

Jeff Hogg & the Liberation of Dissent

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Until his release from the Josephine County Jail on November 11 of this year, Jeff found himself caught in the snare of the government war on dissent. His speaking presentation occurred as part of an international call to mark the weekend of December 7 as a display of unity and opposition to government repression. It was on December 7, 2005, that the FBI's "Operation Backfire" began with it's broad sweep of harassment, intimidation and persecution of eco and animal rights activists. The ensuing investigation with Grand Jury subpoenas and arrests has come to be known as the Green Scare.

Targeted because of prior eco-activism and activist associations in the Eugene area including work with the Earth First! Journal, Hogg was served with a subpoena in May of this year to testify before the grand jury in regard to a supposed ELF arson that caused property damage. His experience was one of intimidation from the beginning.

"OBVIOUSLY, THE GRAND JURY SYSTEM DOES NOT WORK"

Hogg began his presentation with an overview of the Grand Jury system and it's unlimited and unchecked misuse of investigative power. He began by offering statistics regarding the federal government's misguided crime fighting priorities.

"A couple of years ago the FBI announced that ELF and ALF were the number one terrorist threat in the country. They received funding to go out to harass and intimidate the activist communities. They are not really interested in going out to fight violent crime that terrorizes human beings. Their own statistics state that in 2003 there were 7,400 hate crimes committed that were motivated [to attack] one's race, ethnicity, religion or gender. That year there were also 450 crimes against the environment committed by corporate industries who violated the clean air and water acts and practiced illegal waste dumping. Their [FBI] priorities are somewhat eschewed. They are using the word 'terrorism' to play on our fear."

He went on to explain how the Grand Jury power of subpoena is used to gather information while counting on an individual's lack of knowledge about their constitutional rights. Many who have been subpoenaed have gone on to testify, feeling protected by the fact that as they have no information and therefore have nothing to

disclose. What Hogg wants people to know is that Grand Jury subpoenas are used broadly as major fishing expeditions and that even the most seemingly insignificant information can and will be distorted and used against the radical community. With this, the decision is made as to what activity calls for surveillance, illegal wiretapping and where and when best to plant provocateurs. This kind of extra legal activity was widely used to derail the social justice movements of the sixties and seventies, and, this history is repeating itself before us again with Operation Backfire.

"60-100 people have been subpoenaed as part of the Green Scare since 2000. The vast majority were law abiding citizens called in to talk about co-workers, friends and neighbors in violation of the 1st Amendment right to free speech and association. Grand Juries are not entitled to ask for records of group membership, how money in organizations is used, who attends meetings, who your friends are or who you associate with. There was someone who went to a volunteer work party for the EF! Journal. They didn't need to offer that information. They could have gone to their lawyer to learn this."

One is not given the right to remain silent before a Grand Jury. You can still be compelled to testify. The government gets around this by giving you immunity. This means that one is guaranteed that your testimony will not be used against you and you therefore no longer have any legal ground to remain silent. Grand Juries are secretive and controlled by government prosecutors with no judge present. Jurors only look at evidence that the government chooses to present. Grand Juries are manipulated in this way.

"The purpose of the Grand Jury as stated in the Constitution is to protect people from prosecution that runs rampant and to keep the misuse of government power in check," said Hogg. "You have no right to an attorney in the Grand Jury room. Obviously, the Grand Jury system does not work."

SUSPENSION OF CONSTITUTIONAL RIGHTS

It was last May that Hogg was approached by an FBI agent and Eugene police officer as he was leaving his nursing school class.

"They told me that I was not in trouble, that they had questions and wanted me to testify against an arsonist. They implied that if I did not cooperate I might be charged with something. 'We'd hate to see you behind the defendant's desk' they said. I told them that I wasn't going to say anything until I got a lawyer."

In his search for legal representation, Hogg learned that the public defenders in Lane County were already

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tied up with Green Scare clients. His search led him to Portland attorney Paul Loney. One week after being asked to testify, Hogg was served with a subpoena. He refused to cooperate at the hearing by pleading the 5th.

"They walked me over to the court room. There a judge granted me immunity and said that now I had to testify. I was taken back before the Grand Jury and said I wouldn't testify and that this whole prosecution was in violation of my 1st, 5th and 6th Amendment rights. They walked me back to the court room where I was charged with civil contempt. Then I was taken to a chamber below the court room and was told, 'Well you have a few hours to reconsider your decision.'" He reconsidered nothing and was taken to jail in chains. He served 6 months in the Josephine County Jail in Grants Pass. This meant that his partner CiCi and had a 5 hour round trip to take for visits. His attorney would have an eight hour plus drive to consult with his client.



"This was challenging, especially not knowing how long the Grand Jury would be in session. The Jury is usually impaneled for 18 months, this one only had about 5 months left. They decided to extend it for another 6 months. They told my attorney that they still wanted me to testify. It was really depressing, thinking that I would not get out until March sometime. And then, I was suddenly released a week later."

By this time, Jeff had lost his job and his spot in nursing school. His grandfather also died and he was not able to attend the funeral.

"I want to thank everyone for their support. I don't think I could have gotten through this without it. The support was amazing. People from around the country wrote me letters, I had free legal representation, my friends and supporters did fundraisers, gave firewood, let my partner borrow their car when ours broke down, people came and did yard work—people came together in solidarity. That is something that you should all be proud of. I don't know if I could have done that [jail time] without all of that support. I see it as a statement from the radical community saying 'Fuck you! Your campaign of harassment and intimidation is not dividing this community.' Thanks for even the smallest role of support. It was important not only for me but for everyone to make that statement, not just to lift my spirit but so that we can all experience that solidarity. Not only to help my partner pay our bills but for everyone's own faith and strength in the face of government repression. So that you know that if you are in my shoes, we have your back. Perhaps it was the lack of faith in support that that contributed to the breaking [of activists] under the threat of life sentences and to become informants. It's really sad, because the support is there."

PRISONER SUPPORT

Before leaving the microphone, Jeff touched on the dire importance of prisoner support. He stated that before he went to jail, he didn't much write to prisoners because he did not feel that he had anything interesting to say.

"Now, I have to say: when you're in jail *anything* is interesting." This brought great laughter from the event attendees. He went on to encourage folks to be

creative and write about a hike you took, a work project, something of great beauty that you might have seen.

"Anything is always interesting when you're in a concrete box. So... please, continue to write to prisoners, keep up the solidarity. And, thanks." With this, this slight, soft spoken young man went back to tabling for Portland Books to Prisoners.

I caught up with Jeff a little later to ask if there was anything else that he felt was important to include in this article. He obviously has not had an easy time and with the attack on the right to dissent, he might have more hardship to endure. Did he have anything to say to activists who may feel the need to walk away from movement organizing out of fear of government retaliation?

He paused for a moment and then said, "I would say, just stay strong and have faith in your community. Keep working on building that community. And support our prisoners."

Donations to Jeff Hogg may be sent to:
Friends of Jeff Hogg / PO Box 12271 / Eugene OR 97440

Support other incarcerated Grand Jury Resisters:
Nathan Block #1663667 / Lane County Jail / 101 W 5th Ave. / Eugene OR 97401
Joyanna Zacher #1662550 / Lane County Jail / 101 W 5th Ave. Eugene OR 97401

Support group for Nathan and Joyanna Zacher:
supportersofnathanandjoyanna@gmail.com

Daniel McGowan-out on bail:
FriendsofDanielMcG@yahoo.com;
www.supportdaniel.org

Jonathan Paul-out on bail:
Support group: friendsofjonathanpaul@yahoo.com

Non-cooperating defendant, Washington County Indictments:
Briana Waters-out on court ordered electronic monitoring
Support group: www.supportbriana.org

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