



Lakota People's

LAW PROJECT

The Lakota People's Law Project joins with the Dakota Resource Council, the North Dakota American Civil Liberties Union, and others in opposing SB 2044. The health of our nation depends on open dialogue and, on occasion, activism to achieve needed social change. Our founders understood this and therefore enshrined the protection of political speech in the Bill of Rights. The founders' intention was not to protect speech only when it conformed to the interests of any particular industry, but instead they intended to protect a broad spectrum of speech so long as it can be reasonably deemed political in nature.

Clearly, SB 2044 has been written by the fossil fuel industry, and for the fossil fuel industry. And the fact that 97% of scientists consider climate change to be human-caused and dangerous renders speech and protest against fossil fuel infrastructure political in nature. North Dakota legislators do not retain the prerogative to identify the interests of the state so closely with those of private industry to decimate the constitutional rights of North Dakota's citizens — or any other American citizens.

SB 2044 is obviously derived from a sample bill touted by the American Legislative Exchange Fund, a shell for the petroleum industry. And the language of this bill, absurdly, conflates a diversity of physical environments under the category of "critical infrastructure". For example, it treats an oil pipeline as comparable to a "a steel making facility using an electric arc furnace to make steel." Last time we checked steel production wasn't attracting anyone's attention on account of climate change—and it never will. Although steel production may be a problem from a climate perspective, this is only because the energy use involved in it is killing our planet. The way we produce energy is animating discussion, *political discussion*, and *political action*, throughout the world, and this will not abate until we have solved the crisis of climate change. Efforts to roll back constitutional rights as an alternative to facing the scientific fact of our misdeeds will only make our political culture sicker. Legislators and the courts must not join in this mockery of the Constitution.

Climate activism is here to stay. And it will intensify until our planet is rendered safe again. The Lakota People's Law Project will resist on every level attempts to prohibit legitimate political speech and protest in defense of our fragile environment. This includes SB 2044.

Sincerely,
The Lakota People's Law Project