

ABOVE ALL ELSE

Directed by John Fiege



<http://www.abovealldocumentary.com/>

U.S., 2014
95 Minutes / Color

Worldwide Premiere
2014 SXSW Film Festival, Documentary Spotlight

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LOG LINE

One man risks his family and future when he rallies a group of landowners and activists to blockade the controversial Keystone XL oil pipeline in rural East Texas.

SYNOPSIS

One man will risk it all to stop the tar sands of the Keystone XL oil pipeline from crossing his land. Shot in the forests, pastures, and living rooms of rural East Texas, *Above All Else* follows David Daniel as he rallies neighbors and environmental activists to join him in a final act of brinkmanship: a tree-top blockade of the controversial pipeline. What begins as a stand against corporate bullying becomes a rallying cry for climate protesters nationwide.

As in his previous film, *Mississippi Chicken*, director John Fiege puts a human face on a complex case of social injustice, capturing the South in all its drama and contradiction.

LONG SYNOPSIS

One man risks his family and future to stop the tar sands of the Keystone XL oil pipeline from crossing his land. Shot in the forests, pastures, and living rooms of rural East Texas, *Above All Else* follows David Daniel, a retired high-wire artist and circus performer, from the moment that he discovers survey stakes on his land, through years of activism and civic engagement, to four climatic days in September 2012, when Daniel made a final stand against the pipeline. Backed into a legal and financial corner, he rallies an eccentric group of neighbors and environmental activists to join him in a final act of brinkmanship: a tree top blockade of the controversial project.

We see pressure mounting from local officials, other East Texas residents, and TransCanada's legal maneuvers until Daniel is forced to confront his deepest motivations, and the fight becomes, as he says, "a battle in your soul." Inspired by his example, other East Texas residents and a band of young, Occupy-inspired activists embark on their own acts of civil disobedience with different degrees of success. What begins as a stand against corporate bullying and property rights abuse would become a rallying cry for climate protesters nationwide.

Photographed in beautiful, cinematic HD by director/cinematographer John Fiege, an intimate portrait emerges of unforgettable characters and their East Texas home, interwoven with an exploration of how they were driven to drastic action—ordinary people transformed into political actors through circumstances not of their choosing.

PRINCIPAL CREW

Director/Cinematographer	John Fiege
Producers	John Fiege, Anita Grabowski, Christopher Lucas
Editor	Leah Marino
Composer	Justin Sherburn
Associate Producers	Liz Perlman, Libbie Weimer
Co-editors	Liz Perlman, Alvaro Torres-Crespo
Sound & Additional Camera	Libbie Weimer, Keegan Curry
Consulting Producer	Paul Stekler
Executive Producers	Daryl Hannah, Julia Butterfly Hill, Janet MacGillivray Wallace, Paul Bassis

DIRECTOR STATEMENT



John Fiege—Director, Producer, Cinematographer

I began developing *Above All Else* in the fall of 2009, just after I was diagnosed with cancer. A growing body of research clearly links increased cancer rates to the petrochemicals that permeate our food, air, and water, and I wanted to make a film that questioned the root causes of the cancer epidemic. During the early stages of *Above All Else*, and through two years of cancer treatment, I explored how the Gulf Coast was coping with the 2010 BP oil spill and the long-term impacts of living in the shadow of the oil industry. My forthcoming short film, *Slow Season*, was produced during this period. It was also on this journey that I found David Daniel, a fascinating East Texas character and a landowner determined to do everything in his power to resist construction of the Keystone XL pipeline across his homestead.

When I met David, I was struck by his desire to protect his young daughter from the dangers of the pipeline, and I could understand this motivation. A week after I was diagnosed with cancer, I found out that my wife was pregnant with our first child. I saw my battle with cancer in terms of living for my son and working to create a world where he could live a full, healthy life. David shared these concerns but also faced more immediate threats to his family, like polluted water sources and toxic oil spills. In very tangible and visible ways, David would come to personify the questions that most intrigued and haunted me: How does social change happen? What can an individual do

in the face of immense political and economic forces? How do we cope with the fear and the uncertainty inherent in this struggle? David was remarkable in his willingness to risk his peace, his safety, and his financial stability for the sake of this cause, and he gave me an opportunity to document a citizen-led movement in action.

As a filmmaker, I have been inspired by documentaries like *Hearts and Minds* (1974), *Harlan County, USA* (1976), *To Be and To Have* (2002), and *Iraq in Fragments* (2006)-- films that balance artful cinematography with intimate depictions of their subjects in everyday life, embedded in the larger political and economic forces at work. My previous documentary, *Mississippi Chicken* (2007), explored the human stories behind immigration and workers' rights with these goals in mind. By focusing on everyday realities behind much larger social issues, I aim to unearth the universal human struggles and joys that we don't often see in the mainstream media coverage of these issues.

Our footage in *Above All Else* captures the intimacy of David's experiences and his relationships in community, and his story reframes the struggle against our society's dependence on fossil fuels as a deeply personal issue that connects all of us. Largely due to his courage and integrity, David had remarkable success in both local organizing and inspiring people from all over the country to come to his home and stand with him against the Keystone XL pipeline. For David, the political is personal, the environment is his backyard, and the future sits on his lap in pigtales. I felt it was a story that everyone, from activists to corporate chiefs, from politicians to ordinary citizens, needed to see.

FILMMAKER Q&A

What are the Alberta Tar Sands?

The province of Alberta in Canada has the third largest proven oil reserves in the world, trapped in vast tar sands deposits. Tar sands contain an extremely viscous form of petroleum known as bitumen that require large amounts of energy and water for extraction, transport, and refining. Extraction involves clear-cutting Canada's boreal forest, and transporting the bitumen requires dilution with other petrochemicals.

What is TransCanada and the Keystone XL?

TransCanada is a large multinational energy company with its headquarters in Calgary, Alberta, Canada. It has holdings in energy generation, oil and gas pipelines and other energy infrastructure. TransCanada's CEO is Russ Girling and the company reported revenues of almost \$8 billion in 2012. The Keystone XL is a multi-billion dollar project to build a 36-inch pipeline intended to transport tar sands oil from Alberta, Canada, across six U.S. states to refineries on the Texas Gulf Coast, eventually delivering over 800,000 barrels of oil per day. President Obama fast-tracked the southern leg of the pipeline in March of 2012, and construction began from Cushing, Oklahoma, to the Texas Gulf Coast in August of 2012. In January 2014, the southern leg became operational. In order to complete the Keystone XL, TransCanada needs a permit that requires the approval of the President of the United States.

Why are the landowners in the movie so opposed to the pipeline?

The Keystone attracted opposition from the moment it was announced in 2008, and since then the construction of the pipeline has drawn a wide variety of critics,

from defenders of property rights and indigenous rights, to those concerned with water quality and ecological destruction. The most fervent and controversial reason many people oppose tar sands is that its exploitation will release massive amounts of carbon into the atmosphere and further disrupt the Earth's climate, while diverting attention and resources away from low-impact, renewable, domestic energy. James Hansen, director of the NASA Goddard Institute for Space Studies, calls the tar sands "game over for the climate" if Keystone and similar pipelines go forward. For these reasons, environmental groups specifically targeted the Keystone XL pipeline and created a campaign of civil disobedience to stop its construction (see <http://tarsandsaction.org/keystone-xl-facts/> for more information).

Aren't these landowners just trying to save their own land?

Some landowners opposed the Keystone XL due to understandable concerns over the risk of tar sands oil spills and threat to aquifers and other water sources on or near their land. Many landowners, including those in *Above All Else*, became concerned about the tactics of the companies investing billions of dollars in tar sands infrastructure and believed they were being taken advantage of with the help of poor oversight of eminent domain claims and other unfair practices. As they became educated about the implications of tar sands exploitation and climate change, these landowners found themselves even more opposed to the pipeline and willing to risk their livelihoods, and even their lives, to stop it for the greater good of the planet. The story of many of the characters in *Above All Else* is one of transformation of concern over their own backyards to concern for the whole planet, becoming citizen activists in the process.

What happened to David's property?

The Keystone XL is now under David's property, and as of January 2014 is beginning to transport oil.

What happened to Julia Trigg Crawford?

Julia fought TransCanada's claims all the way to the Texas Supreme Court, where she is still engaged in a lawsuit. However, as her court battles went forward TransCanada was allowed to continue building the Keystone XL, which crossed her property in late 2013.

What happened to Tar Sands Blockade?

Following the action on David's property, Tar Sands Blockade continued to oppose construction of Keystone XL along the southern leg and fight for environmental justice in affected communities. In January 2013, Tar Sands Blockade settled a lawsuit filed by TransCanada, limiting the Blockade's ability to continue protesting the company in Texas and Oklahoma.

Why did you decide to focus on Keystone XL as the main subject and David Daniel as the main character of the film?

In fall of 2011, I was developing a film about the impact of the BP oil spill in South Louisiana, but the Keystone story was in the news and caught my attention. Here was a potential environmental disaster, around which people from a wide diversity of backgrounds were organizing to stop before it became another BP oil spill. The pipeline was slated to end in Texas, where I live, so I began hunting for Texas landowners fighting the pipeline. When I met David Daniel, I was struck by his soft-spoken nature, his sincerity, his extensive knowledge of the issues, and his devotion to protecting his land

and his daughter from Keystone XL. He told me he was a former stunt man and circus performer and he planned to stage a tree-sit in the woods behind his house to block construction of the pipeline after all his other, more conventional attempts to stop the pipeline failed. I knew immediately that I had discovered the makings of an amazing film.

How did you film up in the canopy of the 100 ft. trees?

David and later the other activists set up an extensive network of ropes in the trees that connected the various platforms. The first time I went up, I climbed David's crazy assortment of ladders he had tied to the trees. The rope ladder (like ones used in the circus) was especially harrowing. We then went across a zip line with a pulley and a climbing harness to get to the treehouse David was building. Later, the activists gave me a quick 15-min. ropes training and sent me climbing up the 100 ft. trees on the ropes they had installed. We pulled the camera equipment up separately on a rope. It was a blast to climb in the trees, and I'd love to do it again! My favorite part was repelling down quickly from high up in the canopy.

How did the Keystone XL become such a big political issue?

When over 1200 people got arrested in DC in August and September of 2011, they put Keystone XL on the map as the most pressing and explosive issue in the American environmental movement. This mass act of civil disobedience created a new movement of unusual allies, from Mid-western farmers and ranchers, to Native Americans, to coastal environmentalists, turning concerned citizens into climate activists.

Were you surprised to find such fervent opposition to Keystone XL in East Texas, in the middle of oil country?

At first, I was surprised. I had spent very little time in East Texas and knew it in general terms as oil country. The more I learned about East Texas history and culture, however, the more it made sense. East Texans have a long history of self-sufficiency, independence and close ties to the land. When a foreign multinational corporation showed up and was perceived to be trammeling Texans' freedoms and property rights, it didn't know what it was in for. East Texans aren't afraid to fight back.

Didn't the State Department just find that the Keystone XL pipeline will not have a significant effect on carbon pollution?

No, despite what many pundits in the media are saying. To the contrary, the final environmental impact statement that the State Department just released found that tar sands oil releases 17% more greenhouse gas than conventional crude oil and that the oil transported by the pipeline would contribute between 1.3 million and 27.4 million metric tons of carbon to the atmosphere annually. The pipeline will contribute enormously to carbon pollution, which should make the project fail President Obama's test of whether to approve the pipeline. The controversial aspect of the State Department review is its finding that the tar sands will most likely be developed whether or not the Keystone XL pipeline is built, which potentially gives the President a convoluted argument that the pipeline will not "significantly exacerbate the problem of carbon pollution." Such a conclusion would be cynical and fatalistic, dwelling at the heart of our country's inability to effectively address climate change.

What are your filmmaking influences?

In high school, I saw the public television series, *Eyes on the Prize*, about the Civil Rights Movement, and I knew I wanted to make films that tackle pressing social issues. Since then, I have been inspired by documentaries like *Hearts and Minds* (1974), *Harlan County, USA* (1976), *To Be and To Have* (2002), *Darwin's Nightmare* (2004), and *Iraq in Fragments* (2006)--films that balance artful cinematography with intimate depictions of their subjects in everyday life, embedded in the larger political and economic forces at work. As with these films, I seek to immerse the audience in a sense of place, time and circumstance, absorbing them in the individual struggles and joys behind much larger political issues. The observational documentaries of the 1960s, particularly D.A. Pennebaker's *Don't Look Back* (1967), influenced my shooting style and desire to capture stories as they happen, although I also use interviews in order to delve more deeply into characters' interior worlds, often invisible to the camera. With the film's score, I wanted to create a strong emotional character to the narrative, in the way that directors such as Wong Kar Wai and Ang Lee use music in their fiction films.

What is your next project?

I am currently developing a project about the collision of poverty, inequality, race, and democracy in one small town in Texas.

FILMMAKER BIOGRAPHIES

John Fiege—Director, Producer, Cinematographer

John Fiege works in both fiction and nonfiction, and his films have played around the world. His feature documentary, *Mississippi Chicken* (2007), premiered at the Miami International Film Festival and was nominated for a Gotham Award for "The Best Film Not Playing at a Theater Near You" (2007). More recently, he was cinematographer for *No No: A Dockumentary* (2014), which premiered at the Sundance Film Festival and co-produced and shot *The Least of These* (2009), which premiered at SXSW. His short subject *Bebe* (2004) was screened at the Cannes Film Festival, LA Short Film Festival, and CinemaTexas, among others. He also directed two short films that are forthcoming, *Sunken Garden* (2014), an experimental narrative, and *Slow Season* (2014), a documentary short filmed among the Houma people of southern Louisiana in the aftermath of the BP oil spill. His film awards include multiple Austin Film Society Grants (2004-2013), the Princess Grace Special Project Grant (2010), Princess Grace Award (2004), Kodak's Eastman Scholarship (2003), and the Carole Fielding Documentary Award (2005). He has shot films that have played at festivals including Sundance, Tribeca, Clermont-Ferrand, Edinburgh, San Francisco International, LA Film Festival, and SXSW. He holds a B.A. from Carleton College (1997), an M.S. in cultural geography and environmental history from The Pennsylvania State University (1999), and an M.F.A. in film production from the University of Texas at Austin (2006), where he has also worked as a lecturer.

Leah Marino—Editor

Leah Marino's latest film, *Don't Stop Believing': Everyman's Journey* (2012), premiered at the Tribeca Film Festival, and she has edited a number of documentary features that aired nationally, including *The Learning* (2011), a story of Filipino teachers recruited to

work in inner city Baltimore, Ramona Diaz's *Imelda* (2003), and *The Creek Runs Red* (1999), which aired on Independent Lens. She edited the racing documentary *Get Back to Dirt* (2007), the first independent film to show on Speed TV. She completed editing on *Light From the East* (2005), which premiered at the 2005 SXSW film festival. She worked for six years at Galan Productions, Inc., where she completed "Winter Texans," the Emmy award-winning segment of the series, *The Border* (1999).

Anita Grabowski—Producer

Anita Grabowski is a community organizer who also produces films in collaboration with her husband, John Fiege. Their previous film, *Mississippi Chicken* (2007), is based on Anita's five years of community organizing work in Mississippi. Currently, she is Communications Director for the National Coalition to Abolish the Death Penalty.

Christopher Lucas—Producer

Christopher Lucas was an associate producer and writer on the interactive environmental documentary *Living Springs* (2011). He has lectured on film and new media at the University of Texas at Austin and Trinity University and written extensively on the topic of digital cinema and digital Hollywood. In 2011 he was awarded a doctorate in Radio-TV-Film from the University of Texas, where he also co-founded flowtv.org, an online forum for media criticism.

Justin Sherburn—Composer

Justin Sherburn is a musician, composer, and musical director based in Austin, Texas. He has produced scores for award-winning theater, dance, film, and television. Justin currently records and tours with the rock group Okkervil River and Glovertango, a traditional Argentine tango orchestra.

Paul Stekler—Consulting Producer

Paul Stekler's documentaries about American politics have won numerous national honors including multiple Emmys, Peabodys and du-Pont-Columbia Journalism awards. Dr. Stekler has a doctorate in American politics and worked as a political pollster in Louisiana. He lives in Austin where he teaches documentary film production and is the Chair of the Radio-Television-Film Dept. at the University of Texas.

Daryl Hannah—Executive Producer

Daryl Hannah has starred and acted in over fifty films and has been an activist and advocate for a more sustainable world for decades. A short film she directed, *The Last Supper* (1994), won a prize at the Berlin Film Festival, among others. She produced, directed, and shot the documentary, *Strip Notes* (2002), and is currently editing her film on human trafficking. She has received numerous awards for her advocacy and activism.

Julia Butterfly Hill—Executive Producer

Julia Butterfly Hill is writer, poet, and environmental activist. In 1997, she brought international attention to the plight of the world's last remaining ancient forests when she climbed 180 feet into the branches of a 1000-year-old redwood tree and refused to come down for 738 days. Her historic protest resulted in permanent protection for the tree known as "Luna" and a three-acre buffer-zone around it. She is the author of the national best seller, *The Legacy of Luna*, and the co-author of *One Makes The Difference*, both published by Harper Collins.

Janet MacGillivray Wallace—Executive Producer

Janet MacGillivray Wallace is an environmental lawyer with more than a decade of public-interest and advocacy experience. At the United States Department of Justice, Janet helped prosecute the first case under the international ocean-dumping statute and supported litigation on the Exxon Valdez spill. While working with the Environmental Protection Agency, Janet fought to protect human health and enforced cleanups of contaminated communities. Janet continually travels internationally to work with contaminated communities, and she is currently writing two books.

CAST BIOGRAPHIES



David Daniel

David Daniel grew up as a competitive gymnast and was later a coach. At the age of 28, he “ran away with the circus,” as he puts it, to a life of daredevil and thrill shows and eventually worked as a stunt man. An accomplished aerial rigger and designer, he worked for arena acts such as Fleetwood Mac, Amy Grant, Stars on Ice, Kiss and their “Psycho Circus” tour, and the World Wrestling Federation. In 2005 he retired to East Texas with his new bride, Clara, to a remote, undeveloped piece of property with abundant water from spring-fed creeks. Their daughter Naida was born in 2007. In 2008, he discovered that the Keystone XL pipeline would be crossing his property when he noticed surveyor marks and stakes slicing his land in half. Without the help of an attorney or any allies, he fought the pipeline company, TransCanada, until March 2010, when he signed an easement agreement. When he discovered that TransCanada did not have the permits it needed to build the pipeline as described in his easement, David began organizing his community to resist its construction.



Julia Trigg Crawford

Julia Trigg Crawford is a 6'0" former star basketball player for Texas A&M. She manages the 650-acre Red'Arc farm in the small town of Direct, Texas, that her grandfather first bought in 1948. The farm produces mostly corn, wheat, and soy. On its north border is the Red River; to the west is the Bois d'Arc Creek. The Keystone XL pipeline was planned to cross Red' Arc farm, but when Crawford refused to sign an easement agreement, TransCanada seized the land through eminent domain. Crawford and her attorney, Wendi Hammond, have challenged TransCanada's right to seize public property, arguing that TransCanada is a foreign corporation and doesn't qualify as a "common carrier" since the benefit is primarily to one company.



Susan Scott

Susan Scott is a great-grandmother and landowner in Winnsboro, Texas. She was first introduced to her property when she was 27 years old and fell in love with it. When she dies, Scott says, she wants to be buried on the property next to her horse. When she learned of TransCanada's plans for the Keystone pipeline, she had already defeated other efforts to build a pipeline as well as a power line across her property. She says she was intimidated into signing TransCanada's easement agreements by threats of lawsuits, court costs, and eminent domain. Disgusted, she buried TransCanada's settlement money in a jar somewhere on her property. "It's tainted money," she says, "ain't never no good." When Scott learned that her property had been deemed by TransCanada to be a "low consequence area," meaning that the company intends to use thinner steel pipes across it, she joined David Daniel's citizen group, S.T.O.P., determined to stop the pipeline.



Eleanor Fairchild

Eleanor Fairchild is a 78-year old great-grandmother opposing the construction of the Keystone XL across her farm. When TransCanada first approaches Fairchild in 2009, she wasn't opposed to the pipeline. Her late husband, Ray, was a petroleum geologist and senior vice-president for Hunt Oil for decades, and she believed the new pipeline would be shipping crude oil. As she learned more about the tar sands and the pipeline, Fairchild became adamantly opposed, becoming friends with David Daniel. Joining his citizen group S.T.O.P., she traveled to Washington D.C. with him for a civil disobedience action and eventually was arrested on her own property trying to delay construction of the project.

Tar Sands Blockade

Tar Sands Blockade is a coalition of climate justice organizers and Texas residents affected by tar sands pipeline construction. In the summer of 2012 the group launched as a campaign of peaceful, sustained civil disobedience to stop the construction of TransCanada's Keystone XL South tar sands pipeline, including trainings on Susan Scott's property, a blockade on David Daniel's property, and other direct actions around East Texas. Tar Sands Blockade is an all-volunteer, horizontal, consensus-based organizing collective dedicated to working in solidarity with frontline communities most impacted by extractive industries like tar sands mining, transportation, and refining.

ABOVE ALL ELSE CHRONOLOGY

- 10,000 years ago** First human use of tar sands, a petroleum-infused mix of sand, rock, and clay.
- 20th Century** Multiple attempts to develop economical methods for processing tar sands lead to failure.
- 2003** Iraq war causes spike in oil prices over \$130/barrel, and oil companies rush to develop tar sands as a fuel.
- 2005** David Daniel retires from the circus, buys land near Winnsboro in East Texas, and starts to build his house.
- 2008** TransCanada announces the Keystone XL expansion project, raising capacity of existing pipelines to accommodate more tar sands production.
- 2008** Barack Obama campaigns for president, proclaiming the need for a stronger response to climate change.
- 2008-2009** TransCanada tries to clear the right-of-way for the Keystone pipeline. David Daniel and Susan Scott sign easement agreements with TransCanada. Eleanor Fairchild and Julie Trigg Crawford refuse to sign the agreements.
- July 25, 2010** 834,000 gallons of tar sands oil spills into the Kalamazoo River in Michigan.
- Sept. 2010** David discovers that TransCanada does not have its presidential permit and founds S.T.O.P. in East Texas (Stop the Oil sands Pipeline), where he meets Susan, Eleanor, and Julia. David does a tour of East Texas sponsored by the Sierra Club.
- 2011**
- Late August** David and Eleanor go on an RV tour of the pipeline path sponsored by Rainforest Action Network.
- September 3** 350.org and other groups organize two weeks of protest and civil disobedience actions at the White House. David, Eleanor, and Julia get arrested along with 1252 others.
- November 7** Mass protest outside the White House. 12,000 people, including Julia Trigg Crawford and Eleanor Fairchild, surround the White House to draw attention to Keystone and the tar sands issue.
- November 10** President Obama calls for a more thorough environmental review of the Keystone pipeline, delaying any decision until after the 2012 election cycle.

2012

- January 18** President Obama rejects the Keystone permit, defying Congressional calls for action.
- March 19** David receives Special Service Award from Sierra Club in Austin, Texas.
- March 22** Obama fast-tracks southern leg of the Keystone pipeline from Cushing, Oklahoma, to the Texas Gulf Coast.
David starts to build platforms for a tree sit.
- May** Tar Sands Blockade formed by students at the University of North Texas, who travel to Winnsboro to join David's protest.
- July 27-29** Susan Scott hosts the Texas Keystone Convergence on her property, organized by Tar Sands Blockade.
- August 28** Tar Sands Blockade locks down a truck on a TransCanada pipeyard in Livingston, Texas. Seven are arrested.
- Sept. 15-30** David Daniel and Tar Sands Blockade attempt to stop TransCanada from clearing across Daniel's property.
- October 4** Direct action on Eleanor Fairchild's property leads to her arrest.
- November 2** President Obama wins his second term.

2013

- February 17** Forward On Climate rally in Washington DC attended by 35,000 people, including Eleanor Fairchild and Julia Trigg Crawford.
- June 25** President Obama delivers a speech on climate change, saying of the Keystone XL, "...Our national interest will be served only if this project does not significantly exacerbate the problem of carbon pollution."

2014

- January 31** The U.S. Department of State releases a report that highlights the carbon pollution caused by tar sands development but minimizes the environmental impact of the Keystone XL, stating that the Keystone pipeline would create jobs. These claims that have been rejected by pipeline opponents.

INFORMATION

Above All Else

World Premiere: 2014 South by Southwest Film Festival
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Running Time: 95 minutes
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Production companies: Immigrant Workers Film LLC, Fiege Films LLC

Full Credits

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Executive Producers
DARYL HANNAH
JULIA BUTTERFLY HILL
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PAUL BASSIS

Associate Producers
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