

# Criminalizing Dissent

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Two and a half years ago, Attorney General John Ashcroft took time away from his busy schedule hanging drapes on statues to charge Greenpeace with a moldy 19th Century law against “sailor mongering.” As Kurt Nimmo wrote at the time, “In 1890, an Oregon court described the purpose of the sailor-mongering law as preventing ‘the evil’ of ‘sailor-mongers [who] get on board vessels and by the help of intoxicants, and the use of other means, often savoring of violence, get the crews ashore and leave the vessel without help to manage or care for her.’”

John Passacantando, executive director of Greenpeace in the United States responded, “This prosecution is unprecedented in American history. Never before has our government criminally prosecuted an entire organization for the free speech activities of its supporters. If this prosecution succeeds, then peaceful protest — an essential American tradition from the Boston Tea Party through the modern civil rights movement — may become yet another casualty of Attorney General Ashcroft’s attack on civil liberties.”

An array of progressive groups came to Greenpeace’s defense in this, the first nautical protest prosecution in the US since the Boston Tea Party. The NAACP, American Friends Service Committee, People For the American Way, the entire Big Green establishment and grassroots greens all condemned the ludicrous prosecution.

In the end, Ashcroft was denied. After the government failed to prove its case, U.S. District Judge Adalberto Jordan granted a Greenpeace motion to dismiss the charges in a Miami courtroom on May 19, 2004.

## **First they came for the forest activists...**

Fast forward two years and the government’s target becomes the grassroots. Under the code name Operation Backfire, the feds began the largest roundup of eco-activists in American history. On Dec. 7, 2005, seven people were arrested and charged with participating in a wide array of property destruction actions the feds link to the Earth Liberation Front (ALF) and the Animal Liberation Front (ELF).

The very same day, several more folks were subpoenaed to testify before a Grand Jury in Eugene, Oregon. A full-scale dragnet was launched against grassroots activists. On Jan. 20, 2006, Ashcroft’s successor (literally and philosophically) Attorney General Alberto Gonzales announced a 65-count indictment against a fictional entity the government calls, ‘The Family.’ Four more arrests brought the total to eleven, with conspiracy charges now added.

Ironically, after serving ten years; also on the very same day, Michael Fortier, who was convicted for his part in the Oklahoma City bombing which killed 168 people, was released from jail. In contrast, the government is threatening the environmentalists who injured no one, with extraordinary sentences ranging from 30 years to life plus 335 years.

By March 15th, the feds issued a “superseding” indictment that replaced all existing indictments. The new conspiracy prosecution charged another two individuals; bringing the total to 13 indictees facing 65 counts of arson, destruction of property and conspiracy. March 30th brought two more arrests, rounding the total to 15. It’s now up to 17.

As I noted in an earlier article, the entire government case rests on one informant. No real evidence links anyone to the alleged crimes.

In a separate case, on Feb 22nd, Pasqua Yaqui activist Rod Coronado was arrested for merely speaking about how to make an incendiary device during a talk he gave in San Diego on militant eco-activism. Coronado faces 25 years and/or a \$250,000 fine!

## Guantanamo, Oregon

On May 18th, nursing student and long time grassroots environmental activist Jeff Hogg answered his subpoena and appeared before a Grand Jury in Eugene, Oregon. Grand Juries usually are used to gather evidence BEFORE indictments are issued. Since the Indictments are already handed down and Hogg was already informed that he was not a target of the investigation, this appearance amounted to little more than a government fishing expedition/forced preview of just how Hogg would testify if called once the conspiracy trials begin in Eugene on October 31st.

About 100 supporters gathered outside the Federal Courthouse in a show of steely resolve. Hogg refused to cooperate with the Inquisition, er, Grand Jury and was promptly found in Contempt. Hogg was hustled from the Grand Jury Star Chamber to the courthouse itself for his Contempt Hearing.

Contempt hearings are supposed to be open to the public. But, in this case, a secret tribunal was held by pro-Big Timber Judge Michael Hogan as the government disingenuously hides the entire case behind the mantra of “terrorism.” (Sound familiar?) Hogg’s supporters, the media and attorneys were not allowed in to the contempt hearing.

Hogg was granted Immunity. He still refused to play. The Grand Jury went home for the night and Hogg was locked up. In theory, he could be incarcerated until the Grand Jury’s term runs out. Only problem there: because of “terrorism” concerns, the government will not tell anyone how long the Grand Jury has been impaneled, though it appears that Hogg will be a guest of the state (kidnapped in the eyes of his friends) until at least September 30, 2006. His very productive life is now on hold. Hogg is employed full time taking care of autistic adults. He is in nursing school. He has a long-term partner and many friends.

## One Man's Terrorist

Of course, what we're talking about here is property destruction with arson being the preferred method. The US Sentencing Commission reports that in 2003 in 82 cases where arson was the primary offense, the median sentence was 60 months (5 years). The median Murder sentence in the US is 15 years; sex abuse 3.4 years; and assault 1.25.

In these property destruction cases, the government has asked for a mandatory minimum sentence of 30 years and some defendants are facing Life-plus 335 years for alleged property damage. Already, Eugene's "justice" system has seen Jeffrey Luers sentenced to a preposterous 22 years, 8 months for torching three SUVs (which were later restored and sold.)

Upon issuing the Indictments, Gonzales and FBI Director Robert Mueller both said that eco-sabotage is the government's top domestic terrorism priority. Gonzales told the press, "The indictment tells a story of four-and-a-half years of arson, vandalism, violence and destruction claimed to have been executed on behalf of the Animal Liberation Front or Earth Liberation Front, extremist movements known to support acts of domestic terrorism."

Mueller added, "Terrorism is terrorism, no matter what the motive. The FBI is committed to protecting Americans from crime and terrorism, including acts of domestic terrorism in the name of animal rights or the environment."

The FBI now ranks both ALF and ELF as the No. 1 domestic terrorism threat according to James Jarboe, FBI domestic terrorism section chief.

"The FBI estimates that the ALF/ELF have committed more than 600 criminal acts in the United States since 1996, resulting in damages in excess of \$43 million," Jarboe told a February Congressional hearing.

"The rationalization of ecoterrorists is no different from the al Qaeda terrorists," said House Resources Committee Chairman James V. Hansen (R-UT) at the same hearing.

Another FBI counter-terrorism expert, John Lewis, claimed a total of 1,200 criminal acts between 1990 and 2004 in the US.

Yet the State Department defines terrorism as "premeditated politically motivated violence perpetrated against non-combatants."

Here at home, the feds in this case are using a broader definition that defines domestic terrorism as acts of violence that are designed to "intimidate or coerce a civilian population."

Since the inception of the Domestic Terrorism Task Force ten years ago, the government by its own definition has firmly identified a total of 52 acts of domestic terrorism having occurred during that time on American soil—no telling what category they put Jarboe's or Lewis' much larger estimates . (Of course, the FBI conveniently does not consider attacks on abortion clinics and/or abortion providers as meeting their def-

inition despite the six people killed in such attacks since 1993. Only the murderous attacks of “Christian” terrorist Eric Rudolph make the list.

Do the math. More real violence occurs at US Post Offices every year than that. Though it’s another War on Terrorism secret, it appears that the Task Force has consumed over a billion dollars of tax money to collate that list.

And, of the 35 incidents on the list laid at the feet of various environmental and animal rights groups, not one death or one injury to anyone has occurred—nor have any occurred period even if one accepts the 600 or 1200 figure. In the FBI-charted incidents caused by white supremacists, six people have been killed and 135 injured since 1996.

Add in the facts that the FBI has only informants, some paid over \$75,000 per year according to court documents, and the agency has used warrantless spying on a wide array of dissenting groups—from Code Pink, Quaker meetings to Earth First!—and, FBI agent provocateurs are involved in every single Operation Backfire case; and we have a repeat of the COINTELPRO havoc the government wreaked on dissent in an earlier era. (Interesting to note: a Backfire is a fire started by fire fighters themselves.)

And, make no mistake; Operation Backfire is a fully orchestrated assault on dissent. In 16 years the FBI has not found the bomber of forest activists Judi Bari and Daryl Cherney. The FBI has also produced nothing on the 2001 Anthrax letters which were sent to prominent Democrats and members of the media. Both cases can easily be defined as acts of violence that are designed to “intimidate or coerce a civilian population.” Yet, where are the task forces defending peaceful activists, top Democrats and members of the media?

What we have here is a concerted campaign to criminalize ALL environmental activism. How else can one explain Operation Backfire with its reliance on Grand Juries, secret witnesses, paid informants and brutal prison sentences? How else can one explain Rod Coronado’s arrest for mere Free Speech?

## **Big Green: MIA or Worse**

Back at the time of the most famous US property destruction – the Boston Tea Party—many of the radicals of the day condemned the saboteurs. Ben Franklin even offered to pay for the destroyed tea.

Today, the silence coming out of Green Central on this assault on grassroots activism and dissent in general has been deafening. And, when they do speak, it’s larded with self-serving inanities and guilt by association. Echoing Poor Richard, Dominick DellaSala, the grant farmer assigned to the World Wildlife Fund’s Ashland, Oregon Biscuit Fire grant plantation, has dismissed the activists as “This is a fringe element—it always has been. Nobody is going to win the hearts and minds of people by doing criminal acts.” (Not quite how history views the Tea Party.)

At least DellaSala has pride in his misplaced convictions. Most other Big Greens are running from the question like Republicans fleeing Duke Cunningham and Jack Abramoff. The Sierra Club and the Wilderness Society each have long histories of condemning even non-violent Civil Disobedience in defense of Nature, so their lack of support for activists caught up in the Backfire dragnet is expected.

But back Greenpeace – the recipient of so much support from the grassroots when it was under attack for non-violent dissent; Greenpeace’s Passacantando has joined the chorus condemning and convicting (without trial) those under arrest. Yes, John, our government IS criminally prosecuting an entire movement for the free speech activities of its supporters. Where are the NAACP, American Friends Service Committee, People For the American Way and the entire Big Green establishment now?

At the Eugene witch hunt, just the Civil Liberties Defense Center, the Northwest Constitutional Rights Center and the international group Forest Ethics stood shoulder-to-shoulder with Hogg and his supporters.

The NW Constitutional Rights Center’s executive director Alejandro Queral put it all in perspective, reminding all that the government has a long history of intimidating activists and criminalizing dissent. He said, “Today, we are seeing a repeat of American history. Americans must remain vigilant.”

Part of that history is encouraging: in 1973, defendants who had destroyed draft records were acquitted in Camden, NJ; in 1974 Sam Lovejoy saw his charges of sabotage due to his toppling a 500 foot tower at an under-construction nuclear plant dismissed because the judge ruled the act one of protected civil disobedience; in 1985 three defendants were acquitted on charges related to their sabotage of the Williams International plant in Michigan—the producers of the cruise missile engine.

One would be hard pressed to find any movement for justice dating back to long before the Boston Tea Party that did not feel it necessary to violate existing law. While the efficacy of such acts can and should be debated (I for one think sabotage counterproductive, at minimum), there should be no debate whatsoever about the government’s use of such odious tactics to suppress dissent.

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