

Freedom of the Press: Filmmaker Faces 45 Years in Prison for Reporting on Dakota Indigenous Protests against Tar Sands Pipeline

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In an ominous sign for press freedom, documentary filmmaker and journalist Deia Schlosberg was arrested and charged with felonies carrying a whopping maximum sentence of up to 45 years in prison—simply for reporting on the ongoing Indigenous protests against fossil fuel infrastructure.

Schlosberg was arrested in Walhalla, North Dakota on Tuesday for filming activists shutting down a tar sands pipeline, part of [a nationwide solidarity action](#) organized on behalf of those battling the [Dakota Access Pipeline](#).

“The actions of the North Dakota Police force are not just a violation of the climate, but a violation of the constitution.”

—Josh Fox, *Gasland* filmmaker

The filmmaker was held without access to a lawyer for 48 hours, her colleague Josh Fox [wrote](#) in the *Nation*, and her footage was confiscated by the police.

Schlosberg was then charged Friday with three felonies, the *Huffington Post* [reported](#): “conspiracy to theft of property, conspiracy to theft of services and conspiracy to tampering with or damaging a public service. Together, the charges carry 45 years in maximum prison sentences.”

“They have in my view violated the First Amendment,” Fox [told](#) the *Huffington Post*, referring to the state’s Pembina County Sheriff’s Department. “It’s fucking scary, it knocks the wind of your sails, it throws you for a loop. They threw the book at Deia for being a journalist.”

NSA whistleblower [Edward Snowden](#) observed that Schlosberg faces more years in prison than he does for leaking secret documents about the NSA’s mass surveillance program in 2013:



Edward Snowden ✓
@Snowden

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This reporter is being prosecuted for covering the North Dakota oil protests. For reference, I face a mere 30 years.

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In the same week that activist and celebrity Shailene Woodley was arrested while protesting the Dakota Access Pipeline, a documentary trofire.com

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“Deia isn’t alone,” [observed](#) Fox in an op-ed in the *Nation*. “The arrest of journalists, filmmakers, and others witnessing and reporting on citizen protests against fossil-fuel infrastructure amid climate change is part of a worrisome and growing pattern.”

Indeed, the news of Schlosberg’s arrest followed *Democracy Now’s* Amy Goodman [announcement](#) earlier this week that she will return to North Dakota to combat charges she faces as a result of reporting on the Dakota Access Pipeline protest last month.

“Goodman, whose camera crew filmed a private security team attacking peaceful Native American protesters with [dogs and pepper spray](#), faces charges of criminal trespassing—which many have said amounts to an [assault](#) on press freedom,” as *Common Dreams* reported.

It also emerged late Saturday that a North Dakota state prosecutor has dropped the trespassing charge and is seeking instead to charge Goodman with participating in a “riot,” *Democracy Now* [reported](#).

“I came back to North Dakota to fight a trespass charge. They saw that they could never make that charge stick, so now they want to charge me with rioting,” said Goodman. “I wasn’t trespassing, I wasn’t engaging in a riot, I was doing my job as a journalist by covering a violent attack on Native American protesters.”

A warrant for Goodman’s arrest was issued September 8.

Meanwhile, actor Shailene Woodley was [arrested](#) Monday while live-streaming a prayer action at a Dakota Access construction site. “She was singled out, the police told her, because she was well-known and had 40,000 people watching live on her Facebook page,” Fox wrote. “Other filmmakers shooting protest actions along the pipeline have also been arrested.”

“Journalism is not a crime; it is a responsibility,” Fox said in a press statement about this pattern of arrests. “The actions of the North Dakota Police force are not just a violation of the climate, but a violation of the constitution.”

Supporters have created a [petition](#) calling on the authorities in North Dakota to drop charges against Schlosberg, Goodman, and other journalists arrested for doing their work and reporting on the protests against Dakota Access.

Neil Young, Mark Ruffalo, Daryl Hannah, and other celebrities have also signed an open letter to President Barack Obama and North Dakota Governor Jack Dalrymple, calling on the leaders to intervene and for Schlosberg’s charges to be dropped. The charges were “unfair, unjust, and illegal,” the letter said, [according](#) to *Reuters*.

“This is not only about reporting on the climate-change movement,” Fox argued in the *Nation*.

“Journalists have also been arrested reporting on Black Lives Matter, the movement for Native rights, and many other important movements the corporate media fails to cover. The First Amendment and the Constitution are at stake in this case. If we lose it, we lose America too.”

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