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Testimony in Opposition to SB 172, Regarding Critical Infrastructure Facilities Senate Utilities Committee, Sen. Mike Thompson, chair

February 15, 2021

Chairman Thompson, Ranking Member Francisco, Members of the Committee,

Thank you for the opportunity to testify today. My name is Rabbi Moti Rieber, and 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.

There are already laws on the books against trespassing, against sabotage and against property damage. Pipelines and other critical infrastructure are built and operated every day in Kansas and as far as I know there hasn’t been as much as organized opposition to one, let alone protests attempted sabotage. So the question to be asked is: What problem is this bill trying to address?

The answer is, there isn’t one. This bill is purely political, part of a national effort by fossil fuel interests and partisan ideological organizations to chill political speech and activities in pursuit of their own economic and political interests.

The context of these laws 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 office, and the only committees in the legislature that deal with related issues are commodity committees like ag and utilities, that spend much more time pursuing anti-policies like SB 172 than seriously addressing the challenge.

In the absence of serious policy, sometimes people have taken symbolic 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 nonviolent 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 consist of civil penalties, not the criminalization we see in this bill.

This bill would felonize acts of civil disobedience through the vague use of the word “tampering,” 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. It would criminalize organizations and even congregations that are involved in organizing such events. It is an attack on political speech and on religious witness.

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 nonviolent civil disobedience 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.