

E I G H T

Direct Action



THE SEPTEMBER 2007 DECISION by Kansas governor Sebelius to block the Sunflower project galvanized the anti-coal movement, capping a summer of dramatic progress toward a moratorium on new coal plants. The onslaught of new coal plants was beginning to look less inevitable as project after project stalled or went off the rails. In Montana, Oklahoma, Kentucky, and Michigan, judges and regulators handed out rejection slips to coal plants. In North Dakota, Arizona, Washington, and New York, companies withdrew projects on their own initiative, citing such factors as rising costs, public opposition, and the prospect of carbon dioxide regulation. Citigroup downgraded the stocks of mining companies Peabody Energy, Arch Coal, and Foundation Coal Holdings, and that negative assessment further tarnished the prospects of companies seeking financing. In August U.S. Senate Majority Leader Harry Reid became the highest-ranking federal official to speak out against the building of coal-fired power plants. Prospects for stopping coal suddenly seemed much brighter than just a few months earlier.

On the other hand, governors like Sebelius and Crist and legislators like Reid were still the exception rather than the rule. The coal industry was well entrenched. Dozens of new coal plants remained in the pipeline, and existing plants were being run harder than ever. And governmental power notwithstanding, U.S. energy policy has always been driven primarily by a few dozen CEOs in the private sector. Given the existing power structure, many activists believed that they could never stop coal simply by participating in the prescribed channels of regulatory government. In their view, the regulatory structure itself tended to be more a way of giving environmentalists the illusion of involvement while rubber-stamping coal projects.

But if the regulatory system was a distraction at best and a fraud at worst, what strategy could activists follow? One answer was “direct action,” the sort of peaceful but confrontational tactics used most famously during the civil rights movement. Opponents of strip mines and high voltage transmission lines had used confrontational tactics before—sometimes peacefully, other times not. In 1965 Ollie Combs, a 61-year-old widow, sat down in front of a bulldozer along with her two sons to stop their Honey Gap, Kentucky, home from being mined by the Caperton Coal Company. A newspaper photograph showing Combs eating Thanksgiving dinner behind bars produced a public outcry and led to the founding of Appalachian Group to Save the Land and People, which by 1972 was staging organized non-violent civil disobedience actions, including a January 1972 strip mine occupation by 20 women in Knott County, Kentucky, that received national media attention.

Not all resistance efforts were nonviolent. In Knott County, a diesel-powered shovel owned by Kentucky River Coal was dynamited in April 1967, and another large shovel was blown up

two months later at a Kentucky Oak operation nearby. In Perry County, Kentucky, saboteurs dynamited a grader belonging to the Tarr Heel Coal Company and snipers exchanged gunfire with workers. Later that summer, carbon nitrate was used to destroy two trucks, an auger, and a bulldozer at the same location. Local strip mine opponents in Knott County also formed a “conservation group” called the Mountaintop Gun Club, which assisted landowners in setting up shooting ranges to dissuade miners from encroaching on their property.

In Pope County, Minnesota, a years-long confrontation over a large powerline extending from the North Dakota coal fields to Minnesota’s urban centers erupted into a full-scale rebellion during 1978 between hundreds of farmers armed with tractors, manure spreaders, and ammonia sprayers and two hundred state troopers attempting to protect surveying operations for the line. After the powerline was built, “bolt weevils” toppled numerous towers and bullets from high-powered rifles damaged insulators and transmission cables. Despite intensive deployment of utility security personnel and police resources, including high-speed helicopters, no arrests were ever made.

During the current wave of opposition to coal, protesters have steered firmly toward nonviolent tactics. In 2003 a group of protesters called the Rocky Top affinity group, affiliated with Katúah Earth First, locked themselves into concrete-filled steel barrels, blocking the entrance to the Zeb Mountain mine in Tennessee. The three protesters, “john johnson,” Dan Anderson, and Matthew Hamilton, were arrested and released that day. Near the mine, another group climbed a 150-foot billboard off Interstate 75 and hung a banner reading “Stop Mountaintop Removal.” By 2007 the pace of direct action protests was quickening. At least seventeen such protests took place that

year, rising to forty-two in 2008, and thirty-five in the first half of 2009. Appendix A provides brief descriptions of about a hundred direct action protests.

Direct action has a long history, and a considerable amount of thinking has been devoted to understanding how its tactics—particularly actions that deliberately defy the law—can have such a salutary effect, especially when other, seemingly more reasonable measures have failed.

It's not at all obvious that this should be true. As anyone who has been to a direct action protest can attest, a lot of what goes on involves clumps of bored police standing around, a few protesters sitting on the ground connected by odd-looking PVC pipes and other devices, some signs and chanting, and a smattering of onlookers and press. Sometimes passersby are supportive, sometimes not.

The idea that this sort of thing can actually produce far-reaching political success may seem counterintuitive, but a paper published in June 2007 by University of Washington sociologist Jon Agnone argues persuasively that it actually does. According to the paper, "Amplifying Public Opinion: The Policy Impact of the U.S. Environmental Movement," which summarized data on trends in public opinion, the incidence of protest actions, and the passage of environmental legislation, the evidence shows protest to be more effective in spurring legislators than either public opinion or institutional initiatives. Based on a national survey of protests kept during the period 1960 to 1998 by the *New York Times*, the occurrence of protests increased the passage of environmental legislation by 9.5 percent. Public opinion by itself also influences legislation, but protest "raises the salience of public opinion for legislators," according to Agnone. He describes the effect as "amplification."

Few anti-coal activists who participate in direct action protest have read Agnone's research. Their motivation is based more on a sense of moral conviction that the urgency of the climate crisis and the other effects of continued coal use compel them to do more than just write a letter or sign a petition. Among the many groups that sponsor direct action protests, perhaps the largest is Rising Tide, which began in Europe before jumping the pond to the United States.

To learn more about the group, which has no paid staff and no central office, I signed up to attend the West Coast Climate Convergence in Skamakowe, Washington, and in early August 2007 I found myself driving along the north shore of the Columbia River, a lushly forested area where greenery flooded out from both sides of the road like tendrils in a rainforest. Blackberry bushes loaded with ripe fruit tumbled out onto the asphalt. The event was held on the Wahkiakum County fairgrounds in the southwestern corner of the state. When I arrived, I found a bulletin board strewn with sheets of announcements and a sign-in table set up under a canvas tarp. Nearby was an open-air kitchen where half a dozen members of the Seeds of Peace cooking collective chopped vegetables and stirred industrial-sized pots of food. Otherwise, there seemed to be few people in attendance and no visible headquarters or apparent leadership structure. I carried my gear to a grassy encampment area, set up my tent among several dozen other tents of assorted designs, stashed my sleeping bag and backpack in the tent, and went back to the bulletin board to see if I could find a schedule of events.

It took me awhile to adjust to the sensation that the convergence lacked any center or sense of focus. Eventually, I figured out that the nervous system of the camp revolved around short,

productive meetings held each morning on the steps of the fairground offices about fifteen minutes before breakfast. At the meetings, a handful of organizers worked their way through the business of the day, speaking a patois loaded with jargon like “bottom lining” and “consensing.” There was little wasted motion; no particular person seemed to be in charge.

It was the famed leaderless coordinating style of the youth climate movement. Although direct action is most often associated with protesting *against* something, the youth climate movement can also be seen as a large, far-flung experiment in new ways to run groups and make decisions without top-down hierarchies and arbitrary authority. This puts the movement in the wide tradition of anarchist, anti-authoritarian social innovation. Interestingly, many concepts from that tradition, such as “open space” meeting theory, seem to quickly hop the fence into the corporate world.

Most of the activity of the Climate Convergence in Skamakowe took place in self-organized sessions held in buildings and outside under the trees. Hundreds of people shared information on topics as varied as organic gardening, mountaintop removal mining, multiracial organizing principles, “tall bike” mechanics, technical tree-climbing skills for direct action, and even “insurgent rebel clown army training.” A particularly lively workshop was “radical cheerleading chants,” taught by Canadian organizer Mike Hudema. Workshops began early and continued into the evening. Late evenings were spent in lectures or films. Later still began the informal strategy sessions and guitar playing around scattered bonfires.

During a rare lull, I sat at a picnic table quizzing a young Englishwoman named Sophie about the origins and history of Rising Tide. With a ready grin and the slightly preoccupied

air of a bookworm, Sophie seemed more like a college student taking a short study break than a seasoned organizer. In fact, she had spent the better part of the previous three years traveling the breadth of the Anglophone world to organize various sorts of direct action protests, steadily building the Rising Tide network. In County Mayo, Ireland, she supported the Rosspoint Five, a group of protesters jailed for three months for resisting a liquefied natural gas pipeline. In 2005 at Gleneagles, Scotland, she participated in a camp of 5,000 people protesting the G8 summit. That experience gave birth to the notion of climate camps, the first of which took place the following year along with a large blockade at the Drax Power Station in North Yorkshire, England. Sophie missed Drax, instead participating in a blockade at a coal mine slated for an alpine wetland in Happy Valley, New Zealand. Most recently, Sophie had been at Black Mesa, Arizona, working in support of Hopi and Navajo elders who were being relocated from their land.

Sophie explained that Rising Tide had arisen out of the frustration of climate activists with the bureaucratic, sluggish, and corporate-dominated Kyoto Protocol process. At The Hague in 2000, protesters invaded the Kyoto conference, denounced the proceedings as a trade fair for industry, and threw a berry pie into the face of the chief U.S. negotiator. Surprisingly, Michael Zammit Cutajar, executive secretary of the conference, took the action in stride. Rather than order that the demonstrators be arrested, he applauded them, saying, “I hope the impatience if not the methods of the protesters will get transmitted to the negotiators.”

Not everyone approved of Rising Tide’s confrontational tactics. To many activists associated with mainstream environmental groups, actions like sit-ins and banner hangs that cross

the line into civil disobedience served simply to alienate the general public and potential corporate allies. Better to strike a business-friendly, “reasonable” tone. But Cutajar’s appreciation of the action at The Hague was not untypical, even among participants in the “inside” game of climate negotiations. To them, an “inside/outside” combination of tactics could be useful both in climate negotiations and in legislative arenas.

Two years after Rising Tide’s disruption of negotiations at The Hague, members of the movement met in Barcelona, where they hammered out a comprehensive statement of principles that put issues of social and global equity at the core of solutions to climate change. The statement also endorsed direct action tactics as the key tool for challenging corporate opponents, and it committed the Rising Tide movement to a nonhierarchical structure.

If the climate war is someday judged to be won, I wonder how much of the credit will go to the organizers who, like Sophie, have scrambled to knit activists from around the world into a coherent movement. Months later, as I watched Rudolph Giuliani and Sarah Palin mock Barack Obama’s community organizing experience, I reflected further on the organizers I had met in the climate movement. “I guess a small-town mayor is sorta like a community organizer,” Palin told the delegates at the Republican convention, “except that you have actual responsibilities.”

Giuliani won laughs when he followed up, sarcastically: “He ‘worked’ as a community organizer!”

Actually, Giuliani’s own run for the presidency might have gone better if he had adopted some of the traits and methods Obama had picked up during his community-organizing days. While the Giuliani campaign fell prey to clashing egos and staff

infighting, Obama filled his campaign staff with meticulous, hardworking, no-drama personalities.

In the climate realm the ingredients for success were no different. I was struck by the characteristics that successful organizers seemed to share: energy, humor, nerve, and lack of pretension. The cultural stereotype of the shrill, ineffectual radical could not be further from the mark. Sophie was definitely serious about her work. “We have very little time to turn the global climate crisis around,” she said grimly.

Yet what might have otherwise been an off-putting sort of intensity was leavened by a mischievous *joie de vivre*. After supper, while some attendees at the convergence finished their carried cauliflower soup and others lined up for a helping of apple crisp, Sophie stood up to make an announcement, “Urgent matter. Attention! I have to leave tomorrow early, so tonight is my last chance. I’ve got an awesome mix on my iPod and tonight I intend to dance my ass off in the 4H hall. Ten p.m.!”

As I crawled into my sleeping bag that night, the pulsing beat of Sophie’s music rocked the Skamakowe fairgrounds, and I marveled at the energy of youth.

Not long after returning from the Rising Tide conclave, I found myself in an urban forest, surrounded by massive skyscrapers in downtown San Francisco. As part of a nationwide action organized by Rainforest Action Network, I had been sent out along with another activist to stage mini-actions in the North Beach neighborhood. Across the city, other teams had been assigned other neighborhoods.

Our target was ATMs and branch bank offices of Bank of America and Citibank. At each location, we would block off an ATM machine or the doorway to a bank office with yellow tape, upon which the words “Climate Crime Scene” had been

printed. We'd admire our handiwork, take a few snapshots, then move on to the next location.

As street theater, the action embodied a certain humor. It certainly caused no harm to the banks' business, yet the fact that scores of branch offices around the United States were targeted on the same day was guaranteed to get the attention of the highest bank executives. The goal was to persuade Bank of America and Citibank to stop financing coal plants and mountaintop removal mines and shift their lending toward clean energy. In his book *Coming Clean*, which recounts Rainforest Action Network's successful campaign against Citibank's financing of rainforest logging, RAN's executive director Mike Brune describes why even mild protest aimed at undermining a corporation's public image often gets results:

High school and college students are red meat for banks. Once a bank starts doing business with a young person, it won't let go. Banks aim to entice students with their first credit card, and then as time passes, ply them with student loans, auto loans, mortgages, investments accounts, retirement plans and so on. Each semester at high schools, universities, and college campuses across the country, Citi employees would arrive on campus to sign up students as new credit card customers. It was a golden opportunity for our campaign work.... As the Citi campaign continued, we placed an advertisement in the *New York Times*. The headline "Did you know someone is using your credit card without your authorization?" ran above pictures of clearcut forests, oil pipelines, and pollution-belching smokestacks. ... We began to receive thousands of cut-up cards by mail.

But what if RAN succeeded and convinced the two banks to stop underwriting coal projects? Couldn't such projects simply seek funding somewhere else? Perhaps, but by squeezing financial channels, project costs would rise, forcing the economics of energy to shift toward greener sources.

At least that was the idea. It also occurred to me that another motive for picking banks was the simple reality that they

presented a more convenient target for urban activists than remote plants and mines. Of course, on the spectrum of direct action, creating a whimsical piece of street theater at an ATM in San Francisco is missing one key ingredient of the most effective direct action: personal risk. In Appalachia, where protesters faced violent retaliation by police or coal workers, or the threat of heavy-handed prosecution, such risks were very real. In Knoxville, Tennessee, police had used choke holds and pain compliance when forty-five Mountain Justice activists, some clad humorously in animal costumes and playing marching band instruments, descended on a shareholders meeting of the National Coal Corporation. At another demonstration at a National Coal mine site, company workers had threatened protesters and attempted to ram them with a car. In North Carolina, protesters at Dominion's Cliffside Plant were tasered and placed in pain compliance holds. In Ohio, police pepper-sprayed protesters conducting a sit-in at the headquarters of American Municipal Power. In West Virginia, mine workers threatened and assaulted anti-coal activists; houses of activists were been shot at, vandalized, and even fire-bombed.

On September 15, 2008, in Wise County, Virginia twenty protesters entered the construction site of a Dominion Resources coal-fired power plant and locked their bodies to eight large steel drums, two of which had operational solar panels affixed to the top that illuminated a banner reading "Renewable jobs to renew Appalachia." Outside the construction site, others sang and displayed a large banner with the message "We Demand a Clean Energy Future." Eleven were arrested and charged with misdemeanors. But two of the arrestees, Hannah Morgan and Kate Rooth, were charged with ten more crimes than the other defendants, including "encouraging or soliciting" others to

participate in the action and “obstruction of justice.” If convicted, the two faced up to fourteen years in prison. Confronted with that prospect, they agreed to a plea bargain.

Climate scientist James Hansen had offered to testify on behalf of Rooth and Morgan if the case had gone to trial. He had earlier testified at a trial for the “Kingsnorth 6,” a group of Greenpeace members who occupied the 200-meter smokestack of the Kingsnorth Power Station in the United Kingdom. Using a “lawful excuse” defense—an argument that the crimes they had committed were intended to prevent a greater wrong—the Kingsnorth 6 had won acquittal. About the Rooth and Morgan case, Hansen wrote:

If this case had gone to trial I would have requested permission to testify on behalf of these young people, who, for the sake of nature and humanity, had the courage to stand up against powerful “authority.” In fact, these young people speak with greater authority and understanding of the consequences of continued coal mining, not only for the local environment, but for the well-being of nature itself, of creation, of the planet inherited from prior generations.

The science of climate change has become clear in recent years: if coal emissions to the atmosphere are not halted, we will drive to extinction a large fraction of the species on the planet. Already almost half of summer sea ice in the Arctic has been lost, coral reefs are under great stress, mountain glaciers are melting world-wide with consequences for fresh water supplies of hundreds of millions of people within the next several decades, and climate extremes including greater floods, more intense heat waves and forest fires, and stronger storms have all been documented.

Our parents did not realize the long-term effects of fossil fuel use. We no longer have that excuse. Let us hope that the courage of these young people will help spark public education about the climate and environmental issues, and help us preserve nature for the sake of our children and grandchildren.

