

Pete McMartin: When Big Oil acts like a big bully

Kinder Morgan's lawsuit against pipeline protesters is an affront to free speech and idealism

BY PETE MCMARTIN, VANCOUVER SUN NOVEMBER 4, 2014



A surveyor for Kinder Morgan photographs protesters opposed to the proposed Kinder Morgan pipeline who gathered on Burnaby Mountain last week.

Photograph by: NICK PROCAYLO, PNG

You would think that, in the name of public relations, somebody at Kinder Morgan might take a clue from the company's name to work on its image.

It could do with some "kinder."

But no. Quite the opposite. In its clumsy handling of its proposed pipeline expansion to bring diluted Alberta bitumen to Vancouver, Kinder Morgan — through its pipeline subsidiary Trans Mountain Pipeline — has alienated the city of Burnaby, the city of Vancouver and, well, me, for one. As part of its survey work, it took down trees in a public park.

When the city of Burnaby tried to stop the work in the park, the company turned to the National Energy Board, which — no surprise this — overrode the city's objections, which, Burnaby insists, the NEB did not have the jurisdictional power to do so. (The city is now appealing that decision.)

When protesters confronted Trans Mountain survey crews within the park, the company filed for an injunction against them and then, piling on, filed suit for damages against four individual protesters and

a citizen's group.

Even for Big Oil, the lawsuit seemed excessive. It's one thing to protect one's business interests; it's altogether another thing to act like a bully.

Stephen Collis was one of those individuals named in the suit. Collis is an English professor at Simon Fraser University. He is not a professional agitator. But he went up on Burnaby Mountain to take a look for himself at the work Trans Mountain was doing and decided to get involved.

He protested. He spoke at the rallies. He became one of the recognizable faces in the protests and, thus, became a target.

"So many local and global concerns brought me to this point where I just want to do what I can to help turn the tide," Collis said. "It's a time where we could be investing in renewable alternatives, and we're not."

So much for free speech and idealism.

Last Thursday at his office, Collis received what he described as a "1,000-page" lawsuit from the company. In it, the company claimed it incurred \$5,643,000 in expenses and \$88 million in lost revenue for every month the pipeline project is delayed.

Collis is understandably concerned, given the numbers being thrown around. His wife, he said, is in a state of panic most of the time, "and thinking that we're going to be living in a cardboard box pretty soon."

But to Collis, the suit is more than just about money. He feels it's an attack on free speech and civil disobedience.

"One of the issues that I feel quite passionate about is I feel I am being identified and punished for having spoken out, for having voiced concerns and opinions. So suddenly, you start thinking about freedom of speech and my charter rights."

The suit, and the injunction hearing, which begins this Wednesday, will cost money. Toward that end, a social media fundraising campaign was begun to foot the legal bill for Collis and the other defendants named in the suit.

The group's [Legal Defence Fund](#) — established Sunday on the [gofundme.com](https://www.gofundme.com) website — is hoping to raise \$40,000-worth of donations.

By Monday, at the time this was written, there had been 239 non-tax deductible donations made totalling \$19,765.

The website contains a quote from Collis, in which he states:

"How, in a democracy, can someone be charged for occupying public land, and for speaking their mind

freely? Last I checked, Canada had a constitution. I believe I am allowed to speak freely about climate change, about our need to alter our course away from fossil fuels, and the need for a public movement against systemic threats to this planet. I do not believe corporations should be allowed to take this freedom away from me or anyone else.”

The amount of financial support Collis and the other defendants received in so short a time suggests that many people feel he has a point, and that the defendants’ cause is a worthy one.

It suggests also that Kinder Morgan, far from quelling the defendants’ voices, has amplified them. At the moment, the defendants are simply another group of protesters. But with this lawsuit, Kinder Morgan could be making them into something much more potent and iconic:

Martyrs.

I sincerely hope this does not happen, for the defendants’ sake, not Kinder Morgan’s. Toward that, if you wish to donate to the defendants’ legal defence fund, go to <http://www.gofundme.com/gkxn9o>.

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