

Audio Transcript

When protest is a crime, part 2: city in a forest

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Nate Hegyi: Previously, on Outside/In...

SFX: Chanting at Standing Rock

Justine Paradis: Did you watch your mom get arrested?

Tokata Iron Eyes: Yes, I did. I held her purse.

Nate Hegyi: The gathering at Standing Rock caught the world's attention.

Tokata Iron Eyes: Those became national conversations rather than just Indigenous conversations.

Nate Hegyi: And... the attention of the fossil fuel industry.

Chase Iron Eyes: These are the same forces that called us, we, American Indians, religiously driven Indigenous jihadists.

Nate Hegyi: In the years since, a wave of legislation has swept across the country.

Rep. Cory Williams: Is it just the, the pipeline incident? I don't think they did damage to property, but obviously, they're tresp-

Rep. Scott Biggs: I'm pretty sure they did a whole lot of damage in North Dakota.

Nate Hegyi: Criminalizing acts of protests, especially near pipelines.

Connor Gibson: There is no state that forgot to make it illegal to destroy people's property... so, the legislation is really just upping the ante on peaceful protest activity. That is the main thing they're trying to restrict.

MUSIC FADE

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Nate Hegyi: On a Saturday afternoon in early December, Naomi Dix arrived at the Sunrise Theatre for rehearsal.

Naomi Dix: Soundcheck... lighting cues... making sure that we were putting on, you know, a perfect production for this community because they had never seen ... a drag show like this before.

Nate Hegyi: This show was in a rural part of North Carolina, in a town called Southern Pines. Naomi's a drag artist – Naomi Dix is actually her drag name. And she's not used to a lot of pushback when it comes to her performances.

Naomi Dix: It wasn't until recently ... maybe I would even say like towards the end of 2021 that there started to be a lot of, a lot more... apprehension in not wanting drag shows in general to exist.

Nate Hegyi: As soon as they hung up the posters, they started getting calls to shut it down. Hate, of the anti-drag, homophobic variety.

It was led, in part, by Emily Grace Rainey. She's a former military officer. She was actually investigated by the Army for her involvement in the insurrection at the U.S. Capitol on January 6.

And this was just a couple weeks after a mass shooting at a queer nightclub in Colorado Springs.

Naomi Dix: And so, yeah, I started to get a little bit concerned. But my feelings on whether the show should go on or not never changed. Like, I knew that I was gonna do the show no matter what.

Nate Hegyi: It was a sold-out show. Before the curtain, Naomi went outside to address the crowd. She estimates there were around 40 people gathered to oppose the event, but over 200 there to support it.

[Naomi Dix speech to supporters via Youtube](#): ...and I want you to yell at the top of your lungs, I love you.

Crowd: I love you! I love you!

Naomi Dix: The show started about 20 minutes late. Um, but listen, we're drag queens, we're drag artists. No drag show ever starts on time, so we knew that was gonna happen...

MUSIC IN: Neon, by Blacksona

Naomi Dix: I had finished introducing the third act, went behind stage, and my assistant and my security guard... said to me... 'I know that the lights were supposed to go out according to the cue list, but I think that the electricity actually went out.' And I said, "Oh, really?!"

Nate Hegyi: The theater was completely dark. Naomi's assistant steps outside, and then comes back and says:

Naomi Dix: "Yeah, it looks like the electricity is out down the street as well."

Nate Hegyi: Then her security guard says -

Naomi Dix: I am looking on my phone right now and I think it's not only the street, but I think it actually might be the whole county.

Nate Hegyi: Naomi went back out onstage and told the audience to stay calm. To take out their cellphones and put on the flashlight. And then, she led the audience in an impromptu sing-along of “Halo.”

Tape of impromptu Halo performance

Lauren Mathers: I mean, this was all going on while we're in the back of the theatre, going, what is happening? What's going on here?

Nate Hegyi: Lauren Mathers was standing at the back of the theater, watching all of this. Lauren was one of the event's main organizers. And the relief and joy she'd felt seeing a sold-out theatre was rapidly giving way to concern.

Here are all these queer people and drag artists and allies – all gathered together in one place, and the power was out.

Lauren Mathers: We made the decision that we needed to stop the show and get people out of the theater safely because we had no idea, in that moment, what was going on.

... You know, we didn't know, I did not know until I got home that the power station had been shot up.

Nate Hegyi: This was not an ordinary power outage. Two electrical substations that served power to Southern Pines – to most of the county – had been deliberately attacked.

We don't yet know who did it. Or if the drag show was the target. After the power outage, Emily Grace Rainey, the former Army officer and insurrectionist who tried to have the show shut down, she *did* post a cryptic message on Facebook, saying she knew why the power outage happened. When questioned by police, she told them: it was God who was responsible.

Here's what we do know. In response to the protests at Standing Rock, legislators have crafted bills that critics say are designed to

chill protest. This, in the name of “protecting critical infrastructure” – especially pipelines. But meanwhile, critical infrastructure is actually under threat.

In Moore County, about [45,000](#) customers were without power for days. Schools and businesses had to close.

It was the largest attack on the grid in U.S. history.

THEME MUSIC RISE

Nate Hegyi: This is Outside/In. I’m Nate Hegyi.

And you’re listening to the second of two episodes on the changing landscape of environmental protest in the United States, and what we mean when we talk about “terrorism.”

Today, we’re looking at attacks on the electrical grid. Only, these have nothing to do with environmental activists.

Hannah Gais: What we are seeing in the white power movement is this very distressing and worrying rhetoric really focusing on destroying infrastructure.

Nate Hegyi: And we’ll be heading to Atlanta, Georgia, to the frontlines of a movement where the stakes for protest in the United States are escalating to a whole new level.

Aurielle Marie: Organizers are scared. Neighbors, who not even involved, but just against Cop City being built are terrified... I'm scared.

Nate Hegyi: Producer Justine Paradis takes it from here.

THEME MUSIC FADE

Justine Paradis: Before Moore County, the biggest physical attack on the US electrical grid was about a decade ago, in California. Silicon Valley.

Jon Wellinghoff remembers it well.

Jon Wellinghoff: I was in my office, I believe it was on a Friday morning... I got a call from the CEO of Pacific Gas and Electric, Tony Early.

It was 2013. At the time, Jon was the chair of FERC – that’s the federal agency, in charge of, among other things, making sure the grid is reliable and secure.

Jon Wellinghoff: He called me and indicated to me that there had been an attack on one of his substations about three miles south of San Jose, called the Metcalf substation, and that it had been a very, um, substantial attack.

MUSIC: Cicle Vascul, Blue Dot Sessions

So, Jon flew to California to walk the grounds with a member of his staff and a couple former special forces officers.

Because electricity infrastructure can also be a *military* target. These were people whose job it’d been to attack portions of the grid overseas, or to train others to do so.

At this substation in California, the attackers had damaged the transformers.

Jon Wellinghoff: These transformers are huge... boxes that contain cores of copper metal inside, and then hanging off these transformers, are what are called cooling fins.

Someone had shot up the cooling system around the transformers. They also got into a communications fault, just next to the substation.

Jon Wellinohoff: The vault was about 12 feet deep, it's one of these where you have to open up a manhole, sewer-cover-like thing ... And they got down in the vault and cut off all of the the fiber cable. And we believe they did that to cut the communications from the substation.

This 2013 attack in California didn't cause a grid shutdown. That substation had 21 transformers, and they'd only knocked out 17.

But, still, it was a wake-up call. If the attackers had shut down the substation entirely – worst-case scenario, Jon told me – they could have knocked out power to a lot of Silicon Valley. So, Facebook. Twitter. Plus tens of thousands of people.

Jon Wellinohoff: We went back inside the trailer and I asked my two Special Forces guys, 'who do you think did this?' And they said, 'Well, this looks like to us what we would call a targeting package... It was extremely detailed. They knew exactly what their objective was. They knew exactly what they wanted to do. And then they gave that plan to individuals who were highly trained to execute the plan and they executed it.'

MUSIC OUT

After that 2013 attack in California, regulators at FERC *did* put new security standards in place, requiring companies like PG&E to review the security at their substations and come up with a plan.

But that framework didn't require companies to protect every substation, and in North Carolina when attackers hit the Moore County transformers, they succeeded.

Looking at pictures of the damage, Jon thinks the attackers targeted the cooling fins, by shooting through the fence, just like they had ten years earlier in California.

Jon Wellinohoff: It was again using rifle fire to disable transformers... So it seems to be somewhat of a, of a mimic to the San Jose attack.

The other thing these two attacks have in common is we don't know who did it.

Jon Wellinohoff: Nobody knows... I think it was ultimately an act of terrorism. And one of the most significant acts of terrorism against the electric grid in the United States.

MUSIC: Cold and Hard, Blue Dot Sessions

Justine Paradis: There's a lot we don't know about what happened in Silicon Valley and Moore County. The latter is still under investigation by multiple agencies, including the FBI.

But one thing we do know is that these attacks are far from the only ones.

In June 2022, someone shot up a substation in rural Washington, and took out power for over 7000 people. Reporters have [since identified](#) a string of 15 other physical attacks to the Pacific Northwest grid.

And other planned attacks in Idaho and Baltimore, that were foiled before they took place. In short: this is a thing.

Hannah Gais: It's so, I mean, with some of these cases, it's so hard to tell. But, I mean, the truth of the matter is that there has been this pretty big uptick in human-caused interruptions.

Justine Paradis: That's Hannah Gais. She's a senior research analyst at the Southern Poverty Law Center.

Hannah Gais: In 2022 there were 160 human caused interruptions. So that includes physical attacks, but as well as vandalism.... cybersecurity threats, things like that. Whereas in 2018 there were only 51, so [that's 277%](#) increase or thereabouts.

Justine Paradis: We do know who's behind some of these *other* attacks.

NeoNazis. The White Power movement. The people Hannah studies for a living.

Hannah Gais: What we are seeing in the white power movement is this very distressing and worrying rhetoric really focusing on destroying infrastructure.

Justine Paradis: White supremacists are of course also often behind horrible acts of violence, like mass shootings. But they're also targeting things like cell towers, railroads, and the grid. This is a tactic of an extreme far-right ideology called "accelerationism" – summarized here by Alex Amend, another researcher of far-right hate groups.

Alex Amend: Accelerationism, white power accelerationism, is the idea that you basically need to take action to speed the collapse of current society. The enemy. The society of, you know, racial and gender equality and democracy.

Justine Paradis: Accelerationism is not a new idea. There's this one text written in the 1970s – it's a white terror novel, depicting a civil war and the victorious white race. It's kind of a foundational text, one that inspired, for instance, Timothy McVeigh – the guy responsible for the Oklahoma City bombings.

Alex Amend: So how do you do that? You sow chaos and you murder people and you attack infrastructure and you seek to just create terror.

Justine Paradis: So, this new generation of white power – they're basically just recycling these old, gross ideas, but now on [online forums](#). One of them is a NeoNazi named Brandon Russell.

MUSIC IN

Hannah Gais: Brandon Russell is the co-founder of a group called Atomwaffen Division.... I think they really represent some of the worst parts of the movement in many ways.

Justine Paradis: In 2022, after getting released from prison where he'd been serving a different sentence, he and a co-conspirator, Sara Beth Clendaniel, [allegedly planned](#) to attack a series of electrical substations around Baltimore.

Alex Amend: And, you know, Baltimore, of course, looms large in the white supremacist movement as like an example of a city run by the enemy... where, you know, Black people live and Black people have political control. And so it's a target.

Justine Paradis: Their plan was to time the attack to cause “cascading failure costing billions of dollars.” Before they could carry this out, the FBI arrested them. They haven’t been sentenced yet, but they’re being charged with “conspiracy to destroy an energy facility,” and [they’re being prosecuted](#) by the National Security Division’s Counterterrorism section.

MUSIC SWELL AND FADE

Terrorism. There’s that word again. I think it’s about time we try to understand what that word means.

Will Potter: In my research, that was by far the most difficult piece of scholarship was trying to construct a definition of terrorism, because there is not one agreed upon definition by local, state, federal or international law enforcement and government agencies.

This is investigative journalist Will Potter.

Will Potter: So my career has really been spent focusing on attempts to label protest and charge protesters as terrorists. And that's happened in a lot of different ways, starting in the early 1980s through the present day.

The FBI defines terrorism as “the unlawful use of force or violence against persons or property to intimidate or coerce a Government or civilian population in furtherance of political or social objectives.”

That’s close, but slightly different from how Will summed it up.

Will Potter: Most people associate it and it should be associated with reckless and indiscriminate violence against civilians in the name of influencing government conduct.

**But there’s one more element – and it’s inside the word itself.
“Terror.”**

Will Potter: Fear is central to it... It's not just the violence that's the point. It's instilling fear in the wider population paying attention that they might be targeted. That's how terrorism operates as a tactic.

What's happened, starting before September 11th and into the present day, is that term, 'terrorism,' has been stretched, manipulated, bended... I've seen the term used against everything from protests, leafleting, tree-sits, Food Not Bombs, a group that hands out free food to homeless people has been routinely targeted as and labeled as domestic terrorists. The kind of gloves have come off in the the parameters have come off of the term that is being used so indiscriminately now.

MUSIC: Machination, Blue Dot Sessions

Justine Paradis: The question of “what is terrorism,” or at least “what is violence?” – that’s something we talked about a lot in our last episode, specifically in the case of the Dakota Access Pipeline protests, and climate activists Ruby Montoya and Jessica Reznicek...

Jessica Reznicek on Democracy Now: We never at all threatened human life... and actually, we're acting in an effort to save human life.

Justine Paradis: ...who set heavy equipment on fire and burned through exposed pipeline valves with a blowtorch.

Jessica Reznicek on Democracy Now: The oil being taken out of the ground and the machinery that does it and the infrastructure which supports it, this is violent.

Justine Paradis: They also very publicly took responsibility for those actions, explaining that their motivation was the climate crisis, to “dismantle the infrastructure that deny us our rights to water, land, and liberty.”

Ruby Montoya and Jessica Reznicek were each [charged](#) with essentially [the same crime](#)¹ as the NeoNazi leader of Atomwaffen, Brandon Russell and his co-conspirator, Sara Beth Clendaniel.

Both groups are or were treated as “domestic terrorists” by the criminal justice system.

It’s such a weird exercise to place climate activists, who sabotaged an oil pipeline, side-by-side with NeoNazis, attacking the electrical grid to accelerate the collapse of society, with the eventual aim of murdering entire groups of people.

But here we are.

MUSIC BEAT AND OUT

Will Potter: Yeah. It's something I've, that's kind of haunted me for a long time, thinking about these tactics.

...When you talk about the actions people take, I don't think we can be intellectually honest while at the same time trying to separate the beliefs that motivate those actions. And so when I think about something like the energy infrastructure bills or attacks on infrastructure, you know, I don't really see a problem with drawing a

¹ Title 18 USC section 1366(a).

line between, you know, if you do that in the name of white nationalism... y'know, I have a problem with that.

If you're Indigenous people who are disrupting energy infrastructure in order to protect sovereignty of your land, and ultimately, to... protect life, I just can't even view it in the same conversation, really. I think we have to really firmly keep those tactics tied to the motivations of people doing it.

Justine Paradis: Right, so we don't need to jump through hoops, you're saying, to be completely ideologically consistent, when that's not really what this is about.

Will Potter: I just think we should keep a perspective of what's at stake.

... One side is, wants to exterminate groups of people based on their race and identity, and the other side doesn't.

MUSIC FADE

Justine Paradis: Some of the groups sounding the alarm about the threat to vulnerable communities from far right extremists are also very skeptical of laws that would make it easier to prosecute them as terrorists.

Laws like, the Patriot Act, passed after 9/11, dramatically expanding powers of surveillance over US citizens, to deal with threats of *foreign* terrorism.

After the insurrection on January 6, the Chair of the House Homeland Security Committee [joined calls for more](#) tools to deal with *domestic* terrorism as well. Specifically: a new federal domestic terrorism statute.

Hannah Gais: I mean, it's really tricky.

Justine Paradis: Hannah Gais again.

Hannah Gais: I mean, the position of the SPLC has been basically that Congress should reject efforts to create a new criminal domestic terrorism statute. And that's basically because the infrastructure to prosecute these guys is already there, similarly with monitoring them... and the biggest concern, I think particularly, in my view, say, after January 6, was this kind of rhetoric around bringing the tools of the War on Terror into fighting domestic extremism.

Justine Paradis: Again, because the criminal code already deals with terrorism, Hannah says, a new domestic terrorism statute is not only unnecessary, but some administrations could pivot and use it very differently than intended – and not against far-right extremists, but movements on the left, and people of color, instead.

MUSIC: Kirkus, Blue Dot Sessions

Justine Paradis: In North Carolina earlier this year, after the biggest ever attack on the electrical grid in the US, the representative from Moore County sponsored [a bill. It was called “Protect critical infrastructure.”](#)

Senator Newton: This bill is in direct response to the some 40,000 plus residential and business customers that were left without electricity in Moore County when someone undertook an intentional, willful, malicious, targeted attack... [fade]

Justine Paradis: That’s North Carolina state senator Paul Newton, presenting the bill at a committee hearing in March 2023.

Sen. Paul Newton: So for several days, businesses were without power, hospital, the hospital was on backup power. And, uh, people could have died. There's no doubt about it.

Justine Paradis: This bill is not an example of the model legislation we talked about in the last episode.

There is a lot of overlap, though. Stricter criminal penalties, reclassifying misdemeanors to felonies, and more.

Nothing to actually improve security at substations, though. Just plain old punishment as deterrence.

Senator Newton: ... it's incumbent on us as a legislature to ensure the penalties are adequately stiff, to deter the kind of behavior that we saw in Moore County.

Justine Paradis: But towards the end of his statement, he takes a left turn –

MUSIC IN: Chams Pacer, Blue Dot Sessions

and brings up something that's happening not in North Carolina, but 350 miles and two states away.

Senator Newton: One of the beauties of this bill is the joint and several liability that's associated with it. If you think about what happened in Atlanta with the attack on Cop City –

Justine Paradis: The protests against Cop City.

– I mean, you had a lawyer with the Southern Poverty Law Center. These are not penniless, often, penniless people, that have maybe conspired to do this. You had people from all over the nation perpetrating that crime in Georgia. Who's to say that won't happen here? Or, didn't already happen here, we just haven't caught the perpetrators?

Justine Paradis: That's after the break.

[Chanting recorded + posted on Twitter by Atlanta Community Press:](#)
Vive, vive, vive Tortuguita!

MUSIC FADE

// BREAK //

Justine Paradis: Atlanta, Georgia has a nickname. “City in a forest.” By some accounts, it has the most tree cover of any major city in the United States – [almost 50%](#).

Aurielle Marie: You know, it's so funny. It was just, it was just a gorgeous day...

Justine Paradis: On a Sunday evening in March, in one of these forests, Aurielle Marie stepped foot into a field for an outdoor concert and festival.

Aurielle Marie: It was around 5 p.m., the sun was starting to set... and you could kind of hear the music kind of wafting back through the trees. It just felt really good... I remember thinking like, oh, it's like our own little like politically aligned Woodstock, minus [laughing] all the hallucinogenics... plus kids.

MUSIC IN

Justine Paradis: This particular forest in question goes by many names: the South River Forest, the Weelaunee Forest, which is the Muscogee Creek name for it.

Just a few years ago, it was included in a plan for a connected [conservation corridor](#) in the city.

But in 2021, the Atlanta City Council [approved the lease](#) of a huge part of this forest – [almost 400 acres](#) – to the Atlanta Police Foundation – a nonprofit which supports and funds the police.

The Atlanta Police Foundation is planning a “public safety training facility” on at least 85 acres of this forest in southeast Atlanta. Their plan includes a mock city for training police in, essentially, urban warfare – complete with a mock convenience store, nightclub, a motel/apartment building, a gas station.

Activists call it Cop City.

MUSIC BEAT

Justine Paradis: There are a lot of reasons people are opposed to Cop City.

Because of the environment, for one: trees are good for air and water, and cooling things down, which is especially important in a hotter climate.

And then there's the fact that this project would be an expansion and investment in the police.

The Weelaunee Forest is in a [majority](#) Black neighborhood. And this is only about a year after people were marching in the streets calling for a defunding of the police.

[Reverend Keyanna Jones on at Atlanta City Council on March 6, 2023](#): ...we don't want Cop City. I live in East Atlanta. I don't want Cop City. I got five black children. I don't want Cop City. I like breathing clean air. I don't want Cop City... I don't want black Black Hawk helicopters landing around the corner from my house. I don't want Cop City.

MUX OUT

Justine Paradis: In the decisive meeting to approve the project, 70% of comments were opposed – but the Atlanta City Council approved it anyway.

That was in September 2021.

After that, a group of activists moved into the forest to try to prevent this project from happening. They called themselves “forest defenders.”

They'd been living there for over a year – in tents and tree platforms – when police raided the camp. During one of those raids, law enforcement killed a forest defender, a Venezuelan Indigenous person who went by the name Tortuguita. [They shot them at least 57 times.](#) This was the first police killing of an environmental protestor in the United States.

*[Chanting recorded + posted on Twitter by Atlanta Community Press:](#)
Vive, vive, vive Tortuguita!*

Justine Paradis: A couple months later, in March, people organized what they called a “week of action,” a week of events and protests to Defend the Atlanta Forest. The concert was one of them.

Aurielle Marie: What the event had been kind of broadcasted as was a peaceful and low-stakes... manner of supporting the week of action.

Justine Paradis: In other words, this wasn't supposed to be dangerous.

MUSIC IN: Cicle Vasculu, Blue Dot Sessions

Justine Paradis: So, when Aurielle gets there, they're seeing families. There's a bouncy house where kids are playing. People are grilling out. And of course, there's a stage, a line-up of bands set to play.

Aurielle grew up in Atlanta. They're an author, poet, community organizer.

They'd come to interview people at the festival for a documentary they're making about activism.

Aurielle Marie: As we're recording these interviews, we had to stop a couple of times because we noticed that a helicopter, a blacked out helicopter, was kind of circling lower and lower. And the organizer in

me is like, ah, something's up. Somethin's up. Um, because it wasn't a news chopper, it was a police helicopter.

Justine: Aurielle's getting a bad feeling. And even though they're not there as an organizer, they had experience with the police. They'd been involved with the Black Lives Matter movement since they were a teenager. So, watching this helicopter, something doesn't feel right.

Aurielle Marie: The second, the second, the sun went down. The second I went from dusk to, like, nighttime.... We began to hear police sirens like... I was like, that has to be like 30, 30 cars... police were coming through the trees with their guns drawn. There was SWAT there, all of a sudden.

Justine: But at this point, the music's still pumping, kids are still bouncing in the bouncehouse, it's loud.

Aurielle Marie: So I went into organizing mode, even though it wasn't my event, I didn't know anybody there. And I just started grabbing people and I was like, 'Hey. If you are not willing to take arrest, you know, because you're in this park, it's time to go. Now. If you can get to your car, go now.'

Justine: Then, people do begin to realize what's happening. And it's chaos. Parents are trying to get their kids. People are running. Aurielle's seeing people have panic attacks.

Aurielle Marie: ... there's like these blacked out officers coming from the woods, you know, with a rifle in your face... and you're just... there's no, there's no training for that. It's, it's terrifying. It's absolutely terrifying... I remember watching, I believe, a state trooper with an automatic weapon with it drawn. And he was walking slowly toward the bounce house.

Unicorn Riot livestream: This person's pointing their gun inside a bouncy house right now! That state trooper just pointed a rifle inside a bouncy house...

MUSIC OUT

Aurielle Marie: I make it back to my car and then they're not letting cars leave. And I, you know, they're going car to car and they're just saying, 'check for mud. Check for mud on their, if they've got mud, pull them.'

Justine Paradis: “Check for mud.” This is important for reasons I’ll explain in a minute.

Aurielle Marie: And I had mud all over. I mud all over my shoes. I mud all over my I mean it's all over my car. It's I mean, the forest is, it's Georgia. There's red clay everywhere... I was like, there's mud everywhere... I just thought it was a mass arrest for everyone at the park.

Unicorn Riot livestream: [coughs] Oh, yeah, that smells and feels like tear gas or pepper spray was deployed [coughs]...

Justine: So here’s what happened. While the concert was taking place, a group of activists marched to the Cop City construction site.

It was about a mile away. Just a big empty area, with some bulldozers and construction trailers, cordoned off with a chain link fence covered in fabric.

In [videos](#) taken from a police helicopter, you can see infrared images of dozens, maybe hundreds of people, some wearing dark clothes, hats and face coverings. Others carrying shields, making their way up the powerline.

Unicorn riot video: Ambient noise from the action

When the police saw the crowd coming, they hesitated, and then ran. In the video, you can see them duck as fireworks go off just a few feet away. Police say activists also threw rocks and Molotov cocktails.

There, activists overturned porto-potties, and set a bulldozer on fire, which in the can be seen is soon engulfed in huge, deep orange flames.

The protesters call these events distinct – the festival and the march – but later, the [police](#) will lump them all together.

Darin Schierbaum: This was a very violent attack that occurred this evening. A very violent attack. This was not about a public safety center. This was about anarchy and this was about the attempt to destabilize... [fade]

That's Darin Scheirbaum, chief of police for the Atlanta Police Department.

No officers were injured that night.² But to Chief Schierbaum, this wasn't a protest. He later said: this group was using the peaceful protest as a cover for this action.

Darin Schierbaum at [press conference on March 5](#): This is not a protest. At that last press conference, I made a clear distinction, what a protest looks like. When it is a legitimate protest, you have the full protection of the Atlanta Police Department. This is not a protest. This is criminal activity. And the charges that will be brought forth will show that. When you throw commercial grade fireworks, when you throw Molotov cocktails, large rocks, a number of items at officers, your only intent is to harm. And the charges are going to show that tonight when we make the appropriate charges.

The Weelaunee Forest is big. Dense and tangled in parts. In others, kind of marshy.

Police say that the group that marched to the construction site - they say they marched through a muddy part of the forest.

That's ostensibly why police were checking for mud at the concert.

²Arrest warrants say they were, but APD confirmed with me that they were not.

But while Aurielle was sitting in her car, wondering if they'd get arrested – they didn't know any of this.

MUSIC IN: The Pewter Elephant, Blue Dot Sessions

Aurielle Marie: That part of the forest and where we were were almost exactly a mile away. I'm not really clear on how arrests being made at that protest and arrests at the field became sort of like this one homogeneous event except that... I know that the police escalate for the purpose of a larger argument. And in this case, the larger argument was that...everyone there was in the forest for the purpose of enacting domestic terrorism.

MUSIC IN

Justine Paradis: Eventually, the police let Aurielle go home. But at least 35³ people were detained that night. In the end, 23 would be arrested – including a legal observer – and charged with domestic terrorism.

A few years ago, those charges would not have been possible in the state of Georgia. That's because the state used to define terrorism as crimes intended or reasonably likely to kill or injure “not less than ten individuals.”

And then Dylan Roof walked into a Black church in Charleston, South Carolina, and started shooting.

Madeline Thigpen: He killed nine churchgoers. And so previously in Georgia, if you killed fewer than ten people, you could not be charged with domestic terrorism.

Justine Paradis: Madeline Thigpen is a reporter for Capital B Atlanta.

³ GBI spokesperson says 34 5/24/2023. APD statement says 35. APD arrest warrants say 44.

Madeline Thigpen: So that's one thing that this bill changed. But it also gives the state attorney general more power to prosecute terrorists.

Justine Paradis: Now, the threshold for terrorism is much, much lower in Georgia. It can include attempted felonies that – and this should sound familiar – intend to disable or destroy critical infrastructure, intimidate civilians, or change government policy through intimidation.

The [possible penalty](#), in the case of damage to critical infrastructure, is 5 to 35 years in prison.

Madeline Thigpen: And I will say, like. At the time the bill was passed, it did have support from a lot of Democrats, but there also were a number of Democrats who spoke up and said, 'you know, this very well could be used against, you know, Black Lives Matter protesters, other kinds of protest movements...'

Justine Paradis: Another thing to note here – the people I talked to who study the white power movement, say that violent white supremacists do not necessarily appear to be deterred by harsher punishments. In fact, prison can further radicalize people.

Case in point: Brandon Russell, leader of Atomwaffen – he met his co-conspirator in planning the Baltimore attack *while incarcerated*. Will Potter again.

Will Potter: In my research, I found that both state and federal law enforcement have repeatedly, repeatedly, for decades, refused to shift their focus from environmentalists to the rise of the far right... even as people like Dylann Roof are murdering people and shooting up nightclubs and killing trans people and gay people and burning Black churches.

MUSIC IN: Secret Pocketbook, Blue Dot Sessions

Justine Paradis: I watched the bond hearing on March 7, for the 23 people detained on domestic terrorism charges after that concert. It was over Zoom, and they didn't allow recording.

In one camera window, all the defendants were sitting in a room, in orange jumpsuits. In another, the judge. And then, little squares for the lawyers – the defense attorneys and the state prosecutor.

It was bleak. All 23 defendants are being treated as the same case. Most of the 23 arrest warrants look copy-pasted, almost word for word.

I watched at my desk, in a quiet house in the snowy Vermont mountains, a thousand miles away, as person after person stood up at the podium.

And their lawyers argued for them. Maybe they brought in a character witness – a friend, their mom. To say: this person is not a terrorist. They're a law student. This is a person who organizes community dinners in their neighborhood. They were only in Atlanta to see a friend. If they don't get bond, they'll lose their job; they have a daughter; they won't be able to get their electrician license that Monday.

One person said: when they heard their friend had been arrested, it felt like the sky was falling.

As each defendant came up, the state prosecutor would say: the state opposes the granting of bond. At one point, he said, quote: "I think that what gets lost on people is: there's protest, and there's criminal acts. And the reason we're here today is because of people committing criminal acts, not protesting."

And one after another after another after another, the judge said, almost the exactly same thing: at this time, based on the charges before me, this person's ties to other states, and the totality of the

circumstances surrounding this arrest – they are a flight risk and a threat to the community.

For every person except one – the legal observer – bond denied.

MUSIC OUT

Justine Paradis: Since that hearing, all 23 defendants have been granted bond – though most waited weeks, and two as recently as last Friday.

But law enforcement’s crackdown on this movement has been intense and widespread.

The total number of people charged with domestic terrorism in connection with protests against Cop City – is 42. People have also been threatened with arrest for blocking a sidewalk, actually [arrested on felony charges for distributing leaflets](#), or, in the case of Tortuguita, killed.

Justine Paradis: Well this is, uh, what I'm wondering is, um, you know, what's the conversation like now, both with yourself and with other people? Does it give you pause? Are people, are you scared? Like, what's the conversation now?

Aurielle Marie: Oh, don't make me cry.

MUSIC IN: Tartaruga, Blue Dot Sessions

Justine Paradis: That’s Aurielle Marie again, the community organizer and poet who attended the concert in the Weelaunee Forest on March 5.

Remember the idea of the chilling effect on protest? They feel it.

Aurielle Marie: Organizers are scared. Neighbors, who who were, you know, not even involved, but just against Cop City being built, are terrified to get involved. I'm scared. I, um, I've got the, the shoes that I

was wearing that Sunday sitting in my closet. Um. Because I just can't, I'm trying to, like, put together in my mind that, like, the difference between me sitting here and talking with you and sitting in a jail cell was the mud on those shoes... I don't even know if that makes sense, I just can't wrap my brain around the enormity of this, this escalation.

Justine Paradis: But "the chilling effect" isn't the whole picture. The dynamics between movement and policing are more complicated than that.

Aurielle Marie: I think organizers are terrified and that much more sure that this work is critical.

Justine Paradis: When repression ramps up, people stop protesting. But past a certain point, if oppression gets too intense, people sometimes just say 'screw it.'

Aurielle Marie: I think the circumstances have been untenable and are now even more so... I'm very invested in that expansion stopping here, and stopping now.

MUSIC SWELL AND FADE

Justine: This moment goes beyond Cop City, or Standing Rock. Beyond forests and pipelines. If you are involved in any kind of movement or struggle for justice anywhere – the context has shifted. The rules are changing. And the space for protest, for dissent, for existing in different bodies and forms in this world – it's under threat.

But — [dozens of human rights and environmental organizations have condemned](#) the domestic terrorism charges in Atlanta, and the tactics the state is using against the movement to Stop Cop City. Including the [Center for Biological Diversity](#), the [National Lawyers Guild](#), and Amnesty International.

And this spring, a team appointed by the UN’s human rights council toured the United States, with a focus on racial justice and policing. One of their stops was Atlanta.

So. People are watching. And for Aurielle, it’s not just about being AGAINST Cop City – it’s also about being FOR something. A hope for the future.

Aurielle Marie: It’s terrifying of course... but If I could be so brave as to be optimistic, it's this beautiful possibility-making opportunity...

This is an issue that brings all of our front lines into one single line. And it's terrifying because all of us have a lot to lose. But it's also beautiful because this is potentially a win that we can all share. And I'm trying to stay present with that fact. Even with the mud on the bottom of my shoes.

CREDITS

If you want to learn more about the movement to Stop Cop City, check out writer Micah Herskind’s explainer in *Scalawag Magazine*. There’s so much in there that we didn’t get into, like the history of the forest, and the economic and political forces at play – in Atlanta and beyond.

We also recommend “The Forest for the Trees,” in *The Bitter Southerner*.

We’ll link to both in the show notes, along with more reading for the series.

A couple updates for this series:

After the Moore County attack, when power was knocked out at that drag show and to 40,000 other people – [FERC asked for a new study](#) from another grid oversight group. That study assessed the physical security standards for the grid. And it found that more guardrails are

needed in terms of how grid vulnerability is assessed. They're planning a technical conference together to gather more data.

In Atlanta Georgia: last week, leaders of a local bail fund were arrested on charity fraud and money laundering, because they'd bailed out the people charged with domestic terrorism.

Two days before we released this episode, the Atlanta City Council voted to approve \$31 million dollars of public funding to build the so-called Cop City.

Special thanks to Micah Herskind, Mike German, Yessenia Funes , and Clark White.

This episode was reported and produced by Justine Paradis.

It was edited by Taylor Quimby, with help from Jack Rodolico, Rebecca Lavoie, Felix Poon, Jessica Hunt, and me, Nate Hegyi.

Music came from Blue Dot Sessions, Autohacker, Blacksona, The Big Let Down, and Hatamitsunami.

Our theme music is by Breakmaster Cylinder.

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