclaere, Executive Director of Unitarian Universalist Justice Ohio
September 25, 2019

Opposition Witness Testimony, SB 33 Ohio House Public Utilities Committee

I am a Unitarian Universalist minister and the Executive Director of Unitarian Universalist Justice Ohio, serving all of the UU congregations in Ohio. I am also a member of the Coordinating Committee of the Ohio Poor People's Campaign and a citizen of Ohio who is deeply opposed to SB 33.

Others will talk about how this bill attacks freedom of speech and assembly. Others will note how this bill, and others like it in other states, has been drafted by the oil and gas industry to preserve profits above all else in the face of growing concern with fossil fuel use and climate change.

I want to raise the argument that this bill also attacks the faith community and prohibits justice-focused congregations of all traditions from exercising their religious call to engage in public witness at those sites where the health and life of people are most endangered and the sacred integrity of the environment is put in jeopardy.

Since Ohio law already prohibits 'criminal trespass', 'aggravated trespass,' and 'criminal mischief' to property, the only purpose for this bill seems to be to enormously increase the penalties and fines for citizens, non-profit groups and even congregations who engage in non-violent public witness. This bill is an attempt to intimidate and muzzle free speech and protest that might lead to delay in pipeline construction or fracking well drilling and consequently damage corporate profits.

SB 33 imposes outrageous fines on groups found to be "complicit" with protestors who trespass or improperly tamper or are found to have intent to tamper with infrastructure sites, no matter how peaceful the group's own actions might be. And the definitions of "tamper" or "intend to tamper" are incredibly vague and wide open to a variety of possible interpretations. Non-profits like the Sierra Club or UU Justice Ohio – or your own congregation – could face fines up to \$100,000 if found to be complicit. This would destroy many non-profits and most congregations.

For example: If a person participating in a lawful and peaceful protest organized by a congregation's justice ministry team decides to break away from the group and tampers in some way with infrastructure, then liability for that individual's actions would also fall on the innocent congregation. And what if this tampering person has actually been paid by outsiders to cause damage in an attempt to muzzle the congregation or non-profit from speaking out? How far does complicity extend? Does it include Facebook event posts? An announcement on Sunday morning? Preaching an inspiring sermon on environmental justice from the pulpit?

In addition, SB 33 prohibits a congregation from assisting a member in paying their protest fines. This blocks a congregation from its religious duty to care for its members in times of distress and need.

SB 33 would criminalize the ministry of justice-focused congregations and faith-based groups who engage in peaceful public protest at sites of environmental damage in response to their belief in a God who cares for creation. It threatens faith groups with felonies and fines if we raise our voices in criticism of policies and practices that destroy that creation. Congregations held liable for the crime of complicity could be destroyed by fines for damage they did not cause, and then be unable to assist their members in need.

This truly constitutes an attack on freedom of religion. And for these reasons, many in the Ohio faith community are alarmed by SB 33. This bill is clearly intended to intimidate the people of Ohio into a chilling silence in the face of injustice. And to threaten individuals and faith and environmental groups so they cower in fear of bankruptcy rather than speak out in prophetic protest.

When Americans abandon their commitment to freedom of speech and assembly along with freedom of religion to speak truth to power, the world will notice how far we have fallen. Please stop SB 33.

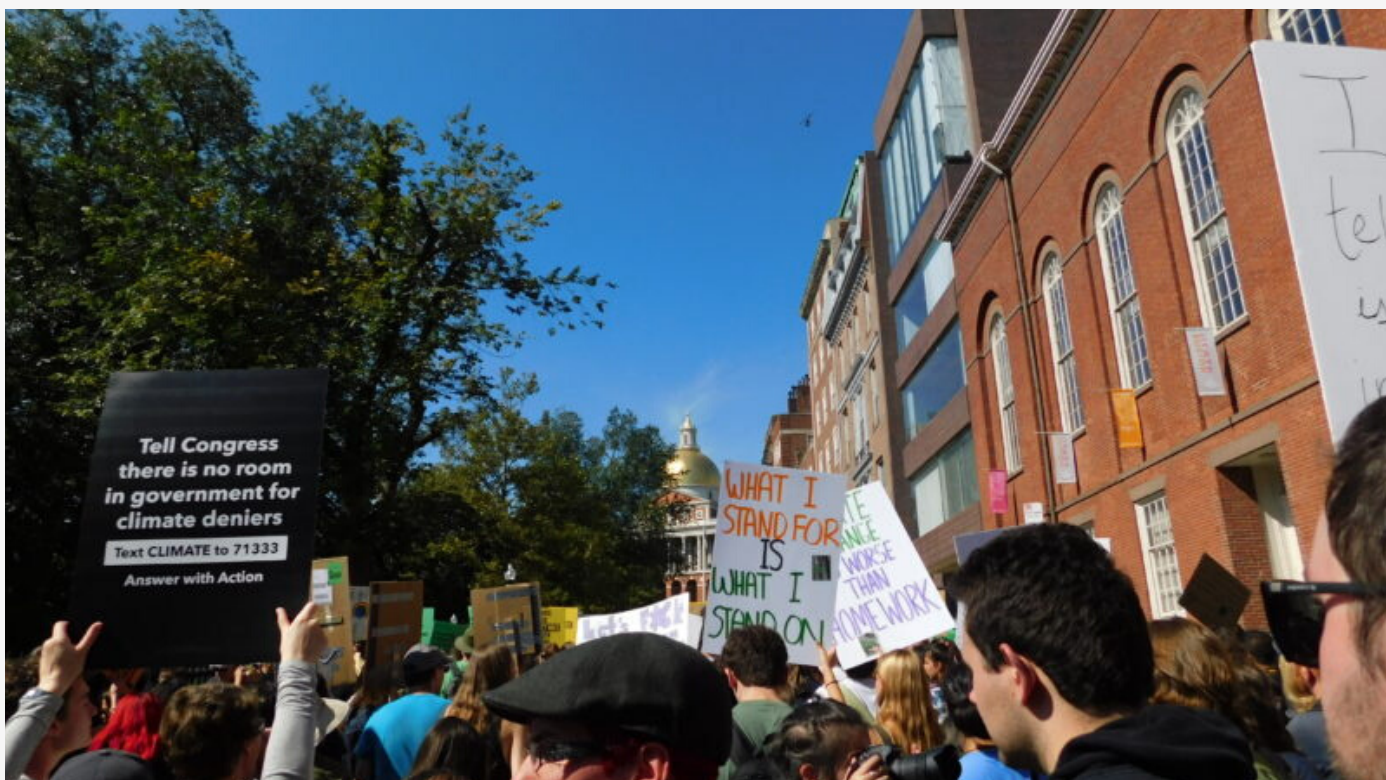


Photo Credit: Jennifer O'Rourke

SAMPLE PRESS RELEASE

Another way to uphold the right to resist in your community is to host a vigil or demonstration. Sending a press release to your local media can raise the profile of the action and help sway key decision-makers. Here is a sample press release that you can repurpose for your context:

FOR IMMEDIATE RELEASE: LOCAL CONGREGATION HOLDS VIGIL TO DEFEND RELIGIOUS EXPRESSION

[Your town/city, date]The [your faith community's name] is hosting a vigil at [time, location]. The vigil's purpose is to call attention to [number of the "critical infrastructure" bill], which members of the community say harms their ability to freely exercise their faith. In particular, advocates point to language in the bill that could impose steep penalties on activists engaged in climate protests, as well as any congregation that supports them. Members of [your faith community's name] note that their religious principles call them to uphold the right of conscience and the integrity of the Earth's ecosystems. "The interdependence of life on this planet is one of the core tenets of our faith," said [your group's designated press contact]. "To make it a crime to protest fossil fuel companies would be to outlaw our deeply held beliefs." [Bill #] is one of a number of similar bills introduced recently in state houses across the nation, claiming to protect fossil fuel infrastructure. Modeled on legislation first crafted by the American Legislative Exchange Council (ALEC), these "Critical Infrastructure" bills often include vaguely-worded provisions imposing heavy fines or prison sentences on people found guilty of "interfering with" fossil fuel installations, or conspiring to do so. Critics of the bills have long argued this broad language could be used to impair First Amendment rights to free assembly and expression. Indeed, members of [your faith community's name] argue this is the true intention behind [bill #]. "This legislation is backed by oil and gas companies and state legislators looking to score huge profits without facing the consequences of their actions," said [your group's designated press contact]. "Money should never be placed ahead of our shared civil and Constitutional rights." The vigil is open to the public. [Include any other specific event details.]

Contact: [your group's designated press contact]



SAMPLE LETTER TO THE EDITOR AND CALL SCRIPT

In addition to calling or writing directly to your state legislators, placing a letter to the editor (LTE) in your local paper can go a long way toward getting policymakers' attention. Many legislators follow local news closely to get a sense of public opinion. Views published and circulated to the whole community carry real weight in determining how they vote. If a "critical infrastructure" bill is introduced in your state house, therefore, one way to help defeat it is to write to a local news source explaining why these legislative proposals undermine human rights and conflict with our values.



Here are a few tips to keep in mind when writing an LTE:

Tie your letter to a specific news item. Most LTEs are printed in response to a specific article that recently appeared in the paper—usually within the last forty-eight hours. If you wish to write about a "critical infrastructure" bill, look out for a story that covers the bill's introduction, its movement through the state house, or any opposition or criticism it has faced.

When you submit your letter, be sure to also name and link to the specific article you're referencing. Follow specific instructions when submitting. Most papers will post guidelines on their website giving specific instructions for how to submit LTEs. Be sure to follow those instructions closely as editors can be nitpicky.

Be concise. Many newspapers will have maximum word counts for the LTEs they consider, and they often enforce these limits strictly. Make sure that your LTE submission does not exceed the word limit given in the submission guidelines. If no maximum is listed, aim for around 150-200 words, which is standard LTE length.

Call Script

"Hi. My name is _____ and I'm a constituent of State [Representative/Senator] _____. I'm calling today urging State [Representative/Senator] _____, to protect my right to speak up and protest. Our state already has strong laws on the books covering vandalism, property destruction, trespass, and similar offenses. This critical Infrastructure bill will criminalize congregations like mine, for using our right to peacefully assemble and protest. Please tell State [Representative/Senator] _____ to NOT support this bill. Thank you for your time."

SETTING THE COMMUNAL TABLE: REMINDERS FOR CONGREGATIONS

Setting the communal table for your work as a congregation with communities being targeted by critical infrastructure legislation is an opportunity to deepen connections and commitments from congregation members who are invested in shifting power. Being intentional about strategies for ways congregations and community groups can work together takes down potential barriers and encourages broader engagement. If a congregation is able and invited to host community meetings or support actions and events, here are some considerations.



- Create a variety of options for collaboration that reflect the ways communities you are working with want to convene i.e. potlucks, after church, outside in nature.
- Take into account time commitments, limitations and demands of community members. Offer to host meetings and events at times that are accessible. For example, a 3:00 pm meeting on a weekday might not be accessible to parents during the school year.
- Feed the people! Provide refreshments at meetings and events.
- Ensure spaces are physically accessible and take into account community members with disabilities.
- Provide bus passes and set up carpools and other available options for reliable transportation to meetings, rallies and events.
- Provide childcare or create a child-friendly atmosphere so parents can participate.
- Create language accessibility by translating meetings and events.

STATE LEGISLATURE ADVOCACY

In a time of deep divisions in our country, it can feel challenging to exercise the traditional pathways of democratic advocacy. Political party divisions have deepened since the elections of 2018, and there is little agreement on how to even define the problems that face us as a nation – much less resolve them. The resulting stalemate can make even the most optimistic among us feel cynical about contacting our legislators to let them know how we feel and what we would like them to do as our elected representatives.

Yet especially in such challenging times, the best way to preserve and strengthen our democracy is to vigorously exercise the full spectrum of our rights as citizens, lifting our voices and taking action in a variety of ways. This includes contacting our elected representatives on the local, state, and national levels. Face-to-face meetings with elected officials are by far the most effective method to be heard by them, and such meetings are important both to voice our support when they do the right thing, and to push them to take more powerful action or to shift their position. When we organize legislative visits with others who are grounded in the values of our faith, we can feel energized and renewed no matter what the outcome of our visit.

When your state legislators are in session, is an ideal time to organize a group of constituents to meet with them, especially when different organizations or congregations are represented by the group. The following steps will help you plan, prepare for, conduct, and follow up on visits with your representatives. Please join your fellow Unitarian Universalists in this critical advocacy work!

How to begin

The first thing to do is to find who your state legislators are, visit their websites and find when your state legislature is in session. Begin with your legislators websites for information on setting up a meeting; many offices require a written request. If you don't see the information posted, call the office and ask to speak to the person in charge of scheduling. Identify yourself as a constituent and member of your congregation (name the church you are with), and request a meeting. Let them know the specific issue you want to discuss. Setting up a visit often requires several follow-ups calls, so you should plan for the process to take as long as a couple of weeks.

Organizing a group

You should begin organizing your group before you've received a final date and time from the congressional office. Groups are more likely than individuals to receive an appointment, and group visits have the added benefits of building relationships and skills among the participants. An ideal size is between 4-7 people; any larger than that will be challenging to coordinate.

Preparing your presentation

Before the date of your visit, it's important to know where your legislature stands on the issue of criminalization. You can often find out this information through their website. It's a good idea to thank them for their vote when they did the right thing, and to let them know you're aware of their past votes even when they didn't.

Think about what you want to say in advance. We provide background and talking points here, but you will be most effective if you consider how you want to articulate the source of your own commitment to it, so you can present your perspective compellingly. No one is expected to be an expert! But take the time to review not only the talking points, but also why you care about the right to resist so much.

If you can couch your commitment and feelings within our Unitarian Universalist values, you also remind your member of Congress that there are progressive religious voices out there too, not just conservative ones!

Meet with your group in advance of your appointment. Talk through together the different perspectives from which you might speak, and decide together who will cover different talking points. For instance, if your minister or another religious professional is attending, they could lift up the ways our stance toward the right to protest is grounded in our faith.

Be clear during your visit about what you want your State Legislature to do about the issue. This is where the specific "ask" comes in! It's always a good idea to frame what you want in such a way that you're asking for a commitment: if you say, "please be sure to sign on to ...", a vague statement to think about it may be all that you get. If you say, "Can we count on you to sign onto during this legislative session?", your representative has to answer you.

Bring supporting materials to leave with the office. It is helpful to share with your state representative and their staff the specific information and examples that demonstrate exactly why their action is so important to us. You can also include information about your local coalition and/or local leadership on the issue.

The visit

You might find it helpful to have a brief review and a moment of silence or a meditation or prayer right beforehand. Remember that the visit is also about relationship, so the way you approach it should be thoughtful and respectful, even if your representative is not friendly to the issue. Try to relax! Stick to the talking points you've all agreed to, and try to avoid speaking out of anger or frustration.

At the start of the meeting, lead with introductions: who you are, where you live, what congregation or group you represent. One person should take the lead in introducing the reason for your visit. If there is anything you can genuinely thank the representative for, even if their vote or stance didn't have to do with this issue, that's also a good way to begin.

The Visit Continued

Invite each person to make their statement, and then conclude with the direct ask. Use your stories and support them with background facts. Be prepared for the questions and give-and-take of the visit, but keep uplifting your central message. If your representative doesn't agree with you on the issue or comes back at you with "alternative facts", don't be overly argumentative, but don't give up on making your points. If you're asked something you don't know the answer, say so; you can offer to find the information and get it to them as a follow-up. Committing to get back to them gives you an opportunity to prove that you are credible, and gives you one more chance to advocate for what you believe in.

At the end of your meeting, press for a commitment. Will they take the action you've asked them for? If not, why not? If they're undecided, when and how will they make a decision? If you can, end on a positive note: if you have found common ground, you can name and honor that while still recognizing where you disagree.

After the Visit

Debrief with your group. How did it go, and how did everyone feel about how they did with their piece and the responses they received? What testimony or arguments seemed to be most effective? What else might you do to follow up?

Take a photo of your group and send it to us! We love to amplify the voices of UUs in advocacy, and we want to know how we can continue to support you going forward. Let your congregation know about the visit too – it lays the groundwork for others coming with you next time. It's a good practice to follow up with the office by sending a thank you letter to the member of Congress or the the staff you met with, along with any information and materials you offered to provide. Building a relationship with your State Representatives is the best way to make your voice heard on the policy issues you care about.



Additional Resources

<https://indivisible.org/resource/local-advocacy-tactics-work>

<https://indivisible.org/resource/indivisible-offense-implementing-new-strategy-locally>

<https://www.uua.org/justice-programs/advocacy/26940.shtml>

SAMPLE COALITION LETTER

One way to make to reach your legislators is with sign on or coalition letter.

These letters lay out common concerns with a bill and are signed by civil society groups. These signatories can consist of national groups, local groups, or both. Below is an example of one such letter initiated by Defending Rights & Dissent and signed on to by wide array of groups in response to a critical infrastructure bill in Iowa.

March 27, 2018

Speaker Linda Upmeyer

Majority Leader Chris Hagenow Iowa
House of Representatives
Via email

Dear Speaker Upmeyer and Majority Leader Hagenow,

The undersigned national organizations are writing in strong opposition to SF 2235/HF 2394 ("critical infrastructure bill"). If passed this bill would potentially criminalize First Amendment protected activity, apply disproportionate and draconian penalties to those who partake in nonviolent civil disobedience, and chill speech broadly. We are aware that this bill has been removed from the debate calendar and placed in "unfinished business." Given the serious concerns with this bill we implore you to make sure it is not moved back to the debate calendar. The bill is purportedly about protecting critical infrastructure from sabotage. However, Iowa already has laws on the books covering vandalism, property destruction, trespass, and other offenses that fall under the rubric of sabotaging infrastructure. This redundant bill does nothing new to protect critical infrastructure from genuine sabotage. This bill, which was crafted with environmental protesters in its sights, creates a new crime: "critical infrastructure sabotage," punishable by up to 25 years in prison and fines of \$85,000 to \$100,000. It defines critical infrastructure sabotage very broadly as "any unauthorized act intended to cause substantial interruption or impairment of service rendered to the public relating to critical infrastructure property."

This language would almost certainly cover nonviolent civil disobedience, such as a peaceful sit-in, and could potentially be interpreted to cover even activity protected by the First Amendment, such as a picket line. We oppose the bill in any form. However, we support several proposed amendments to the bill. H - 8191 would clarify that the law does not apply to "picketing, public demonstrations, and similar forms of expressing ideas or views regarding legitimate matters of public interest protected by the 7 United States and Iowa Constitutions

.This amendment demonstrates how the critical infrastructure bill could be construed to cover core expressive activities. Another amendment, H- 8190, also seeks to narrow the bill's problematic definition of critical infrastructure sabotage to defining it as "property damage to critical infrastructure of at least one hundred thousand dollars." This amendment highlights another fatal flaw of the bill, that one could face 25 years in prison for so-called sabotage that didn't involve any property damage. Coupled with the fact that bill could be construed to cover expressive activity, this is extremely chilling to free speech. Unlike these two amendments which seek to limit the extent of this overly broad bill H - 8989, seeks to expand the bill by defining another of other entities, such as banks, as critical infrastructure. Given the already broad nature of this bill and the threat it poses to expressive activity, expanding the definition of critical infrastructure will only chill speech further. For example, if bank employees declined to cross a picket line, would that picket at the bank now be critical infrastructure sabotage? Iowa has laws that address property damage, vandalism, trespassing, and even terrorism. Creating a redundant and politically motivated offense of "critical infrastructure sabotage" only chills speech and demonizes those with points of view disfavored by the bill's sponsors. We urge you make to sure it is left as unfinished business.

Signed,
American-Arab Anti-Discrimination Committee
Climate Defense Project Defending Rights & Dissent
Free Press Action Fund
Government Accountability Project
Greenpeace
USA National Lawyers Guild Partnership for Civil Justice Fund
RootsAction.org
The Voice Project
X-Lab

ABOUT US

Guided by the belief that all people have inherent worth and dignity, UUSC advances human rights globally by partnering with affected communities who are confronting injustice, mobilizing to challenge oppressive systems, and inspiring and sustaining spiritually grounded activism for justice.

We invite you to join us in this journey toward realizing a better future!

For more information about this toolkit and how UUSC can support the Right to Resist in your state please contact

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Senior Grassroots Organizer
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