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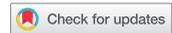
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The frictions of highway protests in U.S. cities and the legislative backlash

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ABSTRACT

Spaces of protest have long been of interest to scholars because of their transgressive and highly visible uses of urban space. However, the increased visibility such spaces bring also puts protestors at greater risk of a backlash from others who expect to be able to keep moving at their own pace. Starting in 2015, a series of protests in the U.S. began using large-scale transportation infrastructure in urban areas, especially Black Lives Matter activists. Shortly thereafter, in 2017, a series of bills were introduced in state legislatures across the U.S. to limit or criminalize this activity. This paper analyzes the arguments made by legislative sponsors and supporters of these bills, using the theoretical lenses of friction and the shoal to argue that in the highly mobile society of the U.S., fear of delay or disruption becomes even more powerful when combined with racialized fears of the city.

KEYWORDS

Protest; friction; mobility; legislation; Black Geographies

Introduction

Spaces of protest have long been objects of study because of their transgressive and highly visible uses of space. From the U.S. South to Cairo to Hong Kong, public spaces are made and remade through protest and activism. Taking back the streets is a familiar cry that asks people to temporarily reclaim road infrastructure for political purposes rather than the mundane function of carrying people and goods from one place to another. In the process, passersby may be drawn in to the protests or at least made aware of their purpose, something that would not be possible were protestors not moving through visible urban space.

However, this same increased visibility also puts protestors at greater risk of a backlash from those who expect to be able to keep moving at their own pace. Especially in the context of societies where speed is the ultimate marker of modernity (Duffy, 2009; Virilio, 2006), being forced to slow down for other people may be a source of intense frustration or even violence. When protestors block major transportation routes, they are attempting to create friction as a generative tool (Tsing, 2005). But opposition to such protests sees this friction instead as a threat, and acts accordingly via strategies ranging from legislative opposition to direct violence (Savitzky & Cidell, 2022).

Starting in 2015 and moving into early 2017, a series of progressive protests in the U.S. used large-scale transportation infrastructure: Dakota Access Pipeline opponents blocked state and federal highways, Black Lives Matter (BLM) protested on the

U.S. Interstate Highway System, and opponents to Donald Trump's proposed Muslim ban showed up at airports. Though the temporalities and spatialities of these protests are all different, what they have in common is that their spaces are not the same as previous sites of protest—nor is the backlash to them. Starting in 2017, after Trump's inauguration, a number of bills were introduced in state legislatures across the U.S. to limit or criminalize protests happening on or near major infrastructure. These protests and the response to them therefore have significant implications for studying mobility, protest, justice, and transgression in urban space. This paper carries out a discourse analysis of news accounts, press releases, and legislative text in order to tease out some of these implications via the arguments made by supporters of this anti-protest legislation.

I approach these protests and the legislation against them through two related lenses: friction and the shoal. The mobilities paradigm (Hannam et al., 2006; Sheller & Urry, 2006) has been a fruitful space to consider the politics of mobility, including who does or does not *get to move*, or who does or does not *have to move*. Within this paradigm, the concept of friction has been developed to consider these limits or pauses and their impacts on individuals, flows, and places (Gregson, 2017; Vivaldi, 2011). I bring this work on friction together with Tiffany Lethabo King's figure of the shoal from Black Studies (King, 2019a, 2019b), arguing that the anxiety and fear over disrupted movement that the shoal engenders is embodied in the discourses supporting anti-protest legislation.

The next section reviews existing work on spaces of protest, transgression, and friction/shoals. It is followed by an introduction to the 2015–2016 freeway-based protests in the U.S. against police murders in 2014–2016, as well as the anti-protest legislation that developed as a backlash. The following section discusses the five discourses that appeared in media and social media supporting this legislation, from those that were small in scale and based on actual events to global conspiracy theories. In the discussion and conclusion, I show how these discourses illustrate different aspects of friction and the shoal, suggesting avenues for future work around how responses to friction shape possibilities of movement, both social and physical.

Spaces of protest and friction

Spaces of protest

Social movements and their more contentious expressions make use of a variety of spatialities in order to make their voices heard, including scales, networks, and places (Leitner et al., 2008). One of these key spatialities is mobility, such as marches, bus rides, pickets, etc. Mobility obviously relates very closely to place, as the sites of mobility are key to determining visibility and thus effectiveness. A march down side streets will not be as visible as one along a main route or through a public square. Picketers remain in motion around the workplaces they are protesting. Bike rides such as Critical Mass occupy the very space of the street where they are legally but not practically welcome (Blickstein, 2010; Furness, 2007). Sometimes such protests are explicitly *about* transportation or mobility as representative of greater inequalities, such as the Freedom Riders (Griffin, 2015; Lüthi, 2016), Bus Riders' Union (Grengs, 2005), or freeway revolts (Avila, 2014; Bullard et al., 2004).

Mobility is used in protests in a number of different ways. For example, it might be a means of gathering people for a larger event, such as the walk or ride to a destination where a demonstration or event is to be held. Routes may be chosen for the symbolic value of the streets or squares through which they pass, or for practical purposes such as width or defensibility (AlSayyad & Guvenc, 2015; Stangl, 2010). Solidarity-building that occurs during such journeys can make them as valuable as the main event in terms of building social movements (Leitner et al., 2008). Alternatively, mobility might be what makes protest possible: *Las Madres de Plaza de Mayo* were not allowed to congregate in public space in Buenos Aires, but they could walk. Their marches around the plaza have spiraled outward over the years into other forms of activism, but the simple act of walking as mobile protest is what made their actions possible in the first place (Bosco, 2006).

The extent to which passersby are inconvenienced by protestors' mobility can greatly influence their receptiveness to such messages, however. While transgression into non-pedestrian spaces can bring greater visibility, that can backfire if protestors' presence is considered too transgressive.

Transgressive mobilities

Protest is an activity that is inherently transgressive: people are in a place they are not supposed to be, or at least behaving in a way that is not commonly accepted, for purposes of drawing attention to their cause. When protestors move through space, or affect others' movements, they are further transgressing, something perhaps inherent to the notion of mobility:

Mobility, though, appears to be a kind of superdeviance. It is not just "out of place," but disturbs the whole notion that the world can be segmented into clearly defined places. Because the easiest way to establish order is through the division of space, mobility becomes a basic form of disorder and chaos—constantly defined as transgression and trespass. It is no accident, then, that the control of mobility is foremost in the minds of those who have an interest in maintaining their own definition of order. (Cresswell, 1996, p. 87)

Cresswell's study of mobility and transgression is centered around the idea that those with power are the ones who can define what is in or out of place, and that using physical movement to defy societal boundaries is one way of challenging those boundaries. This is both powerful and limiting: being out of place is a way of identifying where exactly the boundaries are, but it is not the same as being the one who decides where those boundaries are in the first place. Protestors move into streets and highways because the physical transgression of vehicular space brings greater attention to their message; but at the end of the day, they *are* breaking traffic laws and therefore run the risk of a backlash. This is because "transgressive events prompt responses that defend and seek to reproduce established geographies" (Cresswell, 1996, p. 104). If transgression pokes at the boundaries drawn by people with power, the boundary-drawers are likely to react by doubling down on those boundaries, perhaps by expanding or enlarging them, perhaps by reinforcing them more stringently.

Of course, the same mobilities can be more transgressive if practiced by some groups and not others. In the U.S., Black mobilities have been more restricted than most, from the arrival of kidnapped Africans as slaves to present-day practices of policing African-

Americans (Cresswell, 2016; Hague, 2010). Citizenship itself is partially configured through who has the legal ability or authority to be mobile (Blesdoe, 2021; Cresswell, 2006). “Driving while Black” (or Hispanic) or “bicycling while Black” refers to the more frequent traffic stops of Black motorists or cyclists for infringements such as a missing tail light or failure to indicate a turn. Such minor transgressions might pass unnoticed in certain neighborhoods or by certain drivers, while in other places, they have exploded into police-initiated violence. There are clear differentials in terms of whose mobilities are encouraged or made smooth, and those who experience friction on a regular basis.

Friction and shoals

The mobilities paradigm (Hannam et al., 2006; Sheller & Urry, 2006) and related fields consider not only how social life is structured around movement and mobility, but what happens when there are limits or brakes on that mobility, which can be termed “friction.” This work on friction as a theoretical concept has taken three main approaches: the politics of individual mobility, points of rupture in global systems, and friction as a generative force.

First, there is the politics of mobility, or who has the power to choose movement or stasis, and who has movement or stasis thrust upon them. In this vein, Cresswell (2010) identifies friction as one of six different elements of a politics of mobility (alongside motive force, velocity, rhythm, route, and experience), emphasizing the power relations involved in sorting who chooses to stop moving vs. who is forced to stop moving. Similarly, Vannini (2011) identifies frictions as “the hurdles scattered along our paths: the barriers that stop, impede, or inconvenience our movement” (p. 472), though only in the short term. Wilson and Hannam (2017) point out that friction is relational, creating or altering relations between actors, while Birtchnell (2016) argues that one person’s frictionless automobile travel is another person’s limited mobility through pollution or infrastructural barriers. Bourlessas (2018) emphasizes this point by arguing that friction is relational through the concept of visibility: that which is slowed down becomes more visible, while conversely, making oneself less visible can reduce the friction one is subject to. In all of these cases, friction is part of a complicated relationship that can include people who are moving, people who want to move, people who want to move faster, and people who want to stay still. I would add an additional question to consider, which is whether friction appears as an inconvenience or a threat to those whose movement has been halted.

Second, work in critical logistics emphasizes that the global systems that appear to be seamless actually have multiple points of stoppage and rupture, which provide opportunities for political action (Carse et al., 2020; Gregson et al., 2017; Stenmanns, 2019). Despite the discourse of logistics that emphasizes the smooth flows of goods, there are in fact planned disruptions that serve as buffers for the inevitable, unexpected delays. Often, this means pushing friction onto someone else, usually the low-paid drivers and loaders who must wait or hurry up as needed (Gregson, 2017; Hepworth, 2014). At the same time, there are spaces for political action through inducing friction because of its monetary cost, such as through dockside or portside labor actions, although that might result in a backlash (Cowen, 2014). Here, friction is a “weapon of the weak” within massive socio-technical systems.

Finally, Anna Tsing and others have considered friction as generative, an encounter with difference that sparks new power-geometries. Tsing argues that as a wheel needs to have friction with the ground in order to move, “heterogeneous and unequal encounters can lead to new arrangements of culture and power” (Tsing, 2005, p. 5). She uses friction as a metaphor for how the global touches down in the local (Cresswell, 2014), itself being transformed in the process (Vivaldi, 2011). Here, friction is less about the inhibition of movement and more about the relationship between the universal and the particular, keeping in mind that what is generated as a result may not always be positive.

Recent work by Tiffany Lethabo King draws on the geological feature of the shoal to think about similar concepts, if not worded in terms of friction (King, 2019a). Writing from the field of Black Studies, she develops the shoal in part as a way to come to terms with the contradictions and blockages that occur through encounters with difference:

As a sandbar, and a particularly shifty formation, a shoal can erode over time, drift, and eventually accumulate in another location. Its unpredictability exceeds full knowability/mappability . . . As elements of the ocean that are not stable or readily mappable and therefore knowable, shoals slow the movement of a vessel . . . Materially, it is a site where movement as usual cannot proceed. (King, 2019a, p. 3)

King uses the concept of the shoal to put Black Studies into conversation with Native American Studies and with Western literatures, arguing that “The shoal, like Black thought, is a place where momentum and velocity as normal vectors are impeded. It is the place where an adjustment needs to be made” (p. 4). Her goal is to refute the association of Black Studies with water and Native American Studies with land, showing instead how they are each intertwined with the other. However, the shoal can also be helpful as a way of thinking about friction or disruption in general, especially in a context where it cannot be anticipated.

Importantly, King points out that to sailors, a shoal is a place of danger and fear because it is unknown, and because it can keep a ship from ever reaching port: “The shoal forces a vessel to remain off shore—off the littoral—impeding it from reaching its intended destination” (King, 2019b, p. 40). Without knowing exactly where a disruption might occur, sailors have to be on constant guard for the possibility that their journey will suddenly come to a halt with the beaching of their ship in certain waters where shoals are known to exist. This anxiety over unforeseen and unpredictable delay makes a shoal something to be avoided if at all possible, because once you are on it, there might not be an easy way to escape.

Building on King, Schneider emphasizes the unfixity or instability of the shoal. It is not only a phenomenon which itself is neither land nor water, but it is *unknowable* for sure as being either (Schneider, 2020). On the one hand, this echoes the idea of the shoal as threat, something which needs to be avoided at all costs because of the potential for harm. On the other hand, Schneider argues (as does King) that this unknowability leaves open the possibility of other ways of being, other kinds of politics (King, 2019a; Schneider, 2020). The shoal therefore becomes a hopeful figure, along the lines of friction as an entry point for political action—if we can overcome the fear of the unknown first.

In all of these cases, writing about friction generally means considering its politics, how individuals respond to it, or how it has a sort of agency in motivating others to act. What is rarely considered is the response to friction at a scale beyond that of the

individual. Friction may be temporary, even generative, but what if it is seen as a threat rather than an inconvenience? To use King's metaphor, what if sailors get angry at the shoal? What if they try to dredge it so they no longer have to worry about it impeding their progress?

This paper considers these questions in light of the legislative backlash to the friction generated by Black Lives Matter freeway protests in the U.S. between 2014 and 2017. The following section provides background on these protests and how they functioned as shoals, generating negative responses of not only individual complaints, but legislative responses with a variety of motivations related to the need to keep moving.

Freeway protests and anti-protest legislation

The protests considered in this paper involve a wide variety of social movements as well as individuals who might not be affiliated with any organization. In most cases, they were from decentralized groups who were acting on a local scale in conjunction with national movements. Some were spontaneous protests, others were quickly organized, and others were planned out over the course of weeks or months. Some were in direct response to events, while others were on anniversary dates. Some took place on city streets, while others moved to interstate highways. In this section, I focus on two cases of the latter—St. Louis, Missouri, and Memphis, Tennessee—and the immediate responses to each in order to frame the following section on legislation meant to prevent such protests.

It is important to note here why this paper focuses specifically on highway protests. The U.S. Interstate Highway System stretches for nearly 50,000 miles, crisscrossing the country multiple times ([Figure 1](#)). Built between 1956 and 1992, the network was originally intended to connect major metropolitan areas without going into their centers in order to facilitate long-distance travel ([Lewis, 1997](#)). However, white flight from city centers in the late 1950s and 1960s led to calls for highways that would facilitate new suburbanites' commutes while removing "blighted" African-American, Hispanic, and Asian-American neighborhoods ([Avila, 2014](#)). In some cases, the urban highway routes were chosen to remove communities of color, where land values were the lowest and thus overall construction costs the cheapest, as in Miami or Chicago ([Archer, 2020](#)). In other cases, the physical infrastructure of the highway was used as a barrier to keep African-American and white neighborhoods separate, as in Atlanta ([Archer, 2020](#)). The result was the splintering and destruction of communities of color across the country via the removal of business districts and homes and the installation of block-long barriers to pedestrian traffic ([Bullard et al., 2004](#)). While some "freeway revolts" were successful in keeping highways out of urban neighborhoods, this was usually in white neighborhoods, as in New Orleans, where the riverfront was spared but the Tremé neighborhood was devastated (but see, [Crockett, 2018](#) on Boston).

In other words, the Interstate Highway System is already a symbol of oppression and erasure for many African-Americans because of its effect on their neighborhoods or their parents' or grandparents' neighborhoods. Beyond the increased visibility that protesting on the highway offered, there was also the motivation of protesting against the highway itself and its long-term effects. Many of the marches against police killings that took place between 2014 and 2017 were deliberately held on segments of the interstate system that had severed African-American communities, such as Atlanta, Oakland, St. Paul, Los Angeles, and Baltimore, as well as St. Louis and Memphis ([Badger, 2016](#)).

With that regional history in mind, taking to the interstate was not only about increased visibility or deliberate disruption, but building on successful protests of the past in this region, where this infrastructure had been put to political use before.

The deaths of Philando Castile and Alton Sterling on back-to-back days in July 2016 led to another series of protests around the country that summer. Castile was pulled over by police in suburban Minneapolis–St. Paul who thought he looked like a robbery suspect. Castile handed over his license and proof of insurance and then informed the officers he was carrying a registered firearm, at which point the officer appeared to panic and shot him. It turned out that Castile had been pulled over a total of 52 times before this incident for minor traffic violations such as a broken taillight. Alton Sterling was killed by police in Baton Rouge, Louisiana, because police received an anonymous tip that he was threatening customers with a gun (he was an informal CD vendor). The officers claimed that he was reaching for a gun that he was carrying while they were holding him down on the ground.

With these two deaths occurring in rapid succession, dozens of protests followed in cities across the country, including one on Interstate 40 in Memphis, another long-haul expressway (Figure 3). This protest began with a small march of 200 people at the National Civil Rights Museum in the city center, in response to national events but also in memory of Darrius Stewart, a Black man shot and killed by police during a traffic stop in Memphis in 2015 (Dries, 2016). When protestors were unable to reach the Criminal Justice Center, they moved onto an exit ramp that led to the freeway, with more and more people joining thanks to social media (Dries, 2016). While the protest was not originally organized with the intent of blocking an interstate, the

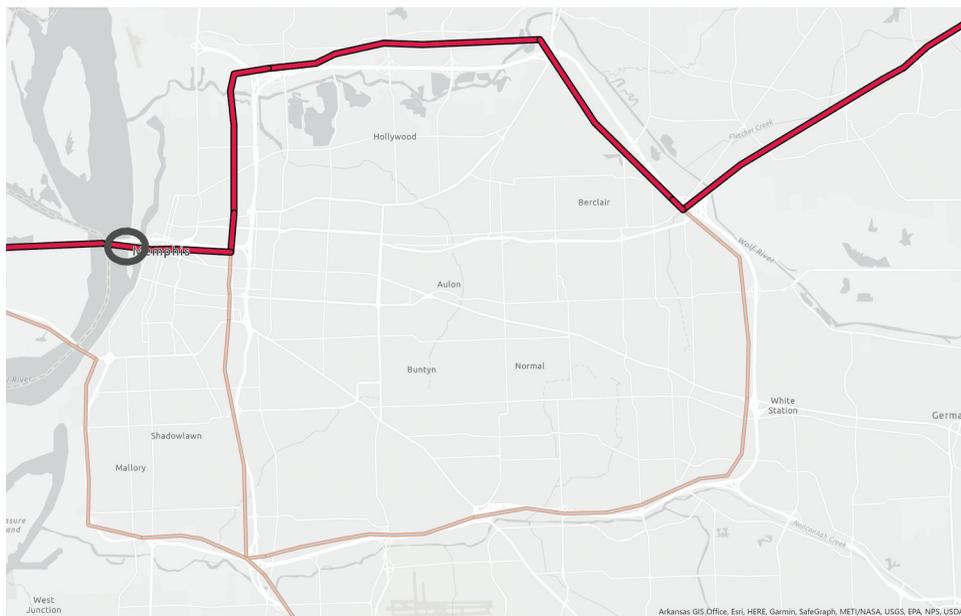


Figure 3. The Memphis metropolitan area, with I-40 highlighted. The circle indicates the site of the bridge blockade. The other bridge visible to the south is the only other crossing of the Mississippi River within 70 miles of Memphis.

Hernando de Soto Bridge across the Mississippi River on I-40, one of only two links across the river within the metropolitan area of Memphis, was closed for 4 hours until police cleared the bridge of over 1,000 protestors. Interestingly, the city's interim police director was on the bridge with the protestors, marching with them and walking them off the bridge. Even more significantly, no one was arrested that day (although three leaders of the protest were later arrested for having outstanding warrants (Dries, 2016)). This may have been due to the large number of protestors, or the spontaneous nature of the blockade, or a less hostile police force than in St. Louis.

While no one was injured in the Memphis protests, a family who was driving their sick child to the hospital had to call an ambulance to come the wrong way on the blockaded road to pick up their child, who was later treated successfully (Broach, 2016). Nevertheless, this situation was mistakenly interpreted as a child dying because their ambulance could not get through the protests. The spread of this false rumor was one of the elements leading to a backlash against protestors.

In nearly all U.S. states, highway protestors are already breaking the law by occupying space reserved for vehicles, and as noted above, some have been arrested for this. Nevertheless, for many state legislators, this wasn't enough. In 17 states in 2017, 21 pieces of legislation were introduced to punish protestors for blocking vehicular traffic¹ (Table 1, Figure 4). Thirteen of these bills either increased penalties for existing laws or increased the severity of the crime (e.g., to a second-degree misdemeanor or even to a felony). Seven of these bills created new violations, from "maliciously impeding traffic" (Mississippi) to "mass traffic obstruction" (Indiana) to "economic terrorism" (North Carolina and Washington). Finally, six states introduced legislation that would indemnify drivers who were "exercising due care" but hit a protestor on a roadway. These bills were part of a larger wave of anti-protest legislation sparked not only by Black Lives Matter, but protestors against the Dakota Access Pipeline.²

Only two of these 2017 bills passed their state legislatures and were signed into law. In South Dakota, it is now a misdemeanor if people or vehicles "unduly interfere with the free movement of traffic thereon on the highway." Anti-pipeline protests in South Dakota that had shut down state and U.S. highways motivated this bill. In Tennessee, protestors are forbidden from blocking roadways that could affect emergency vehicle travel, a direct response to the incident on the Hernando de Soto Bridge. Of the rest, two passed their state legislatures but were vetoed by the governor; four were voted down; and the remainder died in committee (as happens with most legislation regardless of the subject). After Charlottesville, Virginia, where a protestor was killed by a driver using their vehicle as a weapon, state legislators across the country who had proposed indemnifying drivers stopped pushing such legislation (until it resurfaced in 2021 in Florida and other states, beyond the scope of the current analysis; Savitzky & Cidell, 2022).

Previous research has examined the characteristics of the legislators who sponsored these bills, finding that political party was by far the most important feature (Cidell, 2020). However, that research did not look at the text of the bills themselves, nor at the arguments given in favor of implementing these restrictions on free assembly. The following section considers the arguments made for these 21 bills based on a discourse analysis of the text of

Table 1. State-by-state anti-protest legislation, including type of legislation and fate of each bill.

State	Legislation	Party of individual introducing legislation	Legislative majority at time of legislation	Governor at time of legislation	Outcome
AR	new crime of “unlawful mass picketing”	R	R	R	vetoed by governor
FL	increased penalty for blocking traffic; driver indemnity	R	R	R	died in committee
GA	increased penalty for blocking traffic	R	R	R	removed from bill
IN	new crime of “mass traffic obstruction”	R	R	R	died in committee
IA	increased penalty for blocking traffic	R	R	R	died in committee
MA	increased penalty for blocking traffic	R	D	R	died in committee
MI	new crime of “unlawful mass picketing”	R	R	R	died in committee
MN	increased penalty for blocking traffic	D/R	R	R	died in committee
	increased penalty for blocking traffic	R	R	R	died in committee
	increased penalty for blocking traffic	R	R	R	vetoed by governor
MS	new crime of “maliciously impeding traffic”	R	R	R	voted down
MO	new crime of “unlawful traffic interference”	R	R	R	died in committee
NC	new crime of “economic terrorism”	R	R	R	voted down
	driver indemnity	R	R	R	died in committee
ND	driver indemnity	R	R	R	voted down
RI	driver indemnity	D/R	R	R	died in committee
SD	increased penalty for blocking traffic	R	R	R	signed into law
TN	driver indemnity	R	R	R	voted down
	increased penalty for blocking traffic	R	R	R	signed into law
TX	driver indemnity	R	R	R	died in committee

the bills themselves, news articles about the legislation, and social media posts about the bills. It also considers who spoke up in favor of these bills outside of their legislative sponsors and why.

The bills were identified using the International Center for Not-for-Profit Law’s US Protest Law Tracker (ICNL (International Center for Not-for-Profit Law), 2017) and a report produced by the UN Human Rights Commission (UNHRC (United Nations Human Rights Commission), 2017). Once the tracking name of each bill was known (e.g., HB 527), Google was used to search for news articles on that bill. This included local and national news sources, as well as press releases that individual sponsors or supporters of the legislation might have issued. Quotes from the sponsors or supporters from these documents were the basis of a discourse analysis. (There were only two counter-arguments made in these documents, probably because journalists rarely asked protestors or their supporters what they thought of such legislation.) From the quotes, nine main arguments were identified for the anti-protest legislation. In analyzing the nine arguments, five main rationales were identified for why this legislation should be enacted, and they are described in detail in the next section.

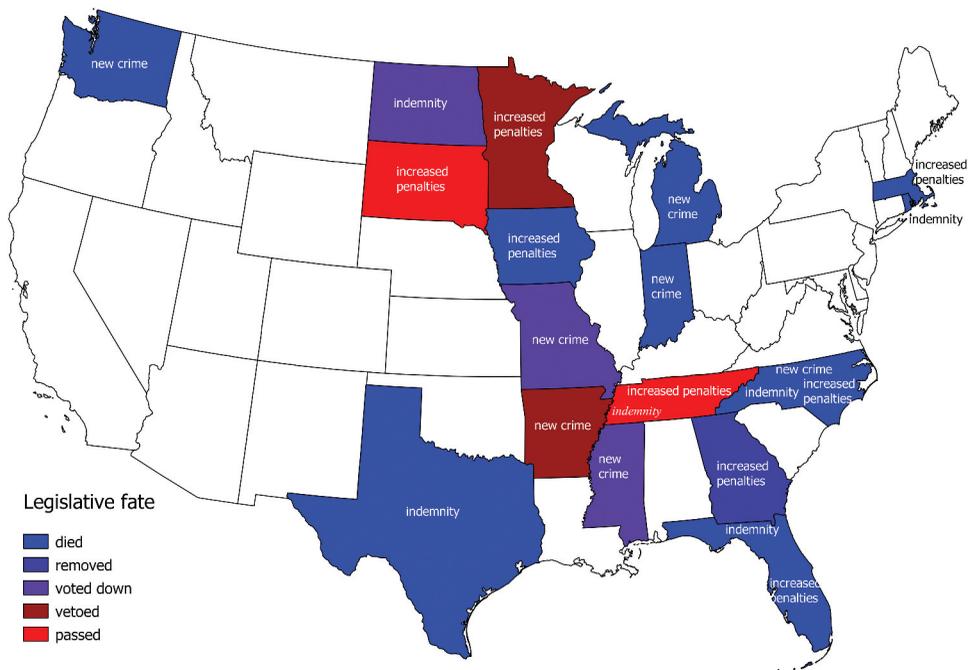


Figure 4. Proposed anti-protest legislation in U.S. state legislatures in 2017, including eventual outcomes. Map by author.

The discourses of anti-protest legislation

In reviewing the 21 anti-protest bills introduced in state legislatures in 2017 and the news articles and press releases explaining and describing them, there were five main discourses or rationales for action expressed by legislators and supporters of the bills. They are summarized as follows: (1) actually-occurring micro-frictions, (2) incorrect protesting, (3) refusing disruption, (4) hypothetical macro-frictions, and (5) conspiracy theories. Comments are taken from state legislators as well as their supporters/lobbyists, such as the Fraternal Order of Police or the Midwest Ambulance Service, based on local and national news sources and legislators' own press releases.

Actually-occurring micro-frictions

First, there was the classic motivation on the part of legislative sponsors of responding to constituents and the problems that the protests caused. I term these *micro-frictions* because they occurred at the scale of the individual. Beyond Memphis, there were other examples of delays from protest blockades: people who were late getting to the airport in Minneapolis–St. Paul and missing their flight, truck drivers being stuck on the interstate by an anti-pipeline protest in Washington state, and rear-end accidents in multiple places that occurred because of unexpected slowdowns (Agrawal, 2017). In each case, sponsoring legislators cited contact from a constituent as motivation for their sponsorship. In one respect, this is the U.S. system of government in action: elected officials responding to their constituents' concerns. But fear of emergency vehicles being

blocked, as described above in Memphis, was used as motivation in many different states regardless of whether or not it had actually occurred there, or indeed if it had occurred at all. Here, the unfixed and instability of the shoal comes to the fore, with legislators being motivated to remove the possibility of disruption within their constituents' daily travels.

Incorrect protesting

Second, by claiming that there were proper channels that could have been used, legislative sponsors were able to say that the protestors had done the wrong thing while simultaneously claiming to support their right to protest:

“If (demonstrators) want to apply for a permit like everybody else does, they can do that, and then authorities know that these streets will be closed and emergency personnel can reroute and everything is OK,” [Indiana state senator James] Tomes said. “But this idea of the spontaneous, getting out in the streets and bringing things to a halt, that just doesn't cut it.” (Lange, 2017, np.)

By couching their argument in terms of the proper place and time for protest, legislators and supporters could back the government-protected right to free speech while arguing that it was being exercised incorrectly, a way of having their cake and eating it, too. In particular, it was the transgressive nature of the mobile, spontaneous protest that was being objected to—which of course was the exact reason these protests were so visible and powerful.

Refusing disruption

The argument that drivers should not have their high-speed travel disrupted was often made in the name of public safety. Drivers do not expect pedestrians to be on highways, and therefore suddenly needing to slow down or stop might result in rear-end collisions. There was even an element of concern trolling, with some legislators arguing that drivers might panic upon seeing pedestrians in the road and hit the accelerator instead of the brake (Smith, 2017). It was therefore in the protestors' interest, legislators argued, that they should be arrested for being on highways because of the danger to their own safety.

Beyond public safety with regards to encountering unexpected blockages, there was also a strain of anti-protest argument that suggested drivers have the right to travel without obstruction, and that people deliberately putting themselves in the road are interfering with that right. This is not just the automatic assumption that roads are only for cars, but that the space of roadways is only for high-speed travel, a hermetically sealed corridor detached from the surrounding environment. In fact, this right is so engrained in U.S. automobility that any threat to it provokes not just testiness but fear:

“As we've seen, time and time again ... folks run out in the middle of the streets and the interstates in Charlotte and attempt to block traffic,” [North Carolina state representative] Burr said as he introduced the bill. He wants to ensure “drivers don't have to fear driving through Charlotte or anywhere in North Carolina.” (Bullock, 2017)

Note the emphasis on the fear of the drivers, even though they are safely enclosed inside their vehicles, rather than the people who are putting their bodies in the way of traffic. Representative Burr's district is located in exurban Charlotte, and so one might suspect that many of his constituents are not comfortable driving in dense central city locations, which would only be exacerbated by (in this case) Black Lives Matter protestors on the freeways. However, similar arguments were made against DAPL protestors in North Dakota, where traffic congestion is not much of an issue, although drivers might have to go many miles out of their way if a major highway is blocked. In both cases, however, the driver's right to keep moving without obstruction was invoked not just as a matter of convenience, but as such a strong right and expectation that failure to maintain that right would generate fear, much as the possible presence of a shoal does. Highway protests therefore needed to be stopped for public protection—of protestors themselves, in a paternalistic fashion, as well as drivers with their individual rights to keep moving.

Hypothetical macro-frictions

While there was plenty of concern about the right of individuals (i.e., drivers) to continue moving without obstruction, there were also justifications for anti-protest legislation around what I term macro-frictions because of the broader scale at play. These justifications came from legislators who had co-sponsored bills creating a new crime: “economic terrorism.” They were more common in states where highway protests had occurred over the DAPL, including Washington and North Dakota. As Washington state senator Doug Ericksen said:

We know that groups are planning to disrupt our economy by conflating the right to protest with illegal activities that harm the rights of others. We need this legislation to protect the rights of all citizens. (Ericksen, 2016).

Here, the scale of individual drivers is no longer the issue under concern. The right to move here is that of the entire country, via the economic system that brings goods across the border and distributes them to consumers. Disrupting the economy (which is considered a positive term by Silicon Valley) is here a crime at a greater scale than blocking the movement of emergency vehicles or commuters. Invoking the word *terrorism* also raises the stakes in terms of the seriousness of the action (and therefore the punitive response). Even though the legislation itself might profess to honor First Amendment rights, equating protest with terrorism violates that profession.

This motivation for sponsoring anti-protest legislation underlines Cowen's analysis of the biopolitics of freight, where the flows that are fundamental to global economic activity must be protected in the interests of national security (Cowen, 2014). It is not a case of one individual's rights being set against another, but the harm that an individual or small group can do to an entire system. None of the protests that occurred in major cities blocked highways for more than a couple of hours, meaning the actual threat to global commerce was minimal. But by scaling up the threat of blockages from the individual to the national level, and portraying the economy as being at risk, legislative sponsors made the case that protestors were a threat to the entire country—while ignoring the fact that these protests were being made in solidarity across that same country. In fact, this was the only discourse where a conservative commentator was quoted as opposing the legislation, over fear that it would be applied more broadly to other situations such as protestors blocking an abortion clinic.

It is interesting to note that the same I-40 bridge in Memphis across the Mississippi River that protestors blocked in 2016 was closed in May 2021 due to concern over a crack observed in the bridge's support structure. That left a single functioning bridge across the Mississippi for the metro area that includes the main hub for FedEx. Barge traffic on the Mississippi River had to be halted while the bridge was thoroughly inspected, resulting in a backup of approximately 1,000 barges (Hawkins, 2021). While news articles covered the issue as of great economic concern to Memphis and to the nation, it was not discussed as a threat to national security or as something that needed to be dealt with via legislation (except for the federal infrastructure bill under debate in Congress at the time). In other words, it wasn't just the closure of infrastructure and the traffic delays that go with it that was interpreted as a threat, it was the temporary blockage of infrastructure by Black protestors that legislators argued needed to be criminalized. Again, "transgressive events prompt responses that defend and seek to reproduce established geographies" (Cresswell, 1996, p. 104), in this case the right of freight to keep moving while Black residents continue to have their mobility closely policed.

Conspiracy theories

While fewer in number, it is still important to consider those who voiced more outlandish reasons for sponsoring anti-protest legislation, tying in to common narratives already in the national discourse. For example, the president of the Minneapolis Police Union, whose organization lobbied for the three anti-protest bills in that state, argued that these protests:

impede *normal people's* travel plans, holidays, you name it . . . They keep working people away from their destination, from childcare . . . These are a group of people funded by a radical left-wing organization that disrupts the lives of *normal people*. (Davis-Cohen & Lazare, 2018, emphasis added)

This parrots the right-wing anti-Semitic discourse that developed after the presidential inauguration protests of 2017 of people being paid by a vague, shadowy cabal to protest various causes. The insinuation that the protestors are not "normal people" is further condemnation of not only their actions, but their very selves, suggesting that there is no way the average (white) American would be in sympathy with their goals.

As mentioned above, a few of the bills introduced would indemnify drivers who exercised due caution but hit protestors on the highway. While not directly tied to legislative sponsors or supporters, there were a number of elected officials and/or police who shared memes on social media suggesting they were in favor of running over protestors. An example is in [Figure 5](#), where a Pennsylvania state representative from exurban Pittsburgh retweeted a news story about St. Louis protestors blocking city streets with a threat to run over protestors. While the tweet is carefully worded (e.g., "negative intentions"), the fact that an elected official is comfortable publicly threatening violence against people exercising their First Amendment rights is alarming, to say the least. The fact that legislation indemnifying such drivers was eventually passed in Florida and Oklahoma in 2021 is more alarming still. Here, the shoal is such a threat that violence is considered an appropriate way to counter it, leaving no room for generative politics.



Aaron Bernstine
@AaronBernstine



If anyone EVER tries to stop my car on a highway with negative intentions... I will not stop under any conditions.

The Hill  @thehill



Protestors shut down St. Louis streets after ex-cop acquitted in murder of black man ...

12:26 AM · 16 Sep 17

8 Retweets **3 Likes**

Figure 5. Tweet from Pennsylvania state representative Aaron Bernstine threatening violence against protestors.

Conclusion: Friction, transgression, and fear

The anti-protest legislation that was brought forth in 2017 was largely either defeated by vote or died in committee. Nevertheless, looking at the arguments that were made for this legislation by its sponsors and by other supporters and lobbyists can help us understand not only the openly stated motivations of supporters, but also the underlying motivations that speak to more fundamental issues about the right to be mobile and the right to protest. As multiple legislative sessions of 2021 have shown, these issues will return.

In different locations and at different times, protestors were using the three main aspects of friction as part of their strategy. First, the politics of mobility that so often limit the movement of people of color (Cresswell, 2016; Hague, 2010) were reversed by the attempt of protestors to limit the movement of highway travelers through neighborhoods of color. The relational aspect of friction was at play here, with protestors seeking to make visible not only themselves but the communities they represented to people who usually don't see them, literally or figuratively. The visual contrast between individual people forming a line across the road and the cars, SUVs, and trucks filling the lanes of the highway served to emphasize

the argument made by Bourlessas (2018) that visibility is enhanced when movement is slowed. Protestors were seeking to reverse the usual power relations not only for a few hours on the highway, but throughout the judicial system.

Second, protestors sought to match the global scale of the infrastructure they were opposing by blocking highways and the global flows of freight they carry, demonstrating that those systems do in fact have points of friction and therefore political opportunity. The choice of interstate highways by BLM protestors in St. Louis and Memphis was partially driven by the desire to interrupt long-distance travel as well. Later, in 2020, the International Longshore & Warehouse Union (ILWU) shut down 29 ports on the West Coast on June 19, or Juneteenth, in solidarity with protests over George Floyd's murder in Minneapolis, emphasizing the role of labor within these systems as well.

Finally, highway protestors were also drawing on friction in the sense that Tsing means it, forcing encounters with difference in order to draw attention to their cause, either then and there on the highway or through media coverage. In either case, the goal was to generate discussion and bring awareness to a nationwide phenomenon of police brutality and over-reaction against Black pedestrians and drivers from one city to the next. Establishing the relationship between the universal and the particular here was meant to generate political action by demonstrating how common these stories were and how they required structural change rather than succumbing to the "few bad apples" argument commonly made about police misconduct. In the process, protestors hoped to (briefly) change local mobility in order to effect longer term change in a larger population's ability to travel freely, the particular changing the universal (Tsing, 2005).

In all three cases, however, the legislative backlash to the protests sought to reduce or erase exactly these uses of friction. Regarding the politics of mobility, or who has the power to determine who can/has to move and who can/has to stop, the "incorrect protesting" and "refusing disruption" discourses were intended to remove any limits, however temporary, on the travel of (white) drivers. Protest opponents did not want to be put in relation to protestors, either in the immediate sense of having to slow down or in the broader sense of having to think about the communities they were driving past and their relationship to the police.

Second, in the "hypothetical macro-frictions" discourse, blocking global trade flows even for a few hours was interpreted through proposed legislation as economic terrorism, demonstrating sharp fear over even the possibility of disruptions in the system. Research has shown that reliability matters more than travel time in the modern global logistics system, and while some amount of buffer time is built in for delays in traffic or customs, any unexpected delay costs money and can have ripple effects over a greater distance. While the later closure of the I-40 bridge in Memphis was significantly more disruptive in terms of delays and costs, it was in response to BLM protests that the heavy rhetorical hammer of terrorism was wielded, to reduce even the possibility of this type of friction.

Third, friction as being generative or as offering the opportunity for the local and global to shape each other was foreclosed by the "actually-occurring micro-frictions" discourse, which portrayed the constituents who missed flights or were late to work as victims, not as benefiting from a generative encounter with difference. The "conspiracy theories" discourse demonstrated such a deep-seated discomfort with experiencing the friction that protestors

wanted to create that it led to calls for not just legislation, but violence. And the “refusing disruptions” discourse insisted that movement not be halted and that friction not even be introduced because to do otherwise would generate fear.

It is here that the figure of the shoal comes in as well. King uses the shoal to argue that Black scholarship is a disruption to the academy’s traditional ways of knowing: “The shoal, like Black thought, is a place where momentum and velocity as normal vectors are impeded. It is the place where an adjustment needs to be made. As an in-between, ecotonal, unexpected, and shifting space, the shoal requires new footing, different chords of embodied rhythms, and new conceptual tools to navigate its terrain” (King, 2019a, p. 3). Highway protestors are trying to do this very thing: to force (white) passersby to pay attention to what is going on around them, to make an adjustment in their ways of thinking and understanding to take into account how Black life is threatened by the police on a daily basis in the spaces they regularly drive and walk through. Protesting in a city park or public square would not accomplish this—it has to be done as a transgression in the spaces that are usually reserved for pure mobility and that are part of this history of Black oppression.

However, recall that King also names the shoal as a place of fear for sailors because of its unknowable, unmappable nature. The shock and surprise of coming across individual protestors standing still in a place normally reserved for fast-moving cars might well have resulted in some small accidents and frustrations over delay. The state representative from North Carolina spoke about motorists’ fear as motivation for his sponsorship of anti-protest legislation, as did Rep. Keith Kempenich of North Dakota on his anti-protest bill: “When a protester ‘comes up on the roadway and challenges a motorist,’ [Kempenich] said, ‘that’s an intentional act of intimidation—the definition of terrorism’” (Agrawal, 2017). It’s quite the rhetorical trick to claim that the individual person standing in front of a 3,000-pound vehicle is the one who is being intimidating, much less a terrorist. But the threatened disruption to regular high-speed travel here becomes so terrifying that the possibility of it happening has to be completely foreclosed. The shoal has to be wiped away, dredged from beneath the surface, so that there is no possibility of slowing down the motorist on their regular journey or of forcing them to confront the inequalities of the communities they are passing through.

In short, the 2017 legislative backlash to the highway protests of 2014–2017 reflects the extent to which delay and disruption can invoke fear in drivers, especially when combined with already-existing racialized fears of urban areas. The majority of co-sponsors of the state-level anti-protest legislation were from exurban or rural areas; often the legislators’ districts did not even include an Interstate highway (Cidell, 2020). The increased visibility that protestors gained from briefly occupying spaces meant for fast-moving vehicles made them vulnerable to accusations of violence and even terrorism from those who do not want to be forced to see the inequities of policing in the urban spaces they travel through. While the figure of the shoal represents a disruption, it is important to remember that it can also generate fear, which can itself be wielded for political purposes. This is not to say that protestors should not attempt these kinds of transgression in order to increase their visibility, or that they are responsible for producing fear in passersby. Rather, they might use the unknowability of the shoal to their advantage by trying new strategies in new locations, continuing to disrupt the orderly divisions of space to produce new and more just geographies.

Notes

1. Separate bills were introduced in Minnesota for blocking traffic, transit vehicles, and airport traffic.
2. Four additional states introduced legislation increasing penalties or creating new crimes for protestors who interfered with “critical infrastructure,” generally not including roadways and therefore not considered here.

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