

Teaching Climate Disobedience: Using the Film *Necessity* in the Classroom

BY URSULA WOLFE-ROCCA



Morgan Robinson

Water protector Debra Topping, Fond du Lac Ojibwe.

ASK A HIGH SCHOOL STUDENT TO LIST examples of civil disobedience and they are likely to include Rosa Parks. The ubiquity of the transcendentalism unit in the high school English curriculum means a few might throw in Thoreau’s refusal to pay taxes to support war. Maybe one or two kids will have heard of the sit-ins. But in my 20 years of teaching, students almost always refer to civil disobedience as a relic of the past, never as alive in their own time. This is not students’ fault; page through any mainstream textbook and you will see civil disobedience frozen in sepia-toned images of the past, a distortion that misleads students into thinking that this political strategy is as dead as the dinosaurs. It’s a falsehood this lesson seeks to correct.

In October 2016, five middle-aged White

activists from Washington and Oregon became “valve turners,” coordinating the (illegal) manual closing of the emergency shutoff valves on Canadian tar sands pipelines across four states: Washington, Montana, North Dakota, and Minnesota. Their actions were a response to the call by Indigenous activists for “International Days of Prayer and Action for Standing Rock.” They explained:

We have tried every avenue by which engaged citizens might advance such concerns — in this case, ecological — in public policy, and nothing has worked. There is no plausible means or mechanism by which the extraction and burning of coal and tar sands oil from existing mines and fields can be halted on the timeline now required by any ordinary, legal means.

Arrested and charged with trespassing,

sabotage, burglary, criminal mischief, and other “critical energy infrastructure” crimes, all the defendants mobilized a “necessity defense,” a legal approach that does not deny the defendant’s criminal action, but argues that it was carried out in order to prevent a greater harm — in this case, the continued extraction and burning of fossil fuels that is warming the climate and wreaking catastrophic damage to all forms of life.

While the mainstream media paid little attention to these dramatic acts of civil disobedience and the trials that followed, filmmakers Jan Haaken and Samantha Praus created an hourlong documentary about the valve turners’ actions to support the ongoing and Indigenous-led movement against Enbridge’s Line 3 in Minnesota. *Necessity: Oil, Water, and Climate Resistance* is a film we should introduce to our students. It weaves together many strands: the pipeline’s particular threat to the Indigenous people through whose land it runs; pipelines’ universal threat as conveyors of the fossil fuels that are scorching the Earth; and the rich array of creative activism — exercised by differently positioned groups and individuals — needed to sustain a successful climate justice movement.

The lesson below is designed to accompany the film, [which can be accessed by educators for free through the Zinn Education Project](#). The mixer role play includes 19 characters from the film’s storyline — most of whom appear on camera and a few who do not. I wanted the activity to build anticipation for students’ viewing of the film; the roles explore the motivations and actions of each of the activists, but do not reveal the outcomes of the trials or whether any of the defendants succeed in their mobilization of the necessity defense. I also hoped students would feel a jolt of excitement each time they saw someone onscreen that they had already “met” in our class activity, and have a bit more of a stake in tracking their stories in the film.

I want my students to have the examples of civil disobedience revealed by *Necessity* because it is going to take all of us doing what is necessary to secure a livable planet. Our classrooms can join that effort, whether in-person or online, by sharing the stories of justice seekers who choose



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action over apathy, “making a way out of no way,” and providing hopeful models on which our students might build a possible — and necessary — future.❖

Suggested Procedure

Please read the Zinn Education Project’s statement, “[How to — and How Not to — Teach Role Plays](#),” before launching any role play in your classroom.

1. Tell students “Today we’re going to meet a bunch of *real* people who are, in various ways, trying to stop an oil pipeline.”
2. Distribute one mixer role to each student in the class. There are 19 roles, so depending on the size of your class some roles will be played by more than one student, which is fine. Tell students that although you are asking them to take on the “role” of the character they have been assigned, this is not an acting class. Students should speak in their own voices (no accents or stereotyped



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- portrayals) and refer to the information in their role sheet as the basis for their conversations with each other.
3. Ask students to fill out their nametags or (change their Zoom name), using the name of the individual they are assigned. Students should read their roles several times, to memorize as much of the information as possible, and circle unfamiliar words. Sometimes it is helpful to ask students to turn over their role sheet and list three or four facts about their character; this helps them internalize the information they will share in the mixer.
 4. Distribute a copy of the *Necessity: Oil, Water, and Climate Resistance* Mixer Questions to every student. Read the questions aloud with the class and ask students to mark the ones their character can answer for other members of the class. This will help them ease into the one-on-one conversations during the mixer. A student might say, “Hi! I am Anthony Ingraffea. I can help you answer #4 or #9.”
 5. Explain the assignment: Students should circulate through the classroom (or in and out of Zoom rooms) meeting other individuals, all of whom have different experiences of and knowledge about the movement against fossil fuels. They should use the mixer questions as a guide to talk with others. Tell students that they must use a different individual to answer each of the questions, which helps ensure they talk to a broad assortment of characters. Clarify and assure students that they will not meet all the different individuals in the room nor are they supposed to.
 6. In a traditional in-person classroom, students circulate throughout the class to meet one another and fill out responses on the Mixer Questions worksheet. I encourage students to stick to one-on-one conversations rather than grouping up. Also, this is a verbal activity, so make sure students know that they should not merely swap roles with their partners, but engage in conversation. In an online setting, I have been doing mixers using Zoom rooms. You can use the feature that allows you to create random groupings of students in separate “rooms.” Still, we recommend you keep the groupings small, two or three students for about four or five minutes at a time.
 7. After the mixer, ask students to debrief and

discuss the activity. Mixers generate high energy, so giving students some quiet time to collect their thoughts and write out answers to the questions before discussing leads to better discussion and wider participation. Some possible initial discussion/writing questions:

- a. Who is someone you met who intrigued you or who taught you something interesting?
- b. What did you learn that surprised you?
- c. What information did you come across that confused you?
- d. What did you discover that you want to learn more about?

8. The follow-up to the mixer is, of course, [the film itself](#), which reveals the outcomes of the criminal trials of the climate activists. Educators can decide what works best for their classes — showing the whole hourlong film or merely using excerpts. I have had success taking both tacks.

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Necessity: Oil, Water, and Climate Mixer Questions

1. Find someone who broke the law as a form of climate resistance. Who are they? What did they do and why?
2. Find someone who knows about the necessity defense. Who are they? What is the necessity defense?
3. Find an Indigenous person who is part of the movements against pipelines and fossil fuels. Who are they? What did they do and why?
4. Find a non-Indigenous person who is part of the climate justice movement. Who are they? What are they doing and why?
5. Find someone who can share facts about the Enbridge Line 3 oil pipeline. Who are they? What facts did they share?
6. Find someone who knows about divestment as a strategy of climate resistance. Who are they? What is it?
7. Find someone who knows about the impact of the fossil fuel industry on Indigenous rights and lands. Who are they? What did you learn from them?
8. Find someone who works as a lawyer for the climate resistance movement. Who are they? What's their story?
9. Find someone who has testified or will testify as an expert in a trial or hearing related to climate change. Who are they? What is their testimony?

Mixer Roles

Tara Houska

I am an Ojibwe citizen of Couchiching First Nation, living in what is today Minnesota. I am a lawyer and activist who is organizing the campaign to #StopLine3 in my people's homelands. Line 3 is a so-called "replacement" project of the powerful fossil fuel giant Enbridge Energy. The multinational corporation wants to build a new oil pipeline along a new 1,000-mile route, each day transporting an average of 760,000 barrels of crude oil from the Alberta tar sands to Wisconsin. This route runs through the heart of treaty territory. In 1855, the Ojibwe people signed a legal agreement with the U.S. government saying that we retain our rights to hunt, fish, harvest wild rice, perform religious ceremonies, and travel on the lands Enbridge is seeking to exploit. I oppose Line 3 not just because it infringes on our treaty rights, but also because Enbridge's pipelines carry a toxic sludge that is killing the planet. I believe in using all kinds of strategies of resistance to fight Enbridge, including civil disobedience. In fact, I was recently called as an expert witness in the trial of three men who chained themselves to the gate of a Wells Fargo bank in Duluth, Minnesota. I explained to the judge how banks like Wells Fargo enable the dangerous extraction and burning of fossil fuels and made it clear why the climate movement targets banks in our campaign. Pipeline resistance is not new to me. I was part of the historic movement of Water Protectors at Standing Rock in 2016, where I was arrested and put into a dog kennel for standing up against another oil pipeline on the ancestral territory of the Sioux people.

Anthony Ingraffea

I am a professor of engineering at Cornell University. I used to work for the very companies I now spend so much of my time sounding the alarm about: the fossil fuel industry. Back in the 1980s I did research on fracking, but now I spend most of my time educating people about its dangers. People need to breathe air. People need to drink water. People need to live in an acceptable climate, and the water, the air, the climate, the flora, the fauna — it's all under threat from fossil fuels. I see this threat as one of health vs. wealth. It's the health of many vs. the wealth of a few oil tycoons. I recently agreed to be called as an expert witness at the trial of valve turners. These are climate activists who closed valves on five pipelines carrying tar sands crude oil into the United States from Canada. This act of civil disobedience shut down 15 percent of U.S. crude oil imports for nearly a day. I felt compelled to testify on behalf of these defendants because Enbridge — the company that owns the pipelines — was saying that they damaged their pipelines. I wanted to assure the jury that these defendants caused no — zip, zero, zilch — damage to the pipelines they closed. Indeed, the valve turners acted to respond to the *real* damage that is being done by corporations like Enbridge and fossil fuel pipelines to the climate and humanity.

Debra Topping

I am an Ojibwe woman living on the Fond du Lac reservation in Minnesota. I have harvested wild rice in the shallow lakes near my home for 38 years — and the treaties my people signed with the U.S. government protects my right to do so. In late summer, I use two lightweight wood batons, called “knockers,” to pull the stalks of grass over the canoe, and swat the husked tips into the boat. The seeds are full of protein and taste good, too. My grandson’s favorite is when I cook them inside a pumpkin, with sweet potatoes and squash. Our family needs hundreds of pounds of wild rice per year, for ourselves and to share with the community during feasts, ceremonies, and funerals. You cannot separate wild rice from what it means to be Anishinaabe. That’s why I am fighting so hard against Enbridge’s Line 3 tar sands pipeline project. The multinational corporation wants to build an oil pipeline along a new 1,000-mile route transporting 760,000 barrels of crude oil from the Alberta tar sands in Canada to Wisconsin. Every single day. The project will decimate the wild rice lands, our food source for future generations, and who we are as a people. Line 3 is not getting as much attention as the Dakota Access or the Keystone XL pipeline protests because Enbridge is deceiving people by calling Line 3 a “replacement” of an existing pipeline. In truth, the new pipeline diverges drastically from the old route and doubles the amount of oil that Line 3 can transport per day. I call myself a Water Protector because as a mother, a wife, and most importantly a grandma, I need to protect our wild rice. Without clean water, there is no wild rice. Without wild rice, there are no Ojibwe people.

Ernesto Burbank

I am a Water Protector, a tattoo artist, and a citizen of the Navajo (Diné) Nation. I became one of the faces of the #NoDAPL pipeline protests in North Dakota in 2016. At first my daily streams from Oceti Sakowin camp, on the Standing Rock Sioux reservation, were viewed by only a handful of people, but over the months, as the camp grew and the mainstream media failed to give our protests their proper due, tens of thousands of people started following me. Our protests at Standing Rock did not succeed in stopping the Dakota Access Pipeline, but they reminded us of our own power. Since then, I have been traveling to other pipeline protests and doing what I can. In 2018, I started participating in the efforts to #StopLine3. Enbridge — a huge oil company — wants to build a new pipeline along a new 1,000-mile route transporting an average of 760,000 barrels of crude oil from Canada to Wisconsin each day, a route that runs through Ojibwe people’s treaty territory and waterways. It feels like DAPL all over again. So on Jan. 12, 2017, I joined with other Water Protectors to lock ourselves to the security gate at a Wells Fargo bank in Duluth, Minnesota, preventing the bank from opening. Our demand was that Wells Fargo divest itself from all fossil fuels, and Enbridge Energy in particular. As I told one journalist at the protest, “People have to understand where their money is being spent. It’s being used by companies to desecrate our lands even more.” I was arrested for trespassing, disorderly conduct, and obstructing the legal process. Some lawyers are helping me with a defense against the charges, but no matter what the judge says, I plan to do this for the rest of my life, however long it takes, whatever it takes, to send a message in a nonviolent way.

Michael Niemi

On Jan. 12, 2018, I linked arms with a fellow Water Protector, Ernesto Burbank, and we chained ourselves to the security gate at a Wells Fargo bank in Duluth, Minnesota, preventing the bank from opening. I was arrested for trespassing, disorderly conduct, and obstructing the legal process. Our demand was that Wells Fargo divest itself from all fossil fuels, and Enbridge Energy in particular. In other words, stop investing in and lending to fossil fuel companies. Without the support of banks, big oil companies like Enbridge would not be able to continue building the pipelines and other fossil fuel infrastructure that hastens the poisoning of our planet. Right now, Enbridge is trying to “replace” Line 3, which runs from the toxic tar sands in Canada to Wisconsin. While Enbridge calls this project a “replacement” pipeline, it is actually a massive expansion and rerouting. In the short term, a pipeline leak in Line 3 threatens the sacred waterways and treaty rights of Minnesota’s Indigenous peoples. But in the long term, the continued burning of fossil fuels threatens all of us. In 2018, the U.N.’s Intergovernmental Panel on Climate Change warned, “We have 12 years to limit climate change catastrophe.” That means we need to radically divorce ourselves — and our governments — from the fossil fuel industry. It should have happened yesterday. Since it didn’t, it has to happen now. The climate emergency is an imminent threat that we must make every effort to minimize. Fires, droughts, deadly hurricanes are already here! As a white person, with a fair amount of privilege, I see it as my duty to engage in this kind of civil disobedience.

Scot Bol

On Jan. 12, 2018, I placed a U-shaped bike lock around my neck and fastened myself to the security gate at a Wells Fargo bank in Duluth, Minnesota, preventing the bank from opening. I was arrested, along with my fellow protesters, for trespassing, disorderly conduct, and obstructing the legal process. Our demand was that Wells Fargo divest itself from all fossil fuels, and Enbridge Energy in particular. Without the support of banks, big fossil fuel companies like Enbridge would not be able to continue building the pipelines and other fossil fuel infrastructure that causes catastrophic climate change. This was not my first time being arrested. A couple years before, I was arrested for occupying Enbridge’s offices in Duluth. Then, we were demanding Enbridge consult Native peoples before building pipelines on their land and consider the larger environmental impact of their projects. In both arrests, I have used the necessity defense. In this defense, my co-defendants and I admit we broke the law. But we argue that the harm we sought to prevent was far greater than that created by our actions; we also believe we have no other alternatives. Scientists and activists have been telling policymakers for decades that they need to end their love affair with fossil fuels. Yet no matter how many letters to my representatives I have written or public meetings I have attended, new pipelines — like Line 3 in Minnesota — continue to be built. The climate emergency has made civil disobedience a necessity.

J. T. Haines

I am a lawyer in Duluth, Minnesota. I recently acted as a defense attorney for three protesters who chained themselves to the security gate at a Wells Fargo bank in Duluth, preventing the bank from opening and operating for a number of hours. I am one of a growing group of lawyers wanting to use courtrooms as tools to educate the public about the climate emergency. I see the climate crisis as the ultimate “market failure.” What I mean by that is that the price of oil does not reflect the *real* costs that burning fossil fuels impose on humanity, both now and in the future. The total cost of all the climate-related crises — droughts, famines, hurricanes, refugees — is incalculable. If those costs were included in oil’s price tag, it would be unaffordable. And it should be. We should not be able to “afford” a product that threatens humanity and much of the Earth’s inhabitants with extinction. I see protesters, these people breaking the law to draw attention to the climate emergency, as trying to correct that market failure. They want us to understand the real costs of doing nothing. When I defend our clients, I do not dispute that they broke the law. Instead, I try to convince the judge — and hopefully a jury — that breaking the law was *justified*. We mobilize what is called the necessity defense, which says breaking the law was needed to avert a greater harm, some imminent danger. Climate change disasters are not just imminent. They are here, wreaking havoc now.

Jennifer McEwen

I am a lawyer in Duluth, Minnesota. I recently represented three activists who were arrested when they chained themselves to the security gate at a Wells Fargo bank in Duluth, preventing the bank from opening and operating for a number of hours. This was part of a series of protests of Enbridge Energy’s Line 3 pipeline project that, if built, will run from the toxic tar sands in Canada, through my state, to Wisconsin. While Enbridge calls this project a “replacement” pipeline, it is actually a massive expansion and rerouting of the old Line 3. My clients were arrested on the relatively minor charge of petty misdemeanor, but our hope was to use the trial to educate the public about the urgent concerns that motivated the protesters’ civil disobedience: the climate emergency and the shameful inaction of the government and big corporations to divest from fossil fuels. We are among a growing number of lawyers working with climate activists to test the necessity defense. This defense argues that the harm the activists sought to avert (climate disaster) is far greater than that created by their illegal actions (a few hours of lost business) and that there were no other alternatives to achieve the same outcome. We also have to prove that the activists had a reasonable expectation that their actions would work. Of course, my clients knew their actions alone would not immediately spur governments to action, but there is a long history of civil disobedience being successfully used to change the world. Just look at the movements to abolish slavery, win women the right to vote, and stop the Vietnam War.

Bill Grant

I am the deputy commissioner of the Minnesota Department of Commerce. I was recently asked to testify on Enbridge Energy's proposal to build a new oil pipeline — Line 3 — to transport tar sands oil from Canada to Wisconsin. Enbridge plans for 340 miles to run through Minnesota. Enbridge says it is only “replacing” an existing pipeline, but it's doing much more than that. The pipeline they're proposing has an entirely new route, carries a more toxic kind of oil, and increases its transport capacity. It is up to the Minnesota Public Utilities Commission (PUC) to decide whether to issue the permits for Enbridge's project. No permits, no pipeline. I testified to the PUC that my agency opposes the project. First, the project would have disproportionate impacts on Native American communities. Second, we simply don't need more oil. Refineries in Minnesota already operate at full capacity and we should not be planning for an ever-increasing demand for oil. In fact, we need to aim public policy in the opposite direction because the costs of climate change are simply too high. My agency estimates that the pipeline would result in a 30-year cost to society of \$287 billion. This is known as the social cost of carbon, which calculates the health care costs, destruction of property, increased food prices, etc., that will result from climate-caused disasters like flooding and deadly storms, the spread of disease, sea level rise, drought, and famine. I hope the PUC does the right thing for Minnesota and denies Enbridge its permits.

Winona LaDuke

I am the executive director of the Indigenous environmental justice organization Honor the Earth. We help coordinate many kinds of resistance to the fossil fuel companies' attempts to poison our land, air, and water. One increasingly effective form of resistance is the divestment movement. The idea is to pressure banks to stop doing business with the fossil fuel industry. As long as banks continue to provide loans to Big Oil, it will continue to dig up and burn the stuff that is killing us all. I live on the White Earth Reservation, part of the Ojibwe Nation, in northwestern Minnesota. I have been one of the loudest voices opposing the Line 3 oil pipeline. The waters near the pipeline's route are the only place in the world where the wild rice that is critical to our culture, economy, and diet grows naturally. The oil pipeline could pollute these waters with leaks and spills. The project threatens 40 separate wild rice lakes. The Ojibwe have protected this area since we were placed here by the Creator. The treaties our people signed with the U.S. government protect our rights to cultivate the sacred grain here. Our people cannot coexist with oil pipelines. Oil kills life. That's why we call on people to take their money out of banks that do business with Enbridge Energy, the corporation building Line 3. Until banks stop profiting off the fossil fuel industry, they will see no money from us. For too long, financial institutions have dodged accountability for the damaging consequences of their investments. The divestment movement seeks to bring those days to an end.

Emily Johnston

I am a poet. And honestly, I'd love to be able to lead a quiet life. I'd like to build things, read and write all day, take long walks with my dog, have time for dinners and vacations with my loved ones. But to live like that right now would be to shrug off responsibility for the world I love dearly. We're in a crisis of unimaginable proportions, and the fact that white middle-aged, middle-class people like me, here in the United States, can (between terrible storms and terrible droughts) still live relatively normal daily lives doesn't mean that we should. I am one of the valve turners arrested for shutting down an oil pipeline in October 2016. We used bolt cutters to gain access to a part of a pipeline in the tiny town of Leonard, Minnesota. The Canadian company Enbridge Energy owns the pipeline, which carries deadly tar sands oil from Alberta to Wisconsin. Then we shut it down. We spent months doing our homework, talking with pipeline engineers, reading and researching, to make sure our actions were safe. And before we touched a thing, we called the pipeline companies twice to warn them. We told them they could turn off the pipelines themselves if they thought that was better. We knew that what we were doing was illegal. We knew we risked years in prison. Sure enough, we were arrested and charged with multiple felonies. But the nation needs to wake up to what's coming our way if we don't reduce carbon emissions *now*. Business as usual when it comes to burning fossil fuels is genocidal. We hope our trial can be part of that wake-up call. We put ourselves in legal jeopardy to state dramatically that shutting down fossil fuels is no longer optional. It is a necessity.

Annette Klapstein

I am a retired attorney and the mother of two grown children. Three words embody my decision to break the law: love, solidarity, and responsibility. It is my job as an older person to step up and put my body on the line to protect my children — and all children. Being retired and freed from obligations of work and parenthood, I must do all I can to ensure a habitable planet for our children. Our political system has failed to respond to the grave threat of climate change; it is up to us to force the change we wish to see. This is how I came to be a valve turner, one of the activists arrested in 2016 for illegally shutting down an oil pipeline. I was responding to a call for acts of solidarity with the Indigenous-led Standing Rock Water Protectors in North Dakota, who spent almost a year camped on the banks of the Missouri River to stop the Dakota Access Pipeline project. Right now, my life is only slightly affected by climate change, but thousands of people are already dying from its effects — mostly low-income communities of color — and if we don't put a stop to it, it will be millions within a few years. As a white person, I acknowledge that white privilege will likely result in better treatment in the legal system than activists of color often receive. That is why people like me, people of privilege, must take bolder risks. It is morally unacceptable for me to stand idly by while even one more life is sacrificed to the greedy oil companies and the banks who fund them — just so they can make even more obscene profits at the expense of all life on Earth. So I broke the law and look forward to my day in court where I will explain to the jury exactly why I did what I did.

Benjamin Joldersma

I'm a happily married dad of three wonderful kids. We live in Seattle, where I work as chief technology officer at Maven, a technology platform. Nothing would make me happier than if our elected officials did their jobs and took the necessary steps to prevent catastrophic climate change. But they are not. After watching the deaths from climate emergencies pile up — from floods, hurricanes, droughts, and fires — my partner Nicky and I realized that no one was coming to save us and our children; it was up to us and other ordinary people to take up the fight against fossil fuels. That is what led me to join Annette Klappstein and Emily Johnston in illegally gaining access to a tar sands oil pipeline in the tiny town of Leonard, Minnesota, owned by the Canadian company Enbridge Energy, and shutting it down. I didn't actually touch any of the machines; I was there to assist the valve turners by filming their actions and talking on the phone with the folks at Enbridge, informing them of our actions. All three of us were arrested and, of course, it's scary to think what might happen to me. But I knew the risks. I knew that by deciding to participate in the valve-turning action, I might be separated from my family. But my love for the things we will *all* lose to the climate crisis is greater than my own personal fear. That is what compelled me to act. Twenty or 30 years from now, as the world descends further into climate chaos and our kids ask what we were doing “back then,” I can look them in the eye and tell them I did everything I could.

Vanessa Gray

I am from the Aamjiwnaang First Nation in what is now Canada. My people's history would be familiar to those in the United States, especially Native Americans. We signed treaties with the government in the 1820s that have been violated regularly and severely. (Canada was still part of the British Empire until the 1860s.) Our lands have been reduced to tiny fractions of what we were promised. To add insult to injury, the Canadian government has used our historical homelands as toxic dumping grounds. The lands that surround our reserve (what in the United States is called a reservation) that, by treaty, should still be ours, are known as Chemical Valley. More than 60 oil refineries and petrochemical plants operate within 15 miles of our homes. The air has a toxic stench and is some of the most polluted in all of North America — polluted with a poisonous combination of sulfur dioxide, carbon monoxide, nitrogen dioxide, toluene, benzene, styrene, mercury, lead, and nickel. The only safe way to visit this area is in a gas mask — and that is no exaggeration. The new tar sands oil pipeline projects nearby are just a continuation of the cultural genocide that has been underway for a century. That is why on a rainy Monday morning in 2015 I, along with two fellow activists, broke into a fenced-off valve area along Enbridge's Line 9 pipeline near Sarnia, Ontario, and closed the valve's manual wheel to stop the flow of oil. I was taken into custody and was charged with “mischief endangering life,” which, if I am convicted, can bring major jail time. Endangering life? I was trying to save life. Whatever the settler Canadian government may say, I defend the land and water because it is sacred. I have the right to defend against anything that threatens my traditions and culture.

Alice Cherry

My story as a climate movement lawyer started with my love of gardening, which piqued my interest in climate change and environmental policy. In law school at Harvard, I joined the student-led movement to force the college to stop supporting the fossil fuel industry with its investments. Prestigious universities like Harvard have huge endowments (money donated by alumni and others), some of which is invested in the stock market to grow. Along with six other students, I sued Harvard for mismanagement of charitable money and for intentionally investing in abnormally dangerous activities — I mean, who can argue that the very industries that cause a dangerous increase in fires, droughts, powerful hurricanes, and flooding are not “abnormally dangerous”? We lost our court case, but we were not defeated. Divestment campaigns like ours have become a main strategy of the climate justice movement and more and more individuals and institutions are withholding their money from the fossil fuel companies that are killing our planet. When I graduated from law school in 2016, I founded the Climate Defense Project (CDP) with some other veterans of Harvard’s anti-fossil fuel student movement. As we see it, the climate movement needs climate lawyers, advocates who focus not just on the legal outcomes of a particular case, but also on the larger political goal: a stable climate for present and future generations. So when CDP agreed to represent valve turners, the activists arrested for illegally shutting off oil pipelines, we hoped to see them found not guilty of the charges against them. But more than that, we hoped to use jury trials to educate the public about the necessity of stopping the extraction, transport, and burning of fossil fuels. We pursue something called the necessity defense. We want to prove to the public that our government’s refusal to adequately address the threat of climate change has left activists no choice but to break the law.

Kelsey Skaggs

My career in public service began with coordinating a program that provided free legal aid to survivors of gender-based violence in my home state of Alaska. Today, I am the executive director of the Climate Defense Project, which I co-founded with some friends and fellow graduates of Harvard Law School. We met each other in the student movement to force Harvard to divest from fossil fuels — that is, to stop investing money in the industries that try to make our planet uninhabitable. Today we are movement lawyers, working on behalf of activists at the forefront of the fight to force our government to get serious about climate change. When we learned about the actions of the valve turners — people like Annette Klapstein and Emily Johnston, we knew we wanted to help. Our approach is not to argue with the facts of the case. We do not deny that they broke into a fenced-off valve area outside of Leonard, Minnesota, and turned off the flow of tar sands oil. We do not deny that they broke the law. But we insist that they had no choice, that what they did was a necessity. This is called the necessity defense. This case is about civil disobedience. As part of the necessity defense, we will present evidence that civil disobedience has been an effective way to influence social and policy change. Our expert witnesses will testify about the rich tradition of civil disobedience in the United States — including in the fight to abolish slavery, the women’s suffrage movement, and the Civil Rights Movement of the 1960s — and the real and immediate threat posed by fossil fuel industries. We think the jury will be convinced.

Dr. Bruce Snyder

I have agreed to offer my expert testimony at the trial of the valve turners who illegally entered a fenced-off valve area outside of Leonard, Minnesota, and illegally turned off the flow of tar sands oil. Their actions were necessary to protect public health. I am a doctor who teaches doctors. I am a clinical professor of neurology at the University of Minnesota Medical School and like many others, I have grown more concerned about the implications of uncontrolled climate change for public health. Health care workers have a special understanding of the suffering and loss that will occur because of our failure to act urgently and decisively to curb the global dependence on fossil fuels. It is critical that we dramatically decrease our burning of *all* fossil fuels, but I also want to say something about tar sands oil — the kind flowing through Line 3 out of Canada — in particular. The World Health Organization has said that between 2030 and 2050, climate change is expected to cause about 250,000 additional deaths per year, from malnutrition, malaria, diarrhea, and heat stress. But even if the Alberta tar sands operations were not part of this larger climate picture, their danger is clear. They are the largest source of airborne air pollution in North America. This pollution is *already* harming people with asthma and heart disease. It hurts young children. It increases the risks of developmental disorders, low birth weight babies, and even SIDS. So yes, I will testify that *urgent* action against fossil fuels is needed to protect the health and well-being of the Earth's people. The valve turners were taking just such action.

Dr. James Hansen

I used to be the chief scientist for NASA. More than 30 years ago, I was one of the first scientists to make dire predictions to Congress about the impact of our unchecked burning of fossil fuels. I naively thought the science of climate change was convincing enough to compel policymakers in government to take urgent action. I was wrong. Instead, they have been criminally unresponsive to the dangers of our warming climate and unwilling to move us away from our suicidal use of fossil fuels. Our government has left us no choice but to take direct action on the problem ourselves. That is why I have been arrested five times for my climate activism. That is why I am going to be one of the expert witnesses at the trial of the valve turners, the concerned citizens who manually shut down tar sands pipelines in Washington, Montana, North Dakota, and Minnesota, then peacefully awaited arrest. Their act of civil disobedience stopped — at least for a little while — the flow of tar sands oil from Canada, equaling 15 percent of daily U.S. consumption. I see trials like this as a way to educate the public about the urgency of acting to stop burning fossil fuels. What we're seeing now — droughts, wildfires, hurricanes — is only the very beginning of the worst that is yet to come if we do not act immediately. I will not testify only about the climate science; I will also argue that the government, especially the Trump administration, is guilty of not protecting the constitutional rights of young people. At a minimum, our government should have a plan to phase out fossil fuel emissions, but instead they aid and abet the expansion of fossil fuel mining. If not stopped, this will guarantee devastating consequences for future generations. I am a grandfather. I won't stand by and do nothing while my grandchildren inherit a toxic, unlivable future.

Lauren Regan

I was 10 years old when I knew that I wanted to be a lawyer working in the area of animal rights. As I got older, that interest grew into environmental activism. When I was a law student at the University of Oregon, I spent weekends supporting the protesters blocking roads to prevent logging, and weekdays working on lawsuits to stop timber sales in federal forests. So it was very early in my law career that I realized I didn't have to separate my professional life from my activism. I could do both. I want my work as a lawyer to support the movements that are pushing the law and government where it needs to go. That is why my law firm in Eugene, Oregon, the Civil Liberties Defense Center (CLDC), supports “movements that seek to dismantle the political and economic structures at the root of social inequality and environmental destruction.” Working to defend valve turners in court is an obvious choice for CLDC. Valve turners are activists who shut down pipelines. They commit civil disobedience — breaking the law — to draw attention to the necessity of decreasing the burning of fossil fuels as fast as humanly possible. We use a necessity defense — also sometimes called the lesser-of-evils defense — to argue that the harm posed by the oil industry far exceeds the harm caused by the actions of the valve turners. We want to give jurors — people just like you and me — the opportunity to think through who the real criminals are. The activists who break laws to stop catastrophic climate change? Or the policymakers and industries that cause it?

Teach this lesson remotely by copying Zinn Education Project Google Docs with mixer lesson role assignments and question sheets, and then distributing your copied materials to students.



ZINN EDUCATION PROJECT

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Role Assignments for Remote Instruction Template

Teaching Climate Disobedience: Using the Film Necessity in the Classroom

By Ursula Wolfe-Rocca

Lesson: <https://www.zinnedproject.org/materials/necessity-lesson>

Teacher Instructions: Assign your students roles and groups by entering each of their names into the left-hand column. The template here comes with spaces for 19 roles, but it's entirely up to you how you want to distribute roles to your students. Delete these instructions, delete "for Remote Instruction Template," and share this sheet with your students.

⇒ [Handout with Mixer Questions for this activity \(make a copy\)](#)

Students/Participants' Names	Link to Role Assignment
1. Student name	Tara Houska
2. Student name	Anthony Ingraffea
3. Student name	Debra Topping
4. Student name	Ernesto Burbank
5. Student name	Michael Niemi
6. Student name	Scot Bol
7. Student name	J. T. Haines
8. Student name	Jennifer McEwen
9. Student name	Bill Grant
10. Student name	Winona LaDuke
11. Student name	Emily Johnston
12. Student name	Annette Klapstein
13. Student name	Benjamin Joldersma
14. Student name	Vanessa Gray
15. Student name	Alice Cherry
16. Student name	Kelsey Skaggs
17. Student name	Dr. Bruce Snyder
18. Student name	Dr. James Hansen
19. Student name	Lauren Regan

Role Assignments for the lesson [Teaching Climate Disobedience: Using the Film Necessity in the Classroom](#)
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[Click here](#) to make a copy of the Google Doc, pictured above, with links to the online materials. Then, share the specific materials you want to use with your students for synchronous or asynchronous learning.