

# **Free Speech Under Attack: The Legal Assault on Environmental Activists and the First Amendment**

## **ANNE WHITE HAT'S CONGRESSIONAL TESTIMONY**

*Subcommittee on Civil Rights and Civil Liberties House  
Committee on Oversight and Reform*

United States House of Representatives

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**\*\* Check Against Final \*\***

Mitakuyapi, cante waste nape ciyuzapi, Ohitikawin miye, Anne White Hat imaciyapi, ksto. I am Sicangu, Lakota, from Rosebud, South Dakota and resident of Louisiana. I am a mother, an herbalist and Water Protector. In 2016 I returned to my ancestral home to join the Indigenous-led resistance to Energy Transfer Partners' plan to build the Dakota Access Pipeline, which was an assault on the waterways and unceded land of the Lakota Oyate, and a violation of the 1868 Fort Laramie Treaty.

As you may know, the Dakota Access Pipeline cut across four states and under the Mississippi River, posing a grave threat to the contours of Mother Earth's real critical infrastructure, including the waterways of the Mississippi River down to the Gulf of Mexico.

As a mother with children in high school, I never intended to get arrested. However, on September 18, 2018, I was arrested and charged with two felony counts under new amendments to Louisiana's critical infrastructure law. I was told that I was being arrested for trespassing two weeks earlier on remote land being worked on by the pipeline company in the Atchafalaya Basin, despite my having the express permission of landowners to peacefully protest there. A Louisiana state court later ruled that it was, in fact, the pipeline company Energy Transfer that was trespassing and yet we were the ones arrested by uniformed sheriffs' deputies working privately for the pipeline company.

Members of our movement have been punched, kicked and tased during violent arrests, while pipeline workers were allowed to brutally attack femme protesters. Over a dozen of us have, for several years, had the possibility of lengthy prison sentences hanging over our heads.

But sharing what happened to me is not why I'm here today.

I want to talk about the coordinated effort of industry, lawmakers, and law enforcement to isolate, attack and silence our movement. This collusion emerges from a centuries-long history

of attacks on my people as we resist the consolidation of power over this country by a white supremacist system bent on maintaining exclusive authority over our land.

A key tactic in the coordinated attack on us is known as “lawfare” - the weaponizing of the legislative process to attack social movements. The first so-called “critical infrastructure” law emerged in Oklahoma in 2017, and was picked up by the American Legislative Exchange Council, or “ALEC”, a lobbying front group for corporations that masquerades as a nonprofit.

ALEC uses its nationwide network of industry-backed lawmakers to catapult critical infrastructure laws into states across the country

ALEC-affiliated lawmakers have been the sponsors of draft critical infrastructure laws in all but 5 of the 23 states legislatures where they have been introduced, many of them as lead sponsors.

Understand, that existing Louisiana law already criminalized the types of activities the Big Oil industry claimed it was focused on. All this law did was ratchet up formerly misdemeanor offenses to much more serious criminal felony charges, for first amendment protected protest activity.

At their heart, critical infrastructure laws are intended to prevent people from joining the groundswell of opposition to fossil fuel extraction because this movement threatens their profits.

The new law only served as a pretext to inflict more violence against us. Local police, working privately for pipeline companies, wasted no time before violently arresting us, as I briefly described earlier.

From there, the third prong in the coordinated attack on our movement is the effort to silence the journalists who risk their safety and wellbeing to tell the world about what is happening to us.

Karen Savage, an investigative reporter, who is sitting here today, was arrested twice under the felony trespassing law while documenting illegal construction and the tactics used against us. What better way to ensure those planned arrests happened out of sight than to arrest the only reporter on site.

But arrests aren't the only part of this tactic. Karen also was assaulted by a pipeline worker while filming the violent arrest of three peaceful water protectors. He told her he would “ram her fucking camera down her throat and knock all of her teeth in.” She later learned he was one of many police working privately for the pipeline company while in uniform.

Escalating violence has been used for centuries against people who challenge the concentration and misuse of power. This is nothing new to us, but what we experienced needs to be recognized by all as a coordinated assault on a movement.

Indigenous people continue to be the first responders to the worsening effects of the climate crisis. Our actions are part of our commitment as caretakers of the places we live in.

We are the proud founders and sustainers of an ever growing global movement to defend against the irrevocable destruction of our Mother Earth. It is in that spirit that we call upon all in this Committee to bring your power to bear in support of the Water Protectors that are defending what's precious to us all.

Thank you very much.  
Pilaunyapi, ksto.