

Who Bombed Judi Bari?

Historic Lawsuit Against the FBI

On May 24, 1990, Earth First! organizers Judi Bari and Darryl Cherney were the victims of a motion-triggered car bomb as they drove through Oakland on a tour to promote Redwood Summer, a nonviolent direct action campaign opposed to logging the last old growth redwood forests. The FBI and Oakland police showed up at the bomb scene within minutes and quickly arrested the pair for transporting the bomb, despite ample evidence that Judi was the intended target.—The Alameda County District Attorney eventually refused to file charges against the pair due to lack of evidence. No real investigation to find the bombers was ever done, and the bombers remain at large today. Instead the FBI used the bombing as an opportunity to vilify Earth First! and expand surveillance of non-violent environmentalists.

In 1991, Judi and Darryl filed a civil rights lawsuit against the FBI and the Oakland Police Department for false arrest, illegal search and seizure, and conspiracy to violate their First Amendment rights. The lawsuit is exposing the FBI's notorious and now illegal COINTELPRO program—the FBI campaign to, in their words, “disrupt

and neutralize” political dissidents. Judi died of breast cancer in 1997, but the case survives and is scheduled for trial beginning April 8, 2002, at the Oakland Federal Courthouse.



Judi Bari, 1949–1997
Don't Mourn, Organize!



Redwood Nation Earth First!

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What Happened?

On May 24, 1990, a car bomb exploded under the seat of environmental and labor activist Judi Bari, as she and fellow activist Darryl Cherney drove through Oakland, California. While injuring Darryl, the bomb nearly killed Judi, leaving her permanently disabled and in severe pain for the rest of her life.

The pair were key organ-

izers of Redwood Summer, a series of protests that began the campaign to save Headwaters Forest, and the largest forest conflict ever. At that time, Judi and Darryl were working to focus national attention on the vanishing old growth redwood forests and on the Forests Forever initiative, designed to legislate major changes in logging rules. They also wanted to slow the rapid timber cut until the initiative could take effect. When the bombing occurred, Judi and Darryl were starting on a road show to promote Redwood Summer. Judi also had been working to forge a coalition between timber workers and environmentalists.

In the weeks previous to the bombing, Judi had received written death threats, which the Mendocino County Sheriff's Department had refused to investigate.

The Police Response

Within minutes of the Oakland car bomb blast, the San Francisco FBI office took over the scene from the Oakland police. The Oakland Police Department (OPD) took Darryl into custody and questioned him intensely for hours, eventually placing him and Judi under arrest in the hospital for possession of the bomb that had been intended to kill them. Authorities fed a

continuous stream of misleading and false statements about the investigation to the local and national press for the next several weeks. For example, they told media that nails taped around the pipe bomb as shrapnel matched nails found in Judi's house, with tooling marks proving that they came from the same small production batch. In reality, they were different types of nails. The type and placement of the bomb (it was motion-triggered and under the driver's seat) made it clear that the bomb was meant to kill the driver.

The Alameda County District Attorney's office looked at the facts and refused to proceed with prosecution, citing the OPD's failure to come up with real evidence. To date, the FBI and police have never conducted a serious investigation of the bombing. The FBI has closed its file and the bomber remains at large.

The Victims' Response

After Judi recovered enough to return to her home and examine the course of the police "investigation," it became obvious to her and Darryl that no honest investigation was taking place. They filed a federal civil lawsuit against the FBI and the OPD, charging them with false arrest, illegal search and seizure,

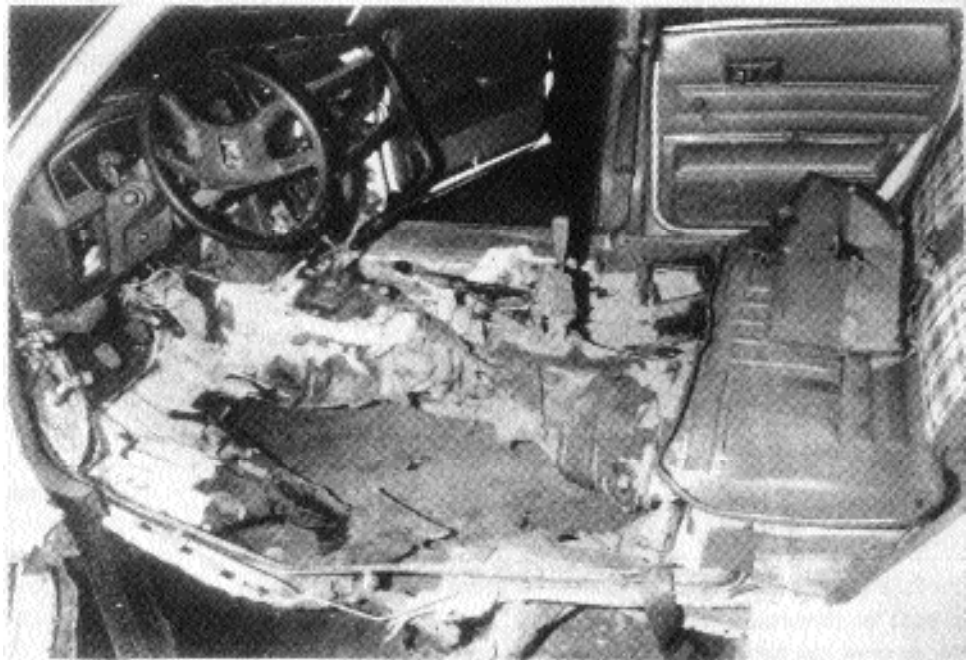


and conspiracy to violate the activists' civil rights. The suit charges that the FBI and police knew that Judi and Darryl were innocent victims, and that they were in fact targets of an assassination attempt. Their false arrest was part of an FBI-coordinated manipulation intended to discredit Earth First! and to "neutralize" Judi and Darryl as organizers.

Despite a decade's worth of legal maneuvers by the FBI and the OPD attempting to stop the case, the trial will begin on April 8, 2002.

"Discovery"

A vital part of the preparation for a lawsuit is the legal process called "discovery," in which each side must provide the other with information about the available evidence they have gathered. When Judi sorted through the several thousand pages of mixed-up documents the FBI had to release in this process, she found that the OPD's official photographs of the demolished car make it absolutely clear that the bomb was concealed under the driver's seat. The "investigators" must have observed this fact, and then lied to the press about the bomb's location. The FBI told the media that the bomb was being transported by Judi and Darryl and was located in plain sight on the floor in the back seat of the car. This story was not the result of a bungled



investigation; it was invented to fit the claim that the bomb belonged to its victims.

The FBI recovered the motion-sensing device that triggered the bomb at the scene, and knew from the start that the car bomb had been specifically designed to explode only when the vehicle was in use.

Although the FBI insists that they were not investigating Earth First! or watching Judi or Darryl before the blast, certain of the discovery documents strongly suggest otherwise.

A month before the Oakland bombing, the FBI had conducted a police bomb training



Two police photographs of Judi's car after the bombing. The motion-triggered bomb was clearly concealed under Judi's seat.

Photos by OPD

school on Louisiana Pacific land in Humboldt County— at which car bombs were detonated. Louisiana Pacific was a notorious logger of ancient redwoods.

When the San Francisco FBI boss didn't like post-bombing coverage by a reporter from the Santa Rosa Press Democrat, he suggested in a report to FBI

headquarters that they might wish to put pressure on the New York Times (which owns the Press Democrat) to quiet that reporter. Shortly thereafter, the reporter was re-assigned off the timber beat.



The FBI spied on, wire-tapped and conducted break-ins on Dr. Martin Luther King, Jr.

No Investigation

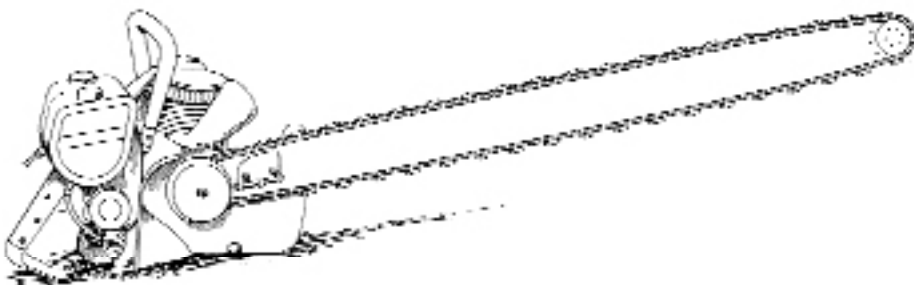
The discovery documents also exposed that the FBI had used the “investigation” as an excuse to conduct a far-reaching campaign of political intelligence gathering on environmentalists.

Locally, this surveillance included the FBI searching letters-to-the-editor files of ten northern California newspapers and taking possession of letters from environmentalists. The FBI also interviewed small town police from the timber region, management personnel from timber companies

and members of anti-environmental hate groups from the so-called Wise Use Movement, asking them for information about environmentalists. Their misguided investigation went national when the FBI obtained telephone records of a number of Earth First! activists and compiled a list of 634 out-of-town phone numbers they had called around the time of the bombing. FBI agents in 30 cities nationwide then gathered information including names, addresses, physical descriptions, places of employment, criminal records and political associates of hundreds of people whose only connection to

the case was to receive a phone call from an Earth First!er. This should not come as a surprise, considering that the FBI spied on, wire-tapped and conducted break-ins on Dr. Martin Luther King, Jr. and many others in the nonviolent civil rights movement.

Although the original copies of the death threats that Judi received before the bombing were turned over to the FBI, the letters were never investigated or even checked for fingerprints or DNA. Thus, natural leads that could have revealed the authors and possibly the bombers were simply ignored



FBI Desperate for Evidence

Recognizing that the physical damage to Judi's car alone discredits their arrests and accusations, the FBI has been busy preparing for trial. They spent over a million dollars of US tax money hiring the Air Force Safety Center at Kirkland AFB to conduct a series of experiments. They tried to duplicate the damage to Judi's car with a bomb in the back seat to match the police story. The Air Force failed to accomplish this (even after fudging the test somewhat), but they did agree dutifully with the FBI's conclusion that the bomb wasn't under the front seat. In order to do so, they had to both falsify their description of Judi's injuries and to ignore completely the locations of the indentations made in Judi's car's structure by the end caps of the pipe bomb when they blew straight out, defining the location of the bomb.

The quality of this purchased "science" was clear to Judge Claudia Wilkins, and the court refused to admit the Air Force report as evidence.

Corruption at the Top

Richard Wallace Held, the Special Agent in Charge of the San Francisco FBI office at

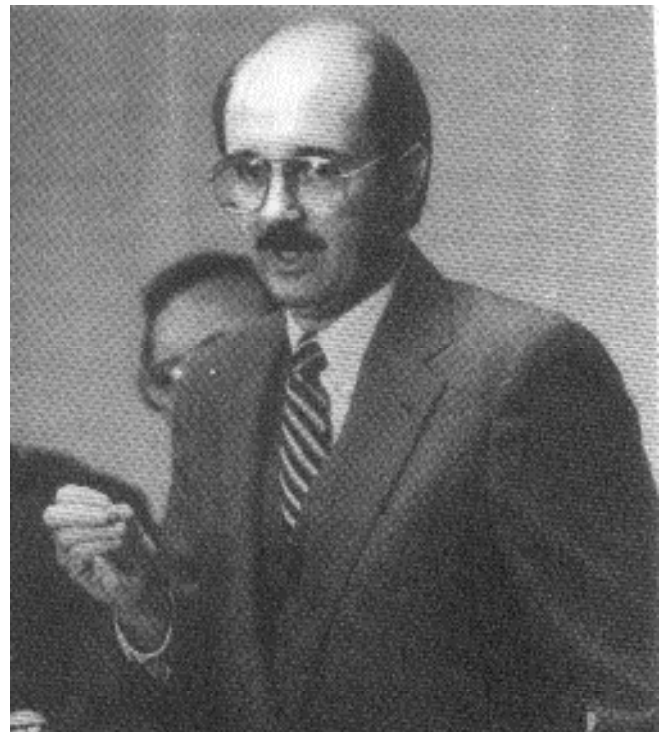
the time of the bombing, was named along with the FBI and the OPD as defendants when the lawsuit was originally filed back in 1991. Unfortunately, in 1997 the FBI was successful in getting the court to drop Held from the case.

Held had been deeply involved with J. Edgar Hoover's top-secret COINTELPRO (FBI code name for its so-called counter-intelligence program) operations to, in the FBI's words, "disrupt and neutralize" certain US political organizations. According to FBI records, during the Hoover years the FBI conducted 16,000 secret, illegal, Watergate-style break-ins, and Hoover kept files on more than 25 million Americans. COINTELPRO was a top-secret operation, with agents instructed never to discuss it outside the Bureau, not even with their families. COINTELPRO operations were always conducted with careful attention to hiding the FBI's involvement and providing "plausible deniability," meaning they could lie about it and no one could prove

otherwise. It only came to light when activists broke into the FBI office in Media, PA and made off with the documents proving the program's existence and detailing many covert operations.

Held was in charge of the case of Black Panther leader Geronimo Ji Jaga Pratt when he was framed and imprisoned for 27 years for a murder committed in southern California on a day when the FBI knew from telephone wiretap records that he had actually been in Oakland, in northern California. Ji Jaga's conviction was eventually overturned.

Held announced his surprise resignation from the FBI



Richard W. Held, Special Agent in Charge of the San Francisco FBI office at the time of the bombing.

Photo by Scott Sommerdorf, SF Chronicle



on the day before Judi held a San Francisco press conference revealing the police photos of her bombed car and other “discovery” materials that proved the FBI had lied to the media about the location of the bomb and other supposed evidence of her guilt. Held’s resignation was all the more significant because his father, Richard G. Held, had retired as Assistant Director of the FBI, and until the Bari frame-up fell apart, the younger Held had been on a career track leading to a top FBI post.

A Pattern of FBI Blunders & Repression

Since the bombing of Judi Bari in 1990, the FBI has been in the news for: the killings at Ruby Ridge, the siege and massacre of the Branch Davidians at Waco, the disclosure of systematic FBI lab fraud, the FBI-fed virtual lynching of Richard Jewell for the Atlanta stadium bombing, the nearly year-long solitary confinement of Wen Ho Lee on charges that turned out to be either massively inflated or just plain false, the Robert Hanssen spy affair, the Boston murders by FBI informants who went unprosecuted, the agency’s mysterious loss of large numbers of weapons and computers, and the exposure of the FBI’s appalling decades-long refusal to release to the state of Alabama evidence that could have convicted the perpetrators of the 1963 Birmingham church bombing.



Our Nonviolent Reputation

Judi Bari was outspoken in her opposition to violent methods. Because only 3% of the old growth redwoods remain standing, Earth First! adopted a popular “no compromise” stance in protection of the last ancient redwood ecosystems. A decade ago, Judi’s advocacy was largely what led Northern California’s Earth First! movement to adopt a nonviolence code denouncing tree-spiking and equipment sabotage. Judi’s work and legacy have carried Northern California’s Earth First! through over a decade of confrontational timber protests without a single injury to the opposition. This is despite over a thousand arrests, pepper spray, pain compliance, police brutality, and other forms of violence suffered by non-violent protesters. Over 130 organizations have signed statements of solidarity supporting Judi and Darryl’s civil rights lawsuit against the FBI and the OPD. The FBI portrayal of nonviolent activists as terrorists reflects a pattern of intentional misinformation to discredit those advocating change.

Viva Judi Bari!

Tragically, on March 2, 1997, breast cancer ended Judi Bari's life. Judi worked compiling evidence for the civil rights lawsuit until days before her death. She knew that the



case was about much more than herself or Earth First!. The FBI must be exposed, not just for Judi, but to ensure the safety and rights of all progressive activists. We honor Judi's legacy by taking the FBI to task and exposing the covert reign of terror against social justice activists that has characterized the agency's entire existence and continues to this day.

Below are some of the more than 130 organizations that have signed statements of solidarity for Judi Bari and Darryl Cherney's civil rights lawsuit against the FBI and the Oakland Police Department.

- ▶ Abalone Alliance
- ▶ Ancient Forest Defense Fund
- ▶ Ancient Forest Rescue
- ▶ Bay Area Coalition For Headwaters
- ▶ Berkeley Copwatch
- ▶ Berkeley Ecology Center
- ▶ Bioneers
- ▶ Circle of Life Foundation
- ▶ COINTELPRO Survivors
- ▶ Earth Island Institute
- ▶ Eastern N. America Native Forest Network
- ▶ Environmental Protection Info. Center
- ▶ Grandmothers for Peace International
- ▶ Greenpeace
- ▶ Headwaters Action Video Collective
- ▶ Int'l. League for Peace and Freedom, US
- ▶ Institute for Social Ecology
- ▶ IWW, East Bay General Membership
- ▶ Leonard Peltier Defense Committee
- ▶ Mendocino Environmental Center
- ▶ National Forest Protection Alliance
- ▶ National Lawyers Guild
- ▶ Nicaragua Network
- ▶ Pacifica Campaign
- ▶ Rainforest Action Network
- ▶ Redwood Rabbis
- ▶ Rocky Mountain Peace and Justice Center
- ▶ Ruckus Society
- ▶ San Francisco Tenants Union
- ▶ Save America's Forests
- ▶ Student Environmental Action Coalition

How You Can Help

Come to the trial! Beginning April 8, 2002, and continuing for 6 weeks, Monday-Thursday 8:30 am–1:30 pm at the Oakland Federal Courthouse, 1301 Clay Street (Clay and 13th Streets).

Attend the weekly forums to be held during the trial on the abuses of the FBI and the Oakland Police Department, to learn more about their past and present repression and misconduct.

Help us publicize the trial and the documented repression by the FBI and Oakland Police Department. Share this information with your friends and family.

Invite us to do an update for groups to which you belong.

Call us to organize carpools to the courthouse during the trial, to house activists from out of town during the trial or to organize a fundraising event to support the case.

Write letters to the editors of your local newspapers about the bombing case and about FBI repression.

Send us media contacts who have written good articles on FBI abuses, civil rights, or environmental issues.

Donate money to the legal fund. Earth First!'s fundraising and publicity support for Judi Bari and Darryl Cherney's case is a totally volunteer effort. All funds raised pay court costs, publicity, and volunteer expenses. Supporters receive news updates as well as information on the ongoing forest protection movement in Northern California. Please make checks payable to Earth First!

