This Is What Insurgency Looks Like

written by Jeremy Brecher | May 29, 2016

In a small church in the Albany, New York's low-income, predominantly African-American South End, forty people were gathered for a community meeting. They were organizing a protest against trains carrying potentially explosive oil — dubbed by the residents "bomb trains" — that were running through their neighborhood. City Counselor Vivian Kornegay told the group that many municipalities had opposed the bomb trains and other dangerous fossil fuel infrastructure, but had little power to protect their residents; it was up to a "people's movement" to do so. "What we want is for all of us to be free, healthy, and safe — and for our planet to be a better place to live."

Maeve McBride, an organizer for 350.org, explained that the protest was part of a global campaign of direct action and civil disobedience aiming to keep 80% of all fossil fuels in the ground. Pastor Mark Johnson of the St. John's Church of God in Christ said, "I heard at a meeting last night that we have a constitutional right to clean water and clean air." Maeve McBride explained that the action was part of a "new wave" that was drawing on a "new paradigm" — "using civil disobedience to protect the public trust," which included water, air, and the climate itself.

Organizers had met with officials from the police and sheriff's offices and reported, "they abhor the trains — and are very supportive of us." Then the group received direct action training. They read out loud the "action agreement" pledging nonviolent behavior and mutual support. Then they lined up to march and while police officers (played by the trainers) ordered them to move away, they scrambled onto an imaginary railroad track. Later that evening the steering committee for Albany Break Free planned outreach to supporting organizations, phone banks, canvassing, leafleting, and details of the action.

The Albany organizers had learned about the "new paradigm" when 350.org North American co-organizers of Break Free From Fossil Fuels had decided to use the "public trust" principle to frame US Break Free actions and formed a Break Free Public Trust Work Group to spread the idea. Some on the The Break Free Albany steering committee had participated in the working group's webinar on using the public trust doctrine, and they decided to integrate the Public Trust Proclamation into their "topline message" and to hand out the Break Free Public Trust Proclamation to all participants. *(The Proclamation appears at the end of this article.)*

A week before the action the Albany Break Free steering committee defined their basic message. Potentially explosive crude oil "bomb trains" roll through Albany and surrounding communities, polluting the air and contributing to the climate crisis. Primarily low-income communities of color are put at risk. The urgent need to address climate change means that fossil fuels have to be left in the ground and a transition made to a "twenty-first century renewable energy economy." They called for an end to all new fossil fuel infrastructure, including pipelines, power plants, compressor stations, and storage tanks. And they called for a just transition away from fossil fuel energy with

training and jobs for affected workers, so "no worker is left behind."

On Six Continents

Meanwhile, reports of Break Free actions from six continents began flowing in. In Wales, protestors shut down the UK's largest open-pit coal mine for over twelve hours with no arrests. In the Philippines, 10,000 people marched and rallied demanding the cancellation of a 600-Megawatt coal power plant project. In New Zealand, protestors blockaded and shut down Christchurch, Dunedin, and Wellington branches of the ANZ bank, which had $13.5 billion invested in fossil fuels. In Indonesia, banner drops brought a coal terminal to a standstill for hours. In Germany, 4,000 people shut down a large lignite coal mine for more than two days.

In Australia, 2000 people shut down the world's largest coal port with a kayak flotilla and a railroad blockade. In Brazil, thousands participated in a protest against fracking during a concert at an annual rural fair. In Nigeria, demonstrations called attention to the environmental and social devastation that followed in the wake of exhausted oil wells. In Indonesia, 3000 held a "climate carnival" at the presidential palace demanding a move from coal to renewable energy. In South Africa, drought-affected farmers and communities from around the country came together for a "speak out and bread march." In Ecuador, activists planted trees on the future site of an oil refinery to protest drilling in a national park. In Vancouver, Canada more than 800 people held a sit-in and a kayak swarm at the tanker terminal for the Kinder Morgan gas pipeline. In Turkey, community leaders led a mass action at a coal waste site calling for a halt to four fossil fuel plant projects planned for the area.

Outside Seattle, thousands converged on two oil refineries with kayak flotillas, a march led by Indigenous leaders, and an overnight sit-in on the train tracks that led to more than fifty arrests. In Washington, DC, 1,300 demanded no new offshore drilling in the Arctic and off the Gulf Coast. Outside Chicago, dozens were arrested as 1,000 people protested a planned expansion of a BP refinery. In Los Angeles, 2,000 opposed the oil drilling that is conducted right within the city. In Lakewood, Colorado, hundreds of people delayed an auction for thousands of acres of public land for oil and gas drilling with disruption and a sit-in. Organizers called Break Free "the largest ever global civil disobedience against fossil fuels."[1]

Creative Tension

In some cases, Break Free evoked what Martin Luther King, Jr. characterized in his "Letter from a Birmingham Jail" as "creative tension." Some early Break Free statements in the state of Washington, for example, suggested that protestors might use direct action to shut down oil refineries. This was understandably alarming to workers in the highly-dangerous refineries. Break Free organizers and a retired union official initiated discussions with the local union that made clear that Break Free would not try to obstruct the plants or their workers and that took into consideration other safety concerns of the local union.

Break Free had always advocated a "just transition," but discussions with the local union helped them better understand what that means from the workers' point of view. Break Free organizers say they came away committed to educating their constituency about the importance of fighting to protect and create family-wage jobs in the transition to a clean energy economy; protecting job security amidst declines in fossil fuel consumption; and minimizing job losses as the necessary action is taken to curtail dangerous climate change.

Despite this dialogue, the United Steelworkers union issued a statement critical of 350.org and Break Free. Noting that three USW-represented oil refineries were targeted locations, the USW said,

"shutting down a handful of refineries in the U.S. would likely lead to massive job loss in refinery communities, increased imports of refined oil products, and ultimately no impact on reducing global carbon emissions." It added that "short-sighted and narrow-focused activitieslike 350.org's 'Break Free' actions this May make it much more challenging to work together to envision and create a clean energy economy." But they added, "The work of addressing climate change and building a more sustainable economy is too important to be derailed by a handful of groups organizing protests at our plant gates."

As Dr. King wrote, "Nonviolent direct action seeks to create such a crisis and establish such creative tension that a community that has constantly refused to negotiate is forced to confront the issue." While Break Free and the Steelworkers by no means see eye-to-eye, they have begun to negotiate, and are even discussing cooperation around upcoming local energy issues.

Personal and Global

In Albany, a "climate camp" made preparations for the action, creating banners and other art work in an "artbuild," organizing logistics, and nailing down final plans. As Chairman Norman Bay of the Federal Energy Regulatory Commission addressed the Independent Power Producers of New York, a group of Break Free protestors interrupted and drove him from the stage. "Why are you signing the death warrant for so many people?" one protestor asked Bay. IPPNY President Gavin Donahue said the protestors were "aggressive," "disruptive," and "out of line." "We were keeping an eye out, but we did not see anything before this," he said. "The protesters disguised themselves in suits and ties to blend in."[2]

As the sun set over the Hudson River the evening before the action, a kayak flotilla provided a perfect photo-op. That night hundreds from the Northeast gathered in a historic neighborhood black church for a meal, a rally, and civil disobedience training. They shared stories from struggles to block pipelines, fracking, and other fossil fuel projects around the region and celebrated the state's refusal of permits for the Constitution pipeline after massive protests.

Saturday morning more than 1,500 people arrived at Lincoln Park. Rev. Mark Johnson, welcoming people to the park where he had played as a child, said "We all deserve clean water, we all deserve clean air." Albany Common Council member Vivian Kornegay said, "We're tired of big oil coming to our communities and polluting. We should keep the oil in the ground and make our country a greener and safer place. My community is in danger. The people in the Ezra Prentice housing are facing asthma and cancer. The company says it wants to partner with us, but it is partnership where we assume all the risks and minimum benefits." Miss Charlene Benton, President of the Ezra Prentice Homes Tenants' Association said, "We're not going to be cremated without permission."[3]

Rev. Johnson added, "We're going to stay on the right side of the law because the moral side of the law is the right side of the law."

Then Rev. Johnson read the Break Free Albany "Action Agreements." Participants agreed "not to harm people or property"; to be "dignified in dress, demeanor, and language;" to attend action training; act "in accordance with our group's agreed plan for action."

As the crowd started to march toward the Port of Albany, 500 of the demonstrators peeled off to show their support for the people of the Ezra Prentice Homes, a 179-unit housing development described as "ground zero for environmental racism," where "bomb trains" run next to the playground and the railroad parks its trains free of charge.

As the marchers reached the train tracks, police were present but stood by as they occupied the

tracks. An organizer hollered, "You came to block the tracks and that is exactly what you are doing."

As people settled in on the tracks, law student Kelsey Skaggs asked those risking arrest to fill out intake forms for the legal team. Then she said,

> But I want to talk about a different kind of lawbreaking. Fossil fuel companies, and the governments that authorize their activities, are destroying the land, water, and atmosphere that sustain us. From my home in Alaska to here in Albany, we are being sacrificed for the profit of fossil fuel companies.
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> But these companies have a problem. Their problem is that we — all of us — have rights to that land, water, and atmosphere.
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> We have rights under a legal principle called the public trust. The public trust concept is old law — it's been around since ancient Rome. In American law, it means that the government has a duty to protect shared natural resources, and to hold them in trust for the public and for future generations.
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> But our governments are violating this obligation by failing to regulate fossil fuel emissions. They violate this right by subsidizing fossil fuels, by approving new dirty energy projects, and by locking us into further, deadly emissions.
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> The question — the critical question facing humanity at this moment — is whatwe are going to do about these violations of our rights.
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> In the face of government's failures, there is only one answer that leads to a livable future on this planet. And that answer is: what each of you is doing, right here, today. Standing up and taking action to break free and end the era of fossil fuels. Enforcing the public trust. Demanding that the government fulfill its obligations to the people, not bow to corporate power.
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> It's up to us to claim our right to a healthy climate, to stand up for the rights of future generations, and to stop the degradation of our planet and our communities and everything that we love. Thank you for doing that.

More than 400 of the 1,500 people registered for the action said they would be willing to be arrested for physically blocking the trains.[4] The company had canceled trains through Albany for the day because of the protest. But sixteen miles up the track in Guilderland, climate activists Marissa Shea and Maeve McBride suspended themselves from train tracks on a railroad bridge. At the risk of serious or even fatal accident they blockaded a "bomb train" carrying fracked crude oil from North Dakota. They and three members of their support team were arrested after successfully delaying the train.

Shea and McBride described their efforts as enforcing the public trust doctrine which requires that vital natural resources, in this case the atmosphere, on which human well-being depends, must be cared for by our governments for the benefit of present and future generations.

"The global climate system, on which every human depends, is no longer stable because our governments have utterly failed us. So now, for our survival, we will act on climate ourselves," said Shea.

The activists demand that the business as usual economy, which is currently reliant on fossil fuels, must be transformed into a new fossil-free economy that isjust and equitable, a just transition.

"Most of my family lives within a few miles of where the bomb trains travel. Thisis personal and global. Their lives are at risk and millions of lives are at risk with rising seas, forest fires, violent storms, and all the havoc that global warming brings," said McBride, who grew up in Troy. "Today I felt called to directly obstruct the fossil fuel industry joining thousands of others around the world."

McBride had earlier written Break Free organizers around the country,

> Many of us participated in the Public Trust webinar a couple of weeks ago, and we are excited for the paradigm-shifting opportunity that this presents. Organizers have asked those risking arrest to consider a court solidarity approach where, as a group, we will plead not-guilty and seek to bring our cases to court. While the DA is likely to drop the majority of charges, we are taking measures to ensure that we will have some viable court cases and will seek to argue them under the Public Trust Doctrine and/or necessity with a Public Trust spin. During the action we will distribute copies of the Break Free Public Trust Proclamation, as it could be important to have this document in hand during arrests [and for some political theater in court.]

[Before publication an update on the legal process and defense of the defendants will be added. Also an account of the passage of the resolution opposing Pilgrim Pipelines at the Albany Common Council two days after the Albany Break Free action.]

The call to Break Free from Fossil Fuels envisioned "tens of thousands of people around the world rising up" to take back control of their own destiny; "sitting down" to "block the business of government and industry that threaten our future"; conducting "peaceful defense of our right to clean energy." That's just what happened.

Such a "rising up" amounts to a global nonviolent insurgency — a withdrawal of consent from those who claim the right to rule — manifested in a selective refusal to accept and obey their authority.[5] Break Free From Fossil Fuels represented a quantum leap in the emergence of a global nonviolent climateinsurgency — its nonviolent "shot heard around the world." It was globally coordinated, with common principles, strategy, planning, and messaging. It utilized nonviolent direct action not only as an individual moral witness, but also to express and mobilize the power of the people on which all government ultimately depends. It presented climate protection not only as a moral but as a legal right and duty, necessary to protect the Constitution and the earth's essential resources on which we and our posterity depend. It represented aninsurgency because it denied the right of the existing powers and principalities — be they corporate or governmental — to use the authority of law to justify their destruction of the earth's climate.

[1] Oliver Milman, "'Break Free' fossil fuel protests deemed 'largest ever' global disobedience," *The Guardian*, May 16, 2016. Other details from https://breakfree2016.org/#locations. See also: https://breakfree2016.org/press-release/thousands-worldwide-take-part-in-largest-global-civil-disobedience-in-the-history-of-the-climate-movement/.

[2] Brian Nearing, "Rancor, protests greet top energy official," *timesunion*, May 11, 2016.

[3] "Thousands Converged in Albany to Blockade Bomb Trains," release, and personal observation.

[4] Lindsay Ellis, "Albany protest: 5 arrested after oil train delayed," *Albany Times-Union*, May 16,

2016.

[5] See Jeremy Brecher, *Climate Insurgency: A Strategy for Survival* (Routledge, 2016).

Historian Jeremy Brecher is a co-founder of the Labor Network for Sustainability. A new, post-Paris edition of his Climate Insurgency: A Strategy for Survival *will be published by Routledge in 2016.*

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