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Testimony in Opposition to SB 172, Anti-Protest Bill
House Judiciary Committee, Rep. Fred Patton, chair
March 17, 2021

Chairman Patton, Ranking Member Carmichael, Members of the Committee,

Thank you for the opportunity to testify today. My name is Rabbi Moti Rieber; I am executive director of Kansas Interfaith Action, a statewide, multi-faith issue-advocacy organization that “puts faith into action” by educating, engaging and advocating on behalf of people of faith and the public regarding critical racial, economic and climate justice issues.

The denominations, faith communities, and individuals that comprise Kansas Interfaith Action take as the very core of our mission, the care of God’s Creation. Our commitment to Creation care is an inseparable part of our religious identity and mission. This witness becomes all the more important as Creation becomes more damaged by climate disruption caused by human activity.

There are already laws on the books against trespassing, against sabotage and against property damage. So the real purpose of this bill is in the definitions of trespassing and “tampering.” It is part of a national effort by fossil fuel interests and partisan political organizations to stifle political speech in pursuit of their own economic and political interests. It is designed, and intended, to limit protest against companies and governments that refuse to address the issue of human-caused climate disruption.

The context of this bill is that climate disruption is a full-fledged, existential crisis. It is well-established that we need to get our economy off fossil fuels, half by 2030 and completely by 2050, in order to keep warming under 1.5°C, the internationally recognized target. There is no serious disagreement with this.

Yet we are not treating this crisis with anything like the seriousness that it requires. There is no climate policy in Kansas, and no mechanism to make any. We have no state energy office, no climate plan, and the only committees in the legislature that deal with related issues are commodity committees like ag and utilities, which spend much more time pursuing anti-climate policies like SB 172 than seriously addressing the challenge.

In the absence of a serious effort to address this issue, sometimes people around the country have taken nonviolent actions to call attention the issue. This is in keeping with the proud history in this country of nonviolent civil disobedience, typified by the civil rights movement under Dr. King and more recently on the climate issue by organizations like the Poor People’s Campaign and the Sunrise Movement. These are largely symbolic actions, and the people who undertake them do so knowing that they are illegal, and prepared to receive the consequences. But these should reflect the seriousness of the motivation and the commitment to nonviolence, and should be treated as civil issues, not the criminalization that we see in this bill.

This bill would felonize acts of protest, prohibiting justice-oriented faith traditions from exercising their religious duty to engage in public witness at those places where the health and life of people and Creation are threatened.

The most disturbing part of the bill is the conspiracy provision. A public interest organization, or even a church, that so much as paid for a bus to a nonviolent protest at a pipeline, would be subject to prosecution as a criminal conspiracy under the RICO statute. This is a direct attack on religious witness as well as on political speech.

The fossil fuel interests and partisan ideological organizations that are promoting identical bills around the country want to clear the way for more fossil fuel infrastructure, to lock in its use far past the time when we need to be winding it down. By criminalizing speech and witness, they want to build a defense against the political mood shifting further – against climate policy, itself.

In conclusion: This is a template law from outside of Kansas, part of a coordinated effort across the country to criminalize political protest and to lock in fossil fuel infrastructure. It addresses a problem that doesn't exist; it criminalizes speech and faith witness; and it completely ignores the pressing, existential crisis of human-caused climate change.

We have real problems in Kansas. Climate disruption is one of them; protests against fossil fuel infrastructure are not. This policy is unnecessary, anti-democratic, and anti-climate. We urge you to vote no on SB 172.