

# WHO BOMBED JUDI BARI?

## FBI Repression of Activists in the '90's

On May 24, 1990, a bomb exploded beneath environmental/labor activist Judi Bari's car seat as she drove through Oakland, California with fellow activist Darryl Cherney. Judi and Darryl were the two most prominent organizers for Earth First! Redwood Summer, a campaign of non-violent logging protests.

For several years before the bombing, Earth First! had spearheaded a growing movement of public protest against the big timber corporations' strip-logging in the redwood region of Northern California. Judi in particular was instrumental in building a coalition of loggers and environmentalists opposed to cut-and-run logging, and in broadening the scope and appeal of the movement. During the month before the bombing, Judi had received a series of written death threats relating to her timber organizing, the worst featuring a photo of her with a rifle scope and cross-hairs superimposed on her face. Shortly afterwards, the bomb exploded in her car.

The bomb nearly killed Judi, and has left her crippled for life. Darryl escaped with minor injuries. But the terror of this event did not end there. Within minutes of the blast, the FBI appeared on the scene and, in defiance of all the evidence, had Judi and Darryl arrested for possession of explosives, claiming it was their bomb and they were knowingly carrying it.

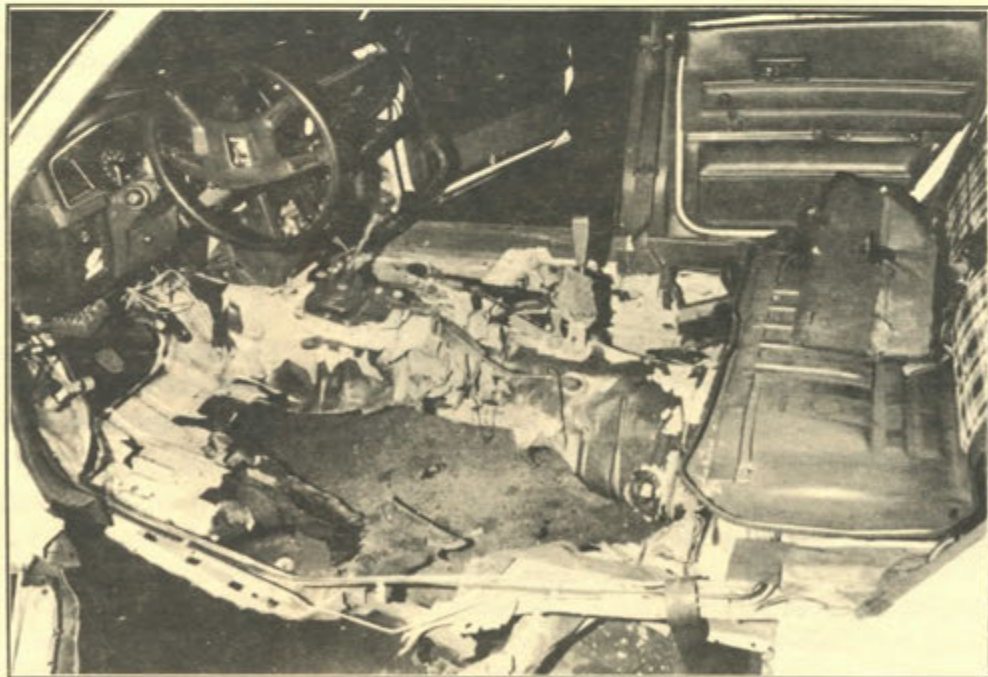
These incredible charges were then trumpeted in the national press, with the FBI and Oakland Police falsely portraying Judi and Darryl as violent terrorists and declaring them guilty of transporting the bomb that had been used to try to kill them. Finally, after eight weeks of public accusations, the charges were dropped because there was no evidence. But to this day the FBI and police have conducted no serious investigation of the bombing, and the bomber remains at large.

### False Arrest

Judi and Darryl have filed a lawsuit against the FBI and Oakland Police, charging them with false arrest and civil rights violations. The lawsuit claims that the FBI and police knew perfectly well that Judi and Darryl were innocent, and that they were in fact victims of a brutal assassination attempt. Their false arrest, the lawsuit charges, was part of an FBI-driven plan to discredit Earth First! and to neutralize Judi and Darryl as organizers.

This lawsuit has survived three FBI attempts to have it thrown out of court, and is now in the "discovery" phase, headed for a first hearing in spring 1996. The judges have upheld Judi and Darryl's right to proceed with all these charges, including those about the FBI's underlying motive to discredit Earth First!, based on the strength of the evidence collected so far.

The most striking of this evidence is in the police's own photos of the bombed-out car. These photos show that the FBI and police knowingly lied when they arrested Judi and Darryl for the bombing. The arrest



*Judi and Darryl were arrested for transporting explosives, based on the FBI's claim that the bomb was located in plain view on the rear seat floorboard. But the police's own photos show that the bomb was hidden under the driver's seat, and meant to kill. (OPD photo)*



*Oakland Police Lt. Sims at a press conference on May 24, 1990, announcing that Judi and Darryl are the only suspects in the bombing that nearly took Judi's life. (photo by David Cross)*

was based on the FBI's claim that the bomb was located on the back seat floorboard in plain view, and therefore Judi and Darryl knew they were carrying it. But the photos clearly show that the bomb was actually hidden under the driver's seat, and that this was obvious from the physical damage to the car.

A second cause of arrest, listed in the warrant, was the FBI's claim that nails taped to the bomb for shrapnel effect were "identical" to nails found in a bag in the back of Judi's car. Through the discovery process of the lawsuit, the legal team has been able to look at the actual nails and bomb fragments, and at the FBI lab reports. They have learned that the nails in the bomb were finishing nails, and the nails in the car were roofing nails, two types of nails so different in appearance that no honest observer could have mistaken them as being "identical."

Another piece of information learned through the lawsuit is the exact make-up of the bomb. The evidence shows that, not only was the bomb completely and unambiguously hidden under Judi's car seat, but also that it was triggered by a motion device consisting of a large ball bearing that had to roll to connect two contact points. In other words, the bomb was a booby trap, set to explode when the car was driven.

This certainly discredits the FBI's story that Judi and Darryl were knowingly transporting this bomb to use in some kind of sabotage action. But even though the FBI and police retrieved the motion device within hours of the bombing, they never told the press about it, and they disregarded it when they arrested Judi and Darryl for transporting the bomb.

## **Bogus Investigation**

The fact that Judi and Darryl's arrest was based on such blatant falsehoods shows that this was a deliberate frame-up, and not just an error of judgement. The FBI's ill intentions in this case are also made clear by their refusal to conduct a legitimate search for the bomber, even after the district attorney declined to press charges against Judi and Darryl. The 6,000 pages of FBI files released in the lawsuit reveal that, rather than investigate the bombing, the FBI used this case as an excuse to conduct a far-reaching campaign of political intelligence gathering on environmentalists, both locally and nationally.

Locally, this surveillance included the FBI searching the letters-to-the-editor files of ten Northern California newspapers and confiscating letters from environmentalists. The FBI also interviewed small town police from the timber region, management personnel from the timber companies, and Wise Use Movement anti-environmental activists, asking them to submit names and other information about any and all environmentalists. Testimony from the local police indicates that the FBI then falsified the information supplied to them and used it to create a phony record that implicated the environmentalists in suspicious activities.

Nationally, the FBI obtained the telephone records of a core group of Earth First! activists and compiled a list of 634 out-of-town phone calls they had made. The FBI then investigated each of these numbers, gathering information including names, addresses, physical descriptions, place of employment, criminal records and political associates, of people whose only "crime" was receiving a phone call from an Earth First!er.

Meanwhile, the FBI failed to follow up on significant leads that indicate the bombing was an assassination attempt, plotted in retaliation for Judi and Darryl's organizing activities. One glaring example of this was their treatment of the written death threats that Judi received right before she was bombed. Although the originals of these threats were turned over to the FBI, the FBI never analyzed or investigated them in any way, even though there were firm leads that could have revealed the authors and possibly connected them to the

bombing plot.

## **FBI Bomb School**

The FBI's misconduct in the false arrest and bogus investigation is shocking enough in itself. But even more serious questions about the FBI's conduct have been raised by revelations of an FBI "bomb school" held shortly before the attempt on Judi's life.

According to the sworn testimony of Oakland Police and FBI agents, confirmed by documents in the FBI files, the FBI held a Bomb Investigator's Training Course in Eureka, California, in the heart of the redwood region, just four weeks before the bomb exploded in Judi's car. During this week-long course, open to law enforcement only, the FBI blew up cars with pipe bombs and practiced responding.

The teacher at the bomb school was Special Agent Frank Doyle, the very same FBI bomb expert who showed up at the scene when Judi was bombed in Oakland and supervised the collection of evidence. It is Frank Doyle who is quoted in the warrant falsely stating that the bomb was in the back seat and that the nails in the bomb matched the nails in the car. The participants at bomb school included at least four of the responding officers and agents who worked under Doyle collecting evidence at the Oakland bomb scene.

According to police and FBI testimony, the students at bomb school were told that car bombs are rarely placed inside the passenger compartment of the victim's car, because of the supposed difficulty of breaking into a locked car. Instead, they were told, bombs are placed under the car or in the engine compartment. Yet two of the three cars exploded in the practice exercise had the bombs placed inside the passenger compartment. In other words, the FBI created essentially the same crime scene that was about to happen one month later in Oakland, and rehearsed their response to it.

The FBI, of course, claims that this was all a huge coincidence. But at the very least, the FBI's bomb school prejudiced the response of the investigators at the scene when Judi and Darryl were bombed. The bomb school also set up a line of authority that caused the officers to go along with their instructor, FBI bomb expert Frank Doyle's false statements about bomb location and matching nails, even when these statements were contradicted by their own eyes. And finally, the bomb school raises the question of possible FBI prior knowledge of the bombing of Judi Bari. These implications are chilling, and certainly demand further investigation.

## **Richard Held and COINTELPRO**

The massive FBI abuses shown in this case belie the agency's claim of reform. The use of false charges to frame and discredit activists, as well as the tolerance of violence against them, recall the darkest days of J. Edgar Hoover's infamous COINTELPRO program of FBI repression against political activists in the 1960's and '70's.

The FBI official who supervised the Judi Bari bombing case was Richard W. Held, Special Agent In Charge of the San Francisco FBI office. Held became notorious during the 1970's for his role in COINTELPRO, an FBI program to, in the words of J. Edgar Hoover, "expose, disrupt, misdirect, discredit and otherwise neutralize" activists and groups advocating social change in the U.S. The techniques of COINTELPRO included the use of disinformation campaigns, surveillance, threats and violence in order to isolate political groups, terrorize and destabilize them, and frame or assassinate their leaders.



*Police photo shows the undamaged back seat just after the blast, disproving the FBI's claim that the bomb was in the back. (OPD photo)*

Richard Held's association with COINTELPRO goes back 25 years. In the late 1960's and early 1970's he was in charge of the COINTELPRO operation against the Black Panther Party in Los Angeles, in which the FBI produced death threats and fake documents to discredit activists and foment in-fighting. Two of the best known victims of COINTELPRO are Black Panther leader Geronimo jiJaga (Pratt), and American Indian Movement leader Leonard Peltier. Both are internationally recognized political prisoners, framed and still in jail for crimes that the evidence shows they could not have committed. Richard Held was directly involved in both of their cases.

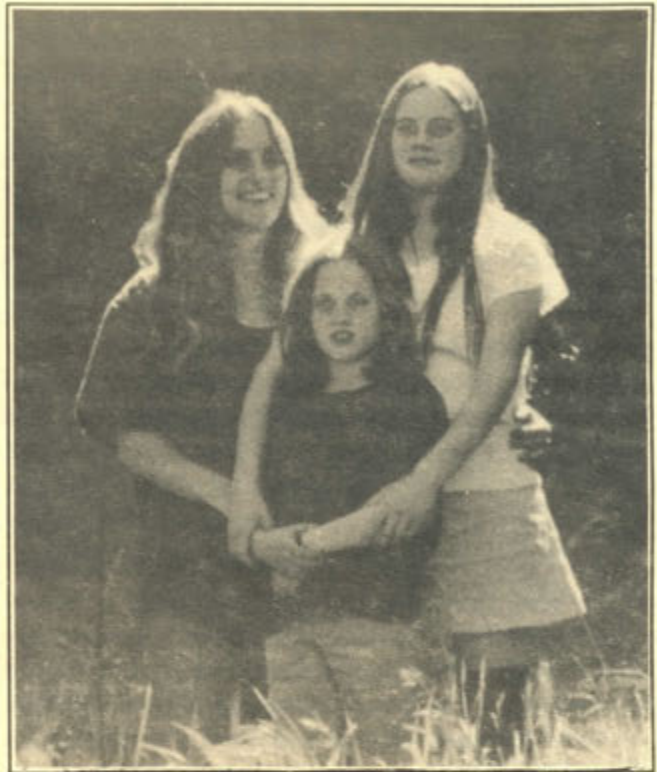
COINTELPRO was officially disbanded in 1975 after a congressional investigation exposed its massive abuses of democratic rights. Yet once again in the 1990's the techniques of COINTELPRO appear to have been used in this case.

## Broader Implications

In light of the recent well-publicized FBI abuses at Ruby Ridge and Waco, it is becoming apparent that this is an agency out of control. Yet the attention given to those cases of FBI abuse against the right is in stark contrast with the lack of attention shown by both government and media to this case of FBI abuse against the left. These attitudes reveal a double standard of tolerance among the powers-that-be in this country. While FBI wrongdoing in Ruby Ridge and Waco involves the use of excessive force against armed adversaries, the Judi Bari case is one of FBI targeting of a non-violent activist involved in legitimate political activities.

After the bombing in 1990, despite all efforts to terrorize and discredit the organizers, Redwood Summer went on as planned. Three thousand people came to the redwood region from all over the country and engaged in nonviolent demonstrations. In an incredibly volatile situation, Earth First! responded to hatred and violence with principle and non-violence.

Still, the bombing sent the clear message that effective defense of the earth would be met with lethal force,



*Judi Bari with her daughters, 1995.*

and that no police agency would intervene to stop it. This has helped pave the way for recent incidents in Nevada and New Mexico, in which anti-environmental Wise Use and Militia groups have openly challenged, by force of arms, the Federal government's ability to enforce environmental laws.

And of course, the stigma attached to Judi, Darryl and Earth First! from the bombing arrest still prejudices the views of people far and wide who have not heard the true story. In pursuing their lawsuit against the FBI, Judi and Darryl seek exoneration from the false charges, as well as information to solve the bombing and expose the police's gross misconduct.

Such blatant violations as the Judi Bari bombing case must be challenged, not just for the sake of individual justice, but to ensure the safety and rights of all progressive activists.

To be placed on the mailing list to receive updates on Judi Bari's lawsuit against the FBI, or to make a tax deductible contribution to help fund this lawsuit, please contact:

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