

STATE OF PENNSYLVANIA WITHDRAWS CHARGES AGAINST LANCASTER PIPELINE PROTESTERS

Official Statement of Lancaster Against Pipelines

Monday, July 8, 2019

Charges Withdrawn; Case Dismissed

This morning we are thrilled to announce that the State of Pennsylvania's charges against seven supporters of Lancaster Against Pipelines have been dismissed. This decision represents a significant victory for communities who are openly challenging the fossil fuel industry in an age of climate crisis. The withdrawal of this case reinforces the right of local communities to peacefully defend the land, air, and water that gives us life, and to ensure a livable future for our children. Our local movement now joins grassroots efforts in Massachusetts, Minnesota, North Dakota, Wyoming, and other pipeline-plagued states that have experienced similar, recent success in boldly defying America's pipeline epidemic.

It's no secret that fracking is endangering our people's health and poisoning our planet. It's our hope that the State's decision to dismiss our charges will strengthen our collective resolve to respond with bold, peaceful Mass Actions until we dismantle the gas industry's stranglehold on our state.

The Sisters' Chapel: October 16, 2017

Our seven friends being exonerated today were arrested in October 2017 while defending the farmland of the Adorers of the Blood of Christ that was being desecrated by the Atlantic Sunrise Pipeline. At the time, the Adorers had a civil rights lawsuit against Transco and FERC pending in federal court. Forcing a dirty energy project onto their land represented a gross violation of their religious convictions about the sanctity of Earth, prompting them to invoke the Religious Freedom Restoration Act. But rather than respect due process and the Sisters' faith, Transco rushed to begin construction of their export-pipeline on the Sisters' farmland, far ahead of schedule, in open contempt for religious values and property rights.

The day construction began, US Marshals, state troopers, several local police forces, and Transco's private security guards were all amassed at the Chapel to protect Transco's financial interests. It was a sobering display of the complicity at work among the gas industry, federal and state governments, law enforcement, and the justice system.

Of the 100 people gathered that day in solidarity with the Sisters, 23 were arrested while singing songs and holding hands in front of a giant excavator. The 7 who pleaded "not guilty" in order to make their case in court have been awaiting trial for nearly 21 months.

Denial of Constitutional Rights

In the long months leading up to our trial, we've witnessed a system rigged in favor of the industry. Just as our laws and regulatory agencies are rigged by corporate influence to give

fossil fuel companies the legal right to endanger our families and planet for profit, so, too, is our justice system rigged in favor of corporate interests. One way that our courts protect gas industry profits across the US is by denying protestors the right to raise constitutional arguments in their own defense, for fear of groups winning at trial, and thereby establishing legal precedent that could have devastating consequences for the gas industry as it faces ever-intensifying grassroots resistance.

Here's how that played out for us—not once, but twice.

We began preparations for our trial by seeking to use a *justification argument* (also known as *necessity argument*) in our own defense. Everyone who was arrested that day at the Chapel believed that the harms posed by an explosive, high-pressure, climate-changing pipeline represented a far greater threat to public safety than our peaceful, prayerful protest. Given the circumstances, we acted *out of necessity* to prevent an imminent, verifiable danger.

We rooted our argument in provisions set forth in Article I, Section 27 of the Pennsylvania State Constitution, which reads: “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment.” We argued that the pipeline posed a direct threat to each of those constitutional guarantees.

We gathered a team of national experts to confirm the risks posed by this pipeline—from explosion experts, to climate scientists, to medical professionals. Three days before our pre-trial hearing was scheduled to take place, the court: **refused** to let our experts testify, and **denied** us the right to use a justification argument. Even more disturbing, however, was the court's refusal to allow our defendants to use Article I, Section 27 of the PA Constitution in their own defense. The court order concluded with the following emphatic pronouncement:

“WHEREFORE, the Defendants' proposed experts are hereby precluded from testifying at any proceedings regarding these Defendants. Any and all testimony regarding any individuals or Defendants' assertion of the justification defense shall not be permitted. Also, any and all testimony concerning a justification under Article I, Section 27 of the Pennsylvania Constitution shall not be permitted!”

Having been denied the right to use a justification defense, we subsequently argued for the right to defend ourselves under the protections of Free Speech as guaranteed by the First Amendment of the US Constitution. Again, the Court denied our request.

Think about that for a moment. Had the trial gone forward today, we would've been forbidden to make reference to the most relevant portions of either our State Constitution or the US Constitution in our own defense.

Thankfully, however, the difficulty of going to trial while being denied access to the very Constitutional provisions *that led us there in the first place* has been resolved today by the remarkable news that our charges have been dismissed altogether.

Furthermore, we commend Judge Howard Knisely for his comments in court this morning, in which he urged all of us to elect officials who will better protect our communities and this Earth rather than “merely look for personal advancement or who look to industry to fill their coffers for re-election.” That is an extraordinary statement coming from a judge in his own courtroom.

A Call to Our Public Servants: Defend Communities, Not Corporations

The State’s decision to dismiss our charges provides an opportunity for public servants across Pennsylvania to re-affirm their commitment to stand with local communities against the growing threat of industrial exploitation.

#1: We call on our police to stand beside—and not against—your own neighbors, family members, and friends when our health, safety, and wellbeing are threatened by dangerous industrial projects. Your duty to safeguard our communities must take precedence over industry-rigged permits that sabotage public safety for billionaire profits.

#2: We call on our courts to resist the enormous pressures you face to serve the gas industry over the wellbeing of local residents. We call on you to defend our communities when we share stories of abuse and threats by a gas industry that literally operates above the law. We call on you to challenge the false “right” of pipeline giants to trample our farms, streams, religious values, and cultural heritage. Today’s decision by the District Attorney’s office to dismiss these charges is a hopeful sign that our justice system is choosing to defend local communities over corporate greed, and a livable future for all over the short-term profits of a few.

#3: We call on our lawmakers to enact legislation that protects the people and this planet—not the profits of dirty industries. What does that mean? For starters, stop the expansion of fracking and pipelines in our beautiful Commonwealth. Natural gas can, and should, stay in the ground. Pennsylvania can, and should, become a national leader in clean, renewable energy solutions.

And speaking of lawmakers: the dismissal of our charges today sends a sharp rebuke to those of our Pennsylvania legislators, shamefully led by Senator Scott Martin, who are conspiring with gas industry lobbyists to literally imprison and bankrupt local residents who dare to challenge the gas industry through peaceful protest. Make no mistake: their days in office are numbered, and a new generation of climate-conscious leaders **will** replace them.

Recognition of Attorneys

Lawyers aren't typically known for inspiring warm, fuzzy feelings of love and affection. But our lawyers are not typical. Over the past 21 months, our team of talented attorneys has logged an enormous number of hours on our behalf, all *pro bono*, driven by an unwavering commitment to Free Speech and the right of local communities to engage in passionate, principled protest. They're not just our lawyers; they've also become our friends. We publicly thank Paul Hetznecker, Ron Greenblatt, and Lancaster's own Hobie Crystle for the indispensable role they played in helping us secure this win.

Conclusion

Today we celebrate a significant victory for peaceful, bold, community-based resistance. For the thousands of passionate people who call Lancaster Against Pipelines their family; for the hundreds who joyfully participated in more than two dozen mass actions; for the nearly sixty people who endured arrest for peacefully defending this beautiful county—the dismissal of our charges today is vindication that our shared work is shifting the political landscape on climate change.

At the end of the day, the state of Pennsylvania knew they were on the wrong side of this story. That didn't happen by accident. It happened because the integrity, moral courage, and irresistible spirit of this movement is manifesting change before our very eyes.

We know today, beyond any reasonable doubt, that the burning of fossil fuels is threatening the survival of life on this planet. As people of conscience, we're bound by moral duty to continue waging a relentless resistance against new fossil fuel projects. Sometimes this will require civil disobedience, on a massive scale, until we finally upend a system that privileges corporate profits over the survival of our natural world. We are rightfully filled with joy today, but we have no illusions about the steep sacrifices still ahead.

Together, we must keep singing songs of hope & defiance. Together, we must keep holding hands in prayerful blockades until their machinery of death grinds to a halt—once and for all. Together, we must be bolder than we've ever been before, more creative than the powers squaring off against us, and willing to sacrifice more than any of us ever dreamed would be necessary.

But today we celebrate, together, empowered for the work we all must do tomorrow.