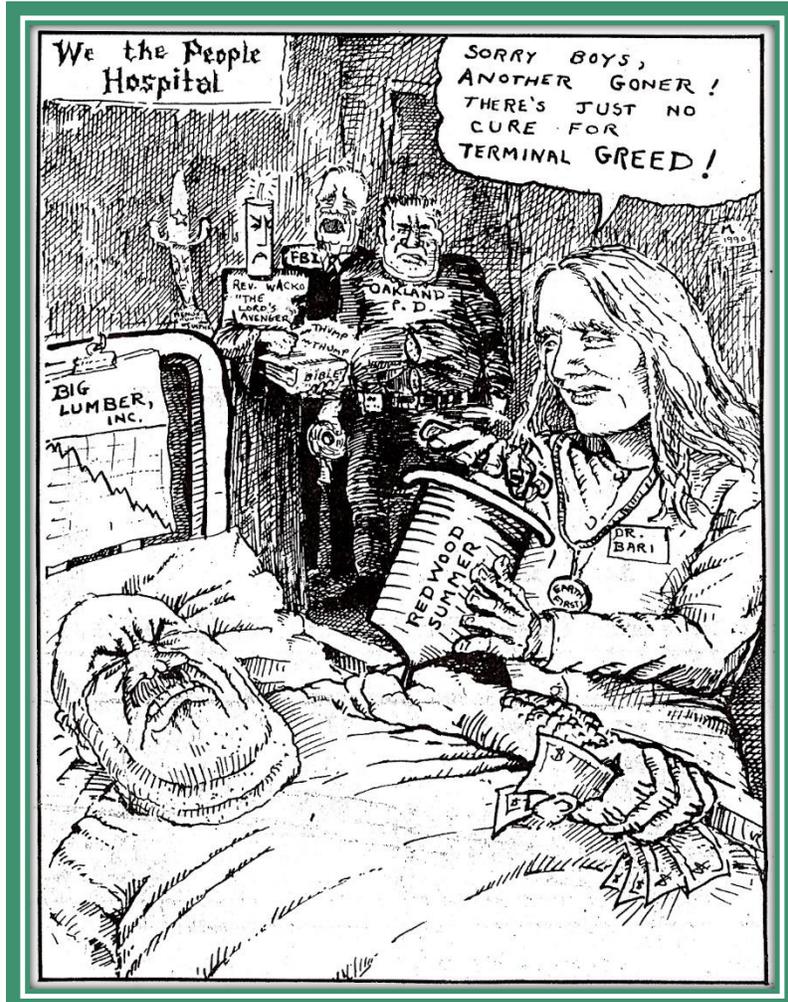


Chapter 37 : Who Bombed Judi Bari?



*Now Judi Bari is the mother of two children,
A pipe bomb went ripping through her womb,
She cries in pain at night time,
In her Willits cabin room;
FBI is back again with COINTELPRO,
Richard Held is the man they know they trust,
With Lieutenant Sims his benchman,
It's a world of boom and bust;
But we'll answer with non-violence,
For seeking justice is our plan,
And we'll avenge our wounded comrade,
As we defend the ravaged land...*

—lyrics excerpted from *Who Bombed Judi Bari*, by Darryl Cherney, 1990.

Redwood Summer began and moved forward more or less as planned—in spite of all that happened surrounding the bombing—and Bari and Cherney were not charged and eventually freed. Yet organizers and supporters of Redwood Summer were left wondering who the bomber was, and if they were part of a well organized plot, either by right wing fanatics, Corporate Timber, the FBI, or a combination of all of them. Gary Ball admonished everyone not to jump to conclusions about who planted the bomb, stating, “We’re not getting into conspiracy theories at this point. We’re saying that the police have made an obvious mistake and that they need to do a real investigation to find the criminal who planted that bomb and who is still on the loose.”¹ Although many supporters of Redwood Summer were convinced that the bombing was a conspiracy, there were enough people in Mendocino County reactionary and crazy enough to have acted alone, and the county had a long tradition of such lunatics. As Rob Anderson described it:

“What outsiders (and many insiders, for that matter)—members of the media, politicians, FBI agents, etc.—don’t understand about Mendocino County is its peculiar hothouse political atmosphere—a combination of poor law enforcement, obtuse political leadership, cowboy capitalism, and religious extremism. In this atmosphere, all kinds of twisted and malignant creatures flourish. In fact, at various times, Jim Jones, Charles Manson, Leonard Lake, Tree Frog Johnson, and Kenneth Parnell have all lived and flourished in Mendoland.”²

Judi Bari herself had agreed that “Mendocino County, as we all know, is known as the largest outpatient ward in America and we who live there are completely used to this stuff...”³

Indeed, one week after the bombing, an anonymous letter writer, calling himself (or herself) “The Lord’s Avenger” wrote a letter to the *Santa Rosa Press Democrat* full of Biblical quotations claiming credit for planting the bomb.⁴ On the surface, it was en-

tirely plausible that the bombing was motivated by Christian Fundamentalist anger towards Judi Bari, because of her stances on abortion. It is unlikely, however, that this issue was the primary reason for the bombing—since Bari had been far more vocal about timber and labor issues.⁵ There *was* a strong Christian Fundamentalist streak particularly among the most reactionary representatives of the US Forest Service as well as the least enlightened (and most rapacious) gyppos.⁶ Misogyny was no doubt embedded in the bundle of reasons for targeting Bari as well, evidenced by the fact that one of her death threats described her (and her fellow women) as “whores”, “lesbians”, and “members of NOW”.⁷ Yet, as will be demonstrated, the *Lord’s Avenger* letter was more than likely a false lead.

There was also some wild speculation that Darryl Cherney might have planted the bomb *himself* (unbeknownst to Bari) out of resentment because of their recent breakup as romantic couple, but this theory falls to pieces on the prima facie evidence alone.⁸ According to the FBI’s own ballistics evidence, the bomb had a switch, timer, and motion sensor, which meant that it was designed to detonate while the car was in motion during a specific time. It is just as ridiculous to think that Cherney would have knowingly consented to ride in a car containing a live bomb, which he had supposedly armed and positioned, for the purposes of revenge as it is to think that Bari and Cherney would have done so for the purposes of terrorism. In any case, Cherney, who was not mechanically inclined, was not capable of constructing such a device.⁹ As Bari related to Bruce Anderson:

“Darryl, first of all, has some of the least mechanical skills of anyone I’ve ever known. I once tried to hire him to hang sheet rock and found him to be unemployable, because he

“Note Muddies Oakland Bombing Case”, by Elliot Diring and Sharon McCormick, *San Francisco Chronicle*, June 1, 1990; “Letter Widens FBI Probe; Writer Had ‘Good Knowledge’ of two Bombs”, by Chris Coursey and Mike Geniella, *Santa Rosa Press Democrat*, June 1, 1990; and “Avenger’ Throws Curve in Bombing”, by Keith Michaud, *Ukiah Daily Journal*, June 1, 1990. The complete text of the letter appears in the July 25, 1990 edition of the *Anderson Valley Advertiser*.

⁵ “Judi & Darryl Still Fighting Despite Bomb Damage”, by Karen Pickett, *Earth First! Journal*, Litha / June 21, 1990.

⁶ “Timber’s Holy War: Jerry Falwell meets Paul Bunyan”, by Darryl Cherney, *Country Activist*, August 1988.

⁷ “The Feminization of Earth First!”, by Judi Bari, *Ms. Magazine*, May 1992.

⁸ “Redwood Summer Bombing: Evil Police Smear”, by Richard Johnson, *Mendocino Country Environmentalist*, June 15, 1990.

⁹ Bruce Anderson, June 13, 1990, op. cit.

¹ “Activists Bombed, Busted”, by Richard Johnson, *Mendocino Country Environmentalist*, May 29, 1990.

² “Who Bombed Judi and Darryl”, by Rob Anderson, *Anderson Valley Advertiser*, June 6, 1990.

³ “Some People Just Don’t Get It”, Judi Bari interviewed by Bruce Anderson, *Anderson Valley Advertiser*, June 13, 1990.

⁴ “Pipe Bomb Blast Claim Sent to Paper”, *Oakland Tribune*, May 31, 1990; “I Built Bomb,’ Letter Says; Anonymous Writer Takes Credit for Earth First! Mill Blasts”, by Chris Coursey, Randi Rossman, and Mike Geniella, *Santa Rosa Press Democrat*, May 31, 1990; “Letter Writer Claims Credit for Car Bomb”, *AP Wire*, *Ukiah Daily Journal*, May 31, 1990;

didn't know how to hammer. And, secondly, whatever else I know about Darryl—Darryl and I have been broken up as a romantic couple for several months now but I love Darryl and Darryl loves me, and there is no question in my mind that Darryl would never, ever do such a thing.”¹⁰

Veterans of the environmental movement who also had prior involvement with organizations that had been subject to COINTELPRO and COINTELPRO-like infiltration suspected foul play.¹¹ Dave Foreman, who spoke from first-hand experience, was convinced that it was, and noted the similarities between the bombing of Bari and Cherney and his own legal entanglement over the Arizona 5 case.¹² Certainly, the FBI and corporate timber had several motives. These included:

“Providing police an excuse to search homes and offices associated with the environmental movement in Mendocino County and the Bay Area, removing two of the most high-profile organizers challenging corporate power in California, and contaminating the public image—not only of Redwood Summer, but also of (*Forest Forever*) and the environmental movement in general with the stigma of violence and lawlessness.”¹³

Four attorneys from Humboldt and Mendocino Counties, Rodney Jones, David Nelson, Steven J. Antler, and Ron Sinoway, calling themselves Northern California Lawyers for an Unbiased Investigation accused the Oakland Police and FBI of incompetence and prejudice against Bari and Cherney.¹⁴ They issued a white paper called “A Position Statement and Legal Evaluation of the Bari-Cherney Car Bombing, which exposed the countless weaknesses in the state’s case against the two. The statement made a convincing case that the bombing was, in fact, a sophisticated plan by the opponents of Redwood Summer to undermine it, perhaps with the complicity of law enforcement agencies.”¹⁵

¹⁰ Bruce Anderson, June 13, 1990, op. cit.

¹¹ “Plot”, Johnson, May 29, 1990, op. cit.

¹² “First! Founder Warns of Plot”, by Mike Geniella, *Santa Rosa Press Democrat*, May 27, 1990.

¹³ “Plot”, Johnson, May 29, 1990, op. cit.

¹⁴ “Media Watch”, by Bruce Anderson, *Anderson Valley Advertiser*, June 6, 1990.

¹⁵ “Call for Independent Investigation”, by Rod Jones, *Country Activist*, June 1990.

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In spite of all the accusations, the Oakland Police’s and FBI’s case against Bari and Cherney, had been nonexistent. If anything—as farfetched and disturbing as the notion might seem to “Middle America”—the bombing *indeed* had all the earmarks of a COINTELPRO “black operation” much like the well documented FBI sting operation against the Arizona 5.

To begin with, FBI Special Agent Richard W. Held was the man in charge of the overall investigation: Richard Held was practically the FBI’s director of COINTELPRO activity. Bari explained:

“Richard W. Held the head of the San Francisco FBI and a spokesperson for the investigation against me, is best known for his work with COINTELPRO. This program of FBI covert operations was formally suspended in 1971 after Congressional investigations and media exposes revealed the crimes the FBI engaged in to discredit and disrupt legitimate movements for social change in this country. This included a 10-year secret war against Dr. Martin Luther King and outright assassinations of members of the Black Panther Party and American Indian Movement.

“Richard, W Held’s personal involvement in COINTELPRO included the orchestration of a dirty tricks campaign against the Los Angeles branch of the Black Panthers; Held also directed a campaign against Puerto Rican Independentistas involving warrantless searches and seizures of private property and the assassination of two of the leaders. He was involved with his father Richard G. Held in the reign of terror at Pine Ridge, South Dakota in 1975, in which American Indian Movement members [including Leonard Peltier] were framed and murdered.

“Although COINTELPRO was formally suspended, a former agent, Wesley Swearingen, has testified that its activities have continued without the acronym.”¹⁶

¹⁶ “The COINTELPRO Plot That Failed”, by Judi Bari, *Anderson Valley Advertiser*, August 22, 1990; a similar, but shorter version appeared in the *New York Times* (“For the FBI, back to Political Sabotage”), August 23, 1990; and the *Santa Rosa Press Democrat*, (“The FBI Has Returned to Political Sabotage”), August 24, 1990. For Swearingen’s account, see *FBI Secrets, an Agent’s Exposé*, Wesley Swearingen, Woods Hole, MA., South End Press, 1995.

The more than 45 death threats, the fake press releases, the subterfuge by Candy Boak and Mothers Watch, the right wing anti-Earth First! terrorist organizations (such as the Sahara Club), and the picture of Bari with the rifle scope all matched similar types of well documented disruption of the American Indian Movement, the Black Panthers, the Socialist Workers Party, CISPES, and more.¹⁷ The now much maligned Ward Churchill who has done extensive research and written much about COINTELPRO was convinced that the bombing most certainly fit the pattern of an FBI black operation.¹⁸

The use of bombs by the FBI to discredit radicals was not without precedent either. At least two other cases exist. One took place in Seattle, in 1970 but failed when the agent provocateur rebelled and revealed the nature of the plot. The other eerily paralleled the Bari and Cherney bombing, except that it claimed the life of its target, Student Nonviolent Coordinating Committee leader Ralph Featherstone on March 9, 1970. (SNCC had been a COINTELPRO target since 1967).¹⁹ The connections to the original Mississippi Summer evidently extended far beyond the names. FBI spokesman Duke Diedrich denounced all of the speculation that Corporate Timber, the Oakland Police, and the FBI had willingly conspired to bomb Bari and Cherney as “irresponsible and moronic,” adding, “We categorically deny that. I don’t think there’s any evidence of FBI involvement. If there is, we encourage people to bring it to us.”²⁰ In fact, the evidence of an FBI and Corporate Timber conspiracy is *beyond* plentiful.

For one thing, the timing of the FBI’s quick arrival at the bombing site, in fact their very presence there at all, was highly suspect. At the time, the FBI office was in San Francisco, too far away for their agents to have been deployed (even at 11:55 AM on a weekday) to a location fairly deep into the Oakland foothills. Indeed, they arrived a full *fifteen minutes* before the first Oakland Police officers, who *did* have jurisdiction in this case. According to one of Judi Bari’s lawyers, “The FBI was there in a thrice, almost as if they’d been standing around the corner holding

their ears.”²¹ Agent McKinley, the first FBI agent to show up claimed in his report that he had just happened to have been, “driving through Oakland on (his) lunch hour, looking for an apron for (his) child to use in a school play, when (he) *heard on the radio* (that) this explosion had taken place, and (he) went over to see what was going on.” That a radio broadcast would have been made *that soon* describing the scene in enough detail for McKinley to have known exactly where to go *that quickly* is highly suspect in and of itself. His story about searching for the apron is equally dubious.²²

McKinley’s report is inconsistent with what the other FBI agents told the Oakland Police when they finally appeared fifteen minutes later. They reportedly told the local law enforcement (when they finally arrived) that they had received a tip from a woman “a secret informant, a woman close to the leaders Earth First!” (later identified as Linda Hall²³) that “some heavies from up north” were headed to Santa Cruz for some sort of “action.” While this statement may have been true, if accurate, there was nothing in it that specifically mentioned a bomb or violence, and yet the Oakland Police accepted this description as if it explained the situation at hand.²⁴ Bari elaborated on the series of events years later (after deposing several of the officers and agents involved in the arrest):

“Normally, a car-bombing in Oakland would fall under the jurisdiction of the (BATF), not the FBI. So it was uncanny how fast the FBI arrived on the scene when the bomb went off in my car. The bomb exploded at 11:55 AM. According to his written log, Oakland Police Sgt. Sitterud, one of the first responding officers, got there at 12:20. Sitterud has testified that, by the time he got there, some FBI agents were *already* on the scene and more were arriving, until soon there were 12 to 15 FBI agents there. In addition, Oakland Police Sgt. Paniagua, who was assigned to the hospital where Darryl and I

¹⁷ “Stop FBI Repression!: The Historical Context to Recent Bomb Charges Against California Earth First! Activists, by Michael Robinson and Jim Vander Wall” *Industrial Worker*, July 1990.

¹⁸ “Earth First! and COINTELPRO”, by Leslie Hemstreet, *Z Magazine*, July / August 1990.

¹⁹ “The Judi Bari Bombing Revisited: Big Timber, Public Relations, and the FBI”, by Nicholas Wilson, *Albion Monitor*, May 28, 1999.

²⁰ “Police Hold Earth First! Pair in Blast”, by Mark A. Stein, *Los Angeles Times*, May 26, 1990.

²¹ May 24, 1990: “The Bombing”, speech given by Judi Bari at Humboldt State University, Arcata, CA., April 18, 1996, featured on the album *Who Bombed Judi Bari?*, edited by Darryl Cherney, 1997.

²² “Who Bombed Judi Bari?”, Judi Bari interviewed by Beth Bosk, *New Settler Interview*, Issue #89, January 1995.

²³ Sweeney, Mike, <https://web.archive.org/web/20140517071346/http://colemanhoax.info/>, in reference to Coleman, op. cit., page 172.

²⁴ Harris, David, *The Last Stand: The War between Wall Street and Main Street over California’s Ancient Redwoods*, New York, NY, Random House, 1995, Page 327.

were taken, stated that there were 4 or 5 FBI agents there as well.

“At the scene, a discussion was held between the Oakland Police, the FBI, and the lone ATF agent who had shown up, to decide who would take the case. The discussion, according to Oakland Lt. Sims, was over whether Earth First! was listed on the FBI’s official list of domestic terrorist groups. If EF! was not a terrorist group, or if Darryl and I were not the bombers, the case should have gone to ATF. These days, the FBI claims that they did not and do not consider EF! a terrorist group, and that they had never even heard of Darryl and me before the bombing. Yet the Oakland Police have testified that the FBI briefed them on me, Darryl, and EF! as soon as they arrived on the scene, before they even looked at the car. ‘They said that these were the type of individuals who would be involved in transporting explosives,’ testified Sgt. Sitterud. ‘They said that these people, in fact, qualified as terrorists.’ Ten minutes after he arrived on the scene, based on the information he got from the FBI, Sgt. Sitterud made an entry in his police log describing Darryl and me as ‘apparent radical activists with recent arrest for illegal demonstration on Golden Gate Bridge,’ and as ‘Earth First leaders suspected of Santa Cruz power pole sabotage, linked with federal case of attempted destruction of nuclear power plant lines in Arizona.’²⁵

Recall that right around the same time that the Santa Cruz County power lines were sabotaged, the Oakland Police showed up on the Golden Gate Bridge—far out of their normal jurisdiction—to search Darryl Cherney’s backpack without a warrant.²⁶ Bari had no involvement in this action; indeed she had boycotted it, arguing that it was far too much effort for such a small potential payoff. There was no evidence linking the sabotage of the power poles to Earth First! (other than corporate media speculation and guilt by association).²⁷ Furthermore, the Santa Cruz County saboteur

used handsaws and a cold chisel.²⁸ The notion that explosives had been used *at all* was simply an invention by the FBI and Oakland Police. However there is an all too eerie reflection of FBI infiltrator Michael Fain’s attempts to get the Arizona Earth First! activists and their supporters to use explosives and the choice of power lines as a target. The FBI would later publically declare that there was no connection between any of these incidents or the entrapment of activists in the Arizona Five case, but deeper investigations by Judi Bari and others proved otherwise:

“The FBI claimed that the Arizona EF! case had nothing to do with us. We claim that the case is key to ours, because it shows that, at the time of the bombing, Earth First! was an active target of an FBI COINTELPRO operation designed (in the classic words of J. Edgar Hoover) to misdirect, discredit, and neutralize us.

Even more important, the FBI’s plan in Arizona was to misdirect and discredit EF! by associating us with explosives. The FBI’s code name for the Arizona EF! case was ‘Thermcon,’ an acronym for Thermite Conspiracy. This name is very revealing of the FBI’s motives, since there was no thermite, or any other explosive, used in any EF! action, ever. But, as shown in the file, the two provocateurs spent years telling the EF!ers they could get them thermite, and trying to convince them to use thermite.

Eventually the FBI had to settle for getting the activists to cut down the power pole with an acetylene torch, as they were unable to convince them to use explosives. But it is important to note that Operation Thermcon did not consist of the FBI infiltrating EF! to break up a thermite conspiracy. It consisted of the FBI using provocateurs to infiltrate EF! and try to *create* a thermite conspiracy for them to bust. It is in the context of this ongoing COINTELPRO operation against EF!—this attempt to discredit us by linking us with explosives—that the FBI terrorist squad moved in after I was bombed in Oakland and declared Darryl and me to be the bombers.²⁹

²⁵ “FBI Bomb School and Other Atrocities”, by Judi Bari, *Anderson Valley Advertiser*, October 19, 1994. Emphasis added.

²⁶ “The Earth First! Car Bombing”, by Judi Bari, *Earth First! Journal*, Brigid / February 2, 1990.

²⁷ For example, see “Pipe Bomb Blast: 2 Earth First! People Injured; Car Destroyed – Injured Activists are Organizers of Summerlong Protests”, by Judy Ronnigen and Paul Grabowicz, *Oakland Tribune*, May 25, 1990, where the FBI repeats the lie that Earth First! was attempting to

sabotage power lines in Arizona, but conveniently omits the fact that the entire operation was an FBI set up from the get-go!

²⁸ Bosk, January 1995, op. cit.

²⁹ “Bombing Case Update”, by Judi Bari, *Redwood Summer Justice Project Newsletter*, November 1996, also available at www.judibari.org/updateNov96.html. The emphasis is in the original.

Bari and Cherney would later discover (after much foot dragging by the FBI to reveal the documents proving it) that some of the same FBI terrorist squad agents assigned to their case had also worked on the Arizona 5 case, thus demonstrating the agency's claim that there had been no connection was a complete lie.³⁰

* * * * *

Furthermore, the construction of the bomb itself ruled out its being used for anything but anti-personnel purposes, namely an assassination attempt on Bari's (and Cherney's) lives. According to Bari,

"David R. Williams is one of the FBI's six top bomb experts in the country...Williams considered the bomb complex, but well-designed and assembled with good craftsmanship. The bomb itself was an 11'x 2' pipe wrapped with finishing nails for shrapnel effect. The triggering device consisted of a wind-up pocket watch with the minute-hand broken off, with a screw drilled into the clock face connected to a wire, so that when the hour hand moved around and made contact with the screw it would complete a circuit. But the clock itself did not trigger the bomb. It was merely a delay mechanism to allow the bomber to safely get out of the way. The real trigger was a motion device, consisting of a half-inch diameter ball bearing, which had to roll to connect two looped wires and complete a circuit. In other words, the bomb was triggered by the motion of my car.

The presence of the ball bearing, according to Williams, meant that the bomb was a booby trap device. SA Frank Doyle and the other bomb technicians at the scene certainly knew this, because they found the ball bearing and one of the looped wires among the bomb debris. But you sure never heard anything about the motion device in any of the press accounts that were leaked out by police sources back then. It is also interesting to note that, on my original arrest warrant, I was first charged with violating code section 12355(b), which is possession of a booby trap device. This was crossed out, and in its place is written code

123032, possession of an explosive device. The Oakland Police have testified that this was a clerical error.

Besides the clock and motion device, the bomb also contained a light switch as an overall safety mechanism. So in order for the bomb to explode, the light switch had to be turned to *on*, the clock had to be wound and tick down until it made contact with the screw, and the ball bearing had to roll and connect the wires. The assumption behind the arrest of Darryl and me is that we were knowingly transporting this bomb when it accidentally exploded. But SSA Williams disagrees. 'I believe that it functioned as designed,' he told us. 'I believe the ball bearing made the circuitry complete.'³¹

Such a bomb could scarcely have been used to bring down a metal high voltage power pole, and a motion device would make no sense for such purposes. Even if it *had* been placed in the car by Bari and Cherney there is absolutely no reason for them to have armed it, and such a complex, three-part arming mechanism could not have been set by accident.

* * * * *



Another suspicious accusation of the FBI's is their identification of where the bomb had been placed in Bari's vehicle. According to Frank Doyle, the pair were presumed guilty, and must have known the bomb was in the car, because it had been reportedly placed on the floorboards of the car's left, rear passenger compartment in plain sight. The evidence clearly shows this not to be the case. To begin with, initial reports by police officers and one fire fighter placed the location of the bomb

This is the last update on the bombing case written by Judi Bari before her death on March 2, 1997.

³⁰ "The Judi Bari Bombing Revisited: Big Timber, Public Relations, and the FBI", by Nicholas Wilson, *Albion Monitor*, May 28, 1999.

³¹ Bari, October 19, 1994, op. cit.

under the *driver's seat*.³² In fact, the very first Oakland Police officer, Gribi, to arrive declared, "I am now photographing the car; I am photographing the damage *under the driver's seat*." This testimony was contradicted by Oakland Police Sergeant Sitterud who arrived ten minutes later and described the bomb's location in *his* report as having been in the rear passenger compartment. However it was apparent that he made this declaration only after Frank Doyle told him where the bomb supposedly was. Sitterud testified, "I viewed the white Subaru along with an agent of the FBI, Frank Doyle. *Frank Doyle told me that the bomb was on the back seat floorboards*."³³ In fact several officers testified that Doyle had argued with them when they questioned the latter on the location of the bomb, declaring, "I've been looking at bomb scenes for 20 years and I'm looking at this one, and I'm telling you, you can rely on it. This bomb was visible to the people who loaded the back seat of this car."³⁴

The police and FBI also claimed that the bomb could not have been hidden under the driver's seat, because such a bomb would not fit there, however Redwood Summer organizers demonstrated, at a July 5, 1990 press conference, that this assertion was false by easily placing a mockup of the bomb, in this case a section of pipe *twelve* inches long and two inches in diameter, under the driver's seat of an identical vehicle.³⁵

Furthermore, the nature of Bari's wounds rule out the FBI's claim. Her injuries resulting from the explosion—four breaks in her pelvis, a smashed sacrum, a crushed coccyx bone, and a deep puncture wound in her buttocks where she was impaled by a spring from her car seat, all the way to the bone—could not have resulted from a blast from the rear floorboard and were entirely consistent with the concealment of the bomb under her driver's seat.³⁶ She also suffered injuries to her right leg and internal soft tissue damage, but not a scratch on her back in stark contradiction with what one would have expected to

find had the bomb been placed on the vehicle's left rear passenger floorboards.³⁷

The effects of the bomb on the *contents* located in the back seat of the vehicle also rule out Doyle's placement of the bomb. The agent had speculated that Bari had placed her guitar on top of the device, thus proving that she knew it was there, but the guitar case survived the explosion intact, lacking any blast residue or any bomb parts embedded in it.³⁸ Even more curiously, Bari had loaded her childhood violin near the guitar, and it suffered almost no damage at all, except for a crack in the f-holes. Sensing, perhaps, that this intact fiddle discredited their own charges, the FBI refused to return until legal forced to do so in 2017.³⁹

Furthermore, the forensic evidence of the blast damage to the vehicle *itself* clearly shows that the bomb could not have been located where Doyle said it was. The attempts by Bari's legal team to acquire this evidence were by no means easy. They were denied access to the vehicle by Alameda County Superior Court Judge Henry Ramsey until June 15.⁴⁰ By that time the Oakland police had dismantled the damaged Subaru, including the seats and the floorpan, and they removed all of the movable property (which they tagged as evidence).⁴¹ Even then, the Bari's legal team had to seek a TRO from Ramsey to prevent the Oakland Police from leaving what was left of the vehicle from being exposed to the elements.⁴² Luckily the Police had taken photographs and these would eventually prove sufficiently damaging to the FBI's case against the victims. Even still, it took several years to acquire them. The photographs confirmed what Bari and her legal team had suspected all along:

³⁷ Richard Johnson, July 1, 1990, op. cit.

³⁸ Bari, October 19, 1994, op. cit.

³⁹ "The FBI Stole My Fiddle" speech (and song) given by Judi Bari at Humboldt State University, Arcata, CA., April 18, 1996, featured on the album *Who Bombed Judi Bari?*, edited by Darryl Cherney, 1997. Bari and Cherney wrote a humorous song (complete with suggestive double entendres) by the same name which at the same time exposes the FBI's not even remotely believable reasoning for seizing and hiding the fiddle and makes light of Bari's injuries and their location.

⁴⁰ "Tuesday Briefing: Earth First! Denied Access to Bombed Car", *Eureka Times-Standard*, June 12, 1990. The *Times-Standard* accurately reported that the bomb had been placed under the driver's seat.

⁴¹ "Congress to Probe FBI", by Richard Johnson, *Mendocino Country Environmentalist*, August 1, 1990.

⁴² Richard Johnson, June 15, 1990, op. cit.

³² "Area Activists Arrested for Blast; 2 Earth Members Suspected of Own Bomb", *Eureka Times-Standard*, May 25, 1990.

³³ *Who Bombed Judi Bari?*, film by Darryl Cherney and Mary Liz Thompson, 2012. Emphasis added.

³⁴ Nicholas Wilson, May 28, 1999, op. cit.

³⁵ "Redwood Summer Bombing: Police Framing, Not Investigating", by Richard Johnson, *Mendocino Country Environmentalist*, July 1, 1990.

³⁶ Richard Johnson, July 1, 1990, op. cit. and "Bombing Suspects Framed, Claim Ukiah Activists: Cite Medical Evidence", by Keith Michaud, *Ukiah Daily Journal*, July 4, 1990.

“...Frank Doyle, 20-year veteran bomb expert with the (aptly named) FBI Terrorist Squad, had taken over examining my car and directing the collection of evidence. The damage was obvious. A hole was blown in the driver’s seat Oakland Police Lt. Sims testified that he could see right through it to the street below and the car frame was buckled directly under it. The back seat, in contrast, was virtually unscathed. When they unbolted the front seat and removed it from the car, there was a 2’x4’ blast hole in the floor, with the metal curled back from an obvious epicenter under the driver’s seat. Any honest observer would have concluded that the bomb had been hidden under my seat and this was a case of attempted murder.

“But Special Agent Doyle had other ideas. In defiance of all the evidence, he claimed that the bomb was located in clear view on the back seat floorboard.⁴³



In fact, Doyle had testified, “I base my statement *on my observation* of a large hole in the *backseat* floorboard.”⁴⁴ Yet this was in clear contradiction of the visual evidence.

Finally, the FBI’s *own lab analysis* of the hole in the floor of Bari’s car also corroborated the photographic evidence.⁴⁵ According to the forensic tests, the device had been attached to a piece of plywood, just the right size to fit under the driver’s seat, so that it wouldn’t inadvertently move while the vehicle was in motion. Furthermore, the bomb had been covered with a blue piece of cloth so that it was hidden from Bari’s and Cherney’s view. Fragments of this blue cotton fabric had been found in Bari’s back following the

explosion.⁴⁶ The pipe that housed the bomb had end caps which blew off and made impact points on the right beside the gearshift, and on the left beside the front left (driver’s) door.⁴⁷ Given all of these facts, the bomb *must* have been located under the driver’s seat, but the FBI’s and Oakland Police’s case against Bari and Cherney depended heavily on the bomb having been located on the backseat floorboards.



* * * * *

Additionally a further unsolved mystery of a second, almost identical bomb offers further clues to what happened. An incident occurred prior to the bombing, on May 9, 1990, at the Louisiana-Pacific mill in Cloverdale—the very same facility where George Alexander was injured—that received little press coverage at the time.⁴⁸ A pipe bomb matching the exact configuration of the bomb that injured Bari and Cherney, sans motion device, partially exploded outside of the office of the mill at about 8 AM on the morning of the 9th, causing approximately \$2,000 damage to the building’s exterior.⁴⁹ Nobody claimed responsibility for the bomb, nor was anybody injured. A sign was found on the mill property that read “L-P screws millworkers.”⁵⁰ No connection between the sign and the bomb was ever proven, even though the FBI and police had plenty of chances to investigate the possibility. Reportedly they even declined to trace

⁴⁶ Harris, *op. cit.*, page 329.

⁴⁷ Bosk, January 1995, *op. cit.*

⁴⁸ “Pipe Bomb Goes Off in Cloverdale”, staff report, *Santa Rosa Press Democrat*, May 10, 1990; and “Pipe Bombing Causes No Injury”, staff report, *Willits News*, May 11, 1990.

⁴⁹ “Pipe Bombing Causes No Injury”, staff report, *Willits News*, May 11, 1990.

⁵⁰ “Note Found Near L-P Pipe Bomb”, by Randi Rossman, *Santa Rosa Press Democrat*, May 10, 1990; and “Pipe Bombing Causes No Injury”, staff report, *Willits News*, May 11, 1990.

⁴³ Bari, October 19, 1994, *op. cit.*

⁴⁴ *Cherney and Thompson, 2013, op. cit.*

⁴⁵ Bari, February 2, 1994, *op. cit.*

the fingerprints found on the sign let alone match it to either Bari or Cherney.⁵¹ The incident was largely ignored until the two were bombed, at which point this bomb was cited as evidence supporting their guilt.

As of 2013, the FBI possessed this bomb in its evidence file. The bureau attempted to destroy it in 2010, but they were prevented from doing so by Darryl Cherney's legal team.⁵² Bari's account of the Cloverdale bomb suggested why the FBI wished to destroy it:

"This bomb turned out to have the identical construction of the bomb in my car, absent the motion device. It had the timer, it had the same kind of colors of wires, it had the same solder—the (FBI) tested the solder; it was from the same tube of solder. They tested the tape; it was from the same roll of tape. It was made from identical components, and this bomb at the Cloverdale L-P mill, instead of being attached to a motion device and placed in a car, it was attached to a can of gasoline: it was an incendiary bomb, and its supposed intention was to light the gasoline and burn down the mill. Placed nearby—and this is a strange thing for somebody who intended to burn down a mill—was a cardboard sign that said: 'L-P Screws Millworkers'.

"The bomb partially exploded—in fact, it barely exploded: it exploded just enough to pop off the end cap...and it dented the can. But it didn't explode the gas can and it didn't burn down the mill. So what it left them with was an intact model of the bomb in my car. That's what was left. This happened two weeks after the bomb school and two weeks before the bomb exploded in my car in Oakland.

"I think that this bomb was a footprint that was left in the world to be traced back to me later. And if you look at my (FBI) files, they say: Judi Bari was a labor organizer targeting L-P; therefore she is suspected of the Cloverdale bomb; therefore she is also suspected of the bomb in her car.

"The night of the bombing, within seven hours of the time the bomb explodes, the FBI held a briefing meeting for the Oakland police, and at that meeting they said that I was the

chief suspect in the Cloverdale bomb. So this was already set up.

"Now I believe the Cloverdale bomb was a deliberate dud. I believe its intention was to leave an intact model that would then later be matched to the bomb in my car, in order to give an additional reason to say that it was my bomb.

"So what is the implication of that? The implication is that two weeks before I was bombed, somebody knew that not only was I going to be bombed, but I was going to be arrested for that bombing, because they planted something so that the bomb could be traced back to me."⁵³

If Bari's theory was correct, the plot had worked, at least temporarily. Following the bombing in Oakland, L-P and WECARE spokesperson Shep Tucker made it a point to argue that it was *the timber industry* that was being threatened, and cited the Cloverdale bomb as evidence of this⁵⁴, never once considering that this particular bomb was constructed by the same individual or group that had planted the bomb in Bari's car, as ballistics investigations later confirmed.

* * * * *

Further evidence of an FBI conspiracy surfaced when Bari learned of the FBI "Bomb School" which was conducted a month before the bombing, right around the time of the sabotage of the Santa Cruz power lines:

"Four weeks before I was car-bombed, according to both the testimony and the written files, the FBI sponsored a Bomb Investigators' training course at the College of the Redwoods in Eureka, in the heart of the redwood region, on the eve of Redwood Summer. During this week-long course, which was open to law enforcement only, the FBI actually blew up cars with pipe bombs to practice responding. The place where they blew up these cars was (where else?) at a *Louisiana-Pacific* logging site north of Eureka.

"The teacher at Bomb School was Special Agent Frank Doyle, the FBI Terrorist Squad

⁵¹ Nicholas Wilson, May 28, 1999, op. cit.

⁵² "Evidence in 1990 bombing of Earth First activists to be independently tested", *San Jose Mercury News*, March 21, 2011.

⁵³ Bosk, January 1995, op. cit.

⁵⁴ "Pipe Bomb Blast: 2 Earth First! People Injured; Car Destroyed – Injured Activists are Organizers of Summerlong Protests", by Judy Rognigen and Paul Grabowicz, *Oakland Tribune*, May 25, 1990.

bomb expert who showed up at the scene when I was bombed in Oakland, and directed the collection of evidence...Among the students at Bomb School were several of the responding Oakland Police officers and FBI agents who collected the evidence under Frank Doyle's supervision at the Oakland bomb scene. The FBI claims that they have lost the roster of students in the class, even though the FBI Bomb School memo that we received from them refers to this roster and says it is attached.

"But even without this roster, from the documents that we have, I have been able to place at least four 1990 Bomb School participants as being among the first responding to the Oakland bombing. They are: Special Agent (SA) Frank Doyle, Supervisory Special Agent (SSA) Patrick Webb, SA John F. Holford, and Oakland Police Sgt. Myron Hanson. In addition, SA Stockton Buck, who played a key role at the Oakland bombing scene, has testified that he attended Bomb School in Eureka, where they blew up cars with Frank Doyle, but he doesn't recall if it was 1990 or one of the years before. Stockton Buck also testified that he found the assignment of collecting evidence at the Oakland bomb scene pleasant, because it was a nice day and they had pavement under their feet. Which makes me think he may have been contrasting it to the dust and mud of the L-P clearcut where they had blown up the cars in Bomb School."⁵⁵

In a badly damaged piece of video footage, obtained by Bari's legal team some years later, the police and FBI agents who attended the Bomb School can be heard bantering while waiting to be cleared to investigate Bari's damaged car by demolitions experts (in case of additional explosives).⁵⁶ At one point, Frank Doyle can be heard to say, "Well, this is it...this is it, go to it! This is the final exam right here!"⁵⁷ Adding to the evidence, the chief of L-P's private Humboldt County security force, Frank Wiggington a former deputy sheriff with the county was one of the participants in the bomb school. In addition to practicing scenarios that *exactly* matched the events as they unfolded in Oakland. According to the testimony of one of the Oakland Police officers who attended the

school, they also practiced dealing with firebombs matching the one found at the mill in Cloverdale.⁵⁸

* * * * *

A week after the bombing, the so-called "Lord's Avenger" letter appeared, by an anonymous still as-of-yet-unidentified individual, claiming credit for it. The unknown writer described both the bomb in Bari's car and Cloverdale bomb in *exact* detail, including the arming mechanisms of both. They explained their motivation as being revenge for Bari's defense of an abortion clinic in Ukiah in November 1988. The Lord's Avenger *did* claim that he had heard Bari give a speech at that particular counterdemonstration.⁵⁹ Many took this to be proof that the bomber was a lone, right-wing nut, and if it was, one possible candidate was Bill Staley. He had been one of the anti-abortion demonstrators at the rally in question.⁶⁰ Yet, the FBI only spoke briefly with Bill Staley and then dismissed him as a suspect without following up on any further leads (which existed) that could have proven that he had at least *some* connection to the bombing.⁶¹

However, there is no evidence to support the notion that the *Lord's Avenger Letter* was any less a fabrication than Frank Doyle's claim about the bomb being placed in the back seat of Bari's automobile, and further, the writer told an obvious lie. The Lord's Avenger claimed that they had placed the bomb in Bari's vehicle while it was parked in front of Dan's Frontier Room in Willits during the meeting with the gyppos on the evening of May 22. Certainly, there was enough time for this to have occurred, because the meeting lasted almost five hours. However, the car had been in plain sight to the participants of the meeting, who could view it through the restaurant's picture window. Not all of the gyppos at the meeting were entirely sympathetic to Bari or Redwood Summer, and they would have had every incentive to point out the presence of a bomb, if they suspected her of being guilty. However, *none* of them recall seeing anyone or anything suspicious near the car during the entire time. Though the meeting lasted past sundown, the car had been parked next to a functioning

⁵⁸ Nicholas Wilson, May 28, 1999, op. cit.

⁵⁹ "Earth First! Probe Hits North Coast", by Paul Grabowics and Carolyn Newburgh, *Oakland Tribune*, July 20, 1990.

⁶⁰ Bosk, January 1995, op. cit.

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"<https://web.archive.org/web/20140517071346/http://colemanhoax.info/>", in response to Coleman, op. cit., page 174.

⁵⁵ Bari, October 19, 1994, op. cit.

⁵⁶ Bosk, January 1995, op. cit.

⁵⁷ *Cherney and Thompson, 2012, op. cit.*

streetlamp. Also, the restaurant was located across the street from the Willits Police Department, and none of the Police on duty recall anyone or anything suspicious either.⁶²

Furthermore, had a bomb been placed in the car as the Lord's Avenger had claimed, it would almost assuredly have been spotted by the occupants of the vehicle following the meeting. Utah Phillips, Joanna Robinson, and Dakota Sid Clifford attended the meeting as well as Bari and all four rode back to her home in Redwood Valley afterwards. Utah Phillips had loaded Bari's guitar into the car near the end of the meeting and he recalled seeing nothing under the driver's seat or in the back seat.⁶³ He had also made repeated trips to the car during the meeting to make sure nothing had been stolen from it. Furthermore, none of Bari's three passengers recall seeing the bomb while en route to Bari's home, and—since her 1981 Sabaru was a small vehicle, the person seated behind Bari would almost assuredly would have felt the device with their feet, if they hadn't spotted it had it been there.⁶⁴ Finally, the bomb could not have been placed in the car that early, because its timing device would not have allowed for that. Given its 12-hour time limit, the bomb could only have been placed in the car while it was parked outside of David Kemnitzer's house in Oakland the night before the bombing. The *Lord's Avenger Letter* itself, no matter how much detail it correctly provided about both the bomb in Bari's car and the Cloverdale bomb, has to have been a forgery.

Indeed, as time went on, Judi Bari reasoned that the letter itself may have been part of the cover-up:

“The Lord's Avenger letter was chilling, and at the time, it even fooled me. But in retrospect, it was clearly a fake, meant to lead us off the trail. The Lord's Avenger claimed that he put the bomb in my car while I was in a meeting in Willits, up in the timber region, two days before the bomb went off. But the bomb in my car had a 12-hour timer, so it could not have been placed anywhere but Oakland or Berkeley, where I stayed the night before it exploded. And while it's true that the Lord's Avenger's detailed bomb descriptions were mostly accurate, I now

realize that there were two sources who knew this information—the bomber himself and the FBI.

“The Lord's Avenger letter had several functions. It provided a plausible lone assassin not connected to timber or FBI. It threw a veil of confusion over the motives for the bombing. And it removed the investigation from Oakland, where the bomb was actually placed, to Mendocino County, where there are many crazy people to use as suspects. And, masterfully, the FBI managed to simultaneously promote the letter as a key piece of evidence, while continuing their claim that Darryl and I bombed ourselves. Since we were the only suspects, they reasoned, Lord's Avenger must be our accomplice. So, with great fanfare, they raided my house a second time, this time looking for ‘typewriter exemplars’ to match the Lord's Avenger letter, and never mentioning that nothing they found even vaguely matched.”⁶⁵

Indeed, the idea that the bomber was a lone actor is a highly unlikely possibility given the Cloverdale bomb, the FBI bomb school, the almost five-dozen death threats issued in the month leading up to the bombing, and the FBI's (at best) mishandling of the case or (at worst) manufacturing it from the get-go. If they hadn't all been connected to the bombing itself, they were part of an incredibly remarkable string of coincidences. In addition, the bomb itself was not a simple construct. Several FBI experts, including David R. Williams—the same expert who convicted the perpetrators of the 1993 World Trade Center bombing (eight years prior to 9/11)—described both the device planted in Bari's vehicle and the Cloverdale bomb as “very complex” bombs that were “very well made,” hardly likely to have been the product of a run-of-the-mill lone nut.⁶⁶

Then, two days after the publication of the *Lord's Avenger Letter*, a suspicious photo of Judi Bari surfaced. On June 1, Ukiah Police Chief Fred Keplinger mailed a photograph taken of Bari wearing camouflage and an Earth First! shirt, posing with an Uzi to the FBI and Oakland Police. On June 8, the Ukiah Police, Oakland Police, and the FBI released that photo to the press.⁶⁷ Bari's detractors immediately questioned the consistency of posing with a gun

⁶² “New Facts Cast Doubt on Letter”, by Paul Grabowicz and Harry Harris, *Oakland Tribune*, June 1, 1990.

⁶³ “Bomb Charge Absurd, Says Activists' Friend”, by Tobias Young, *Santa Rosa Press Democrat*, May 27, 1990.

⁶⁴ Grabowicz and H Harris, June 1, 1990, op. cit.

⁶⁵ Bari, February 2, 1994, op. cit.

⁶⁶ Bosk, January 1995, op. cit.

⁶⁷ Richard Johnson, June 15, 1990, op. cit.

and purporting to be nonviolent.⁶⁸ However, what wasn't immediately reported in the Press, is that the photograph had been intended as a joke.⁶⁹ At least as far as Bari knew at the time of its taking, the photo had an early concept for the cover of Darryl Cherney's album, They Sure Don't Make Hippies Like They Used To, and entirely consistent with Earth First!'s irreverent, over-the-top hyperbolic sense of humor. FBI spokesman Duke Diedrich was unconvinced and declared, "Maybe I don't have a sense of humor, but I don't think it's very funny," but even to the layperson at the time, the picture's context should have been obvious.⁷⁰

Bari's stance mimicked Patricia Heart's infamous "Tania" pose, taken in 1974 during an armed bank robbery in San Francisco by the SLA, which was still an image that many would have easily recognized.⁷¹ As Bari elaborated:

"They cannot understand why someone who doesn't know which end of an Uzi to fire would pose with one. The actual purpose of that pose, how we came to take that picture, was we were trying to think of the most outrageous cover we could for Darryl's album... That was an outtake, one that was not used. It was a joke. I've never fired an Uzi. I don't know how to fire an Uzi. I don't own an Uzi. I don't own any fire arms. I don't know how to use fire arms. I've never killed anything bigger than a potato bug."⁷²

Furthermore, the photograph, which had been taken almost two years earlier, had *already* been published (again as a joke) in the *Anderson Valley Advertiser* the previous spring.⁷³ Bruce Anderson revealed that Bari and Cherney had never liked the picture to begin with, but allowed him to use it to fill up space in that issue of his publication⁷⁴, which he humorously captioned "AVA Poster Gal of the Week".

In any case, the photograph could not legally be used to prove guilt in the bombing. Bari's Lawyer,

⁶⁸ "Mystified at Humor", letter to the editor by Edward McShane and Gail Zettel-McShane, *Ukiah Daily Journal*, June 20

⁶⁹ "Armed Bari a Joke Photo, Friends Say", by Tobias Young, *Santa Rosa Press Democrat*, June 9, 1990.

⁷⁰ "Earth First! Protests Photo Find", UPI wire, *Eureka Times-Standard*, June 14, 1990.

⁷¹ "Earth First! Protests Photo Find", UPI wire, *Eureka Times-Standard*, June 14, 1990.

⁷² Bruce Anderson, June 13, 1990, op. cit.

⁷³ "AVA Poster Gal of the Week", *Anderson Valley Advertiser*, April 4, 1989.

⁷⁴ "Earth First! Protests Photo Find", UPI wire, *Eureka Times-Standard*, June 14, 1990.

Susan Jordan argued publically that due to its nature as a joke, the photo was not admissible as evidence in the case, and that it had been deliberately released to discredit Bari and Cherney.⁷⁵

"To bring this photograph out now as proof positive that Judi Bari had some responsibility for the explosive device is absurd. It's either a smear or disingenuous if they know the context of how it was taken", added fellow attorney Richard Ingram.⁷⁶

* * * * *

Years later, Bari discovered that while she and Cherney might have agreed to the taking of the photo as a joke, the person who originally suggested it may have done so *in the first place to set Bari up* for being discredited:

"The effort to disrupt Ukiah Earth First! and paint me as a terrorist began in November 1988, a year and a half before the bombing. At that time, a man named Irv Sutley came to Ukiah to attend an abortion clinic defense that I had organized in coalition with Ukiah Earth First! and other local groups. We were truly outrageous at that demo, singing our newly written song, 'Will the Fetus Be Aborted' to the Operation Rescue thugs.

"I knew Irv, although not well, from my earlier work in the Central America movement in Sonoma County. Irv was traveling with (Pam Davis), and after the demonstration we all went back to Darryl's house. We talked about our recent successful blockade of Cahto Wilderness, in which I had been arrested for vehicular trespass. We smoked dope and fantasized about imaginary actions, including creating an oil spill in our pro-oil congressman Doug Bosco's backyard swimming pool.

"After a while, Irv opened the trunk of his car and showed us that he was carrying a modified Uzi submachine gun, which he told us was legal. We took turns posing for photos with the gun, laughing and trying to look tough. Irv placed the gun in my hands, showed me how to hold it, and arranged it so my Earth First! shirt was clearly visible.

"About a month later, unknown to me at the time, the Ukiah Police received a copy of

⁷⁵ Richard Johnson, June 15, 1990, op. cit.

⁷⁶ "Earth First! Protests Photo Find", UPI wire, *Eureka Times-Standard*, June 14, 1990.

the photo of me holding the Uzi, along with a letter from an anonymous informant (“Argus”). The letter combined half-truths and outright lies to make me look like a terrorist. It read: *I joined Earth First to be able to report illegal activities of that organization. Now I want to establish a contact to provide information to authorities. The leader and main force of Earth First in Ukiah is Judi Bari. She is facing a trespassing charge in connection with the Earth First sabotage of a logging road in the Cabto Peak area. She did jail time in Sonoma County for blocking the federal building to support the Communist government in Nicaragua. Bari and the Ukiah Earth First are planning vandalism directed at Congressman Doug Bosco to protest offshore oil drilling. Earth First recently began automatic weapons training..’*

“The letter went on to offer to set me up for a marijuana bust. The police were instructed to take out a coded ad in the local newspaper if they were interested. They were and they did. Around that time, Irv Sutley called me up and asked me to sell him some marijuana. But while I may have been stupid enough to pose for joke photos with an Uzi, I was not stupid enough to sell marijuana. I refused to get him the dope, and I was not busted.”⁷⁷

Ukiah Police Sergeant Dan Walker had revealed that “an (unnamed) informant” had sent the photo a year before the bombing “along with a list of Earth First! activities Bari was planning.”⁷⁸ That “informant” was evidently Irv Sutley.

Sutley was and is a controversial figure having latched on to many marginal leftist organizations in Sonoma County, in particular the Peace and Freedom Party. His activity within that organization in the late 1980s seemed more intended to cause disruption within its already fractured ranks than any constructive purposes.⁷⁹ For example, he convinced a seventeen year-old belly dancer, Amanita Gardner, to run for California State Assembly in 1988, a move that many saw as self destructive to the party at best (and at worst, Sutley may have been motivated for less than appropriate personal reasons, as suggested by Bruce Anderson).⁸⁰ He also conflated a minor inci-

dent involving fellow Peace and Freedom Party member Gene Pepi (with whom Sutley had ostensible ideological disagreements) into a plot by the International Workers Party (a nominal Trotskyist sect) to “take over” the Peace and Freedom Party, an act that Bruce Anderson (also a Peace and Freedom party member) humorously argued “would resemble a banana slug sort of oozing over the top of a marshmallow, completely irrelevant to the real world.”⁸¹ Many members of the Peace and Freedom Party, who disagree with each other vehemently on internal matters, still can attest to Sutley’s questionable activities.⁸² At the very least, Irv Sutley was paranoid.

Whether or not Sutley had any connection to the FBI or simply assisted them inadvertently in their campaign to discredit Judi Bari and Darryl Cherney is not known, but if the latter is true, it’s also a remarkable coincidence. His description of himself is chock full of contradictions. He had no steady job, no steady address, claimed to be physically disabled—though appearances suggested otherwise, claimed to be incapable of physical work—and yet remodeled Pam Davis’ garage in exchange for rent (which is how he happened to meet Bari in the first place). He also possessed a substantial number of guns, including the Uzi.⁸³ Sutley claims innocence, and that he was *himself* set up, due to his own activities in CISPES, but there is no evidence to support such a conclusion. According to Judi Bari,

“Irv claims innocence, saying that a third party, probably the FBI must have been surveilling CISPES in Santa Rosa and overheard him talking on the CISPES phone. He says he probably casually mentioned taking the photos of me, and the FBI decided to sneak into (Pam Davis’) house, steal a photo, and mail it to the Ukiah Police.

“This is quite a leap of logic, especially when you consider that I was a fulltime carpenter at the time, and not so active or well known yet. The FBI would have had to anticipate my future EF! stardom to be that interested in me that early. And, in order to believe Irv’s story you would have to believe that not only did the FBI steal the picture from Irv’s house, without him ever being aware of it, but then they wrote

⁷⁷ Bari, February 2, 1994, op. cit.

⁷⁸ “Earth First! Protests Photo Find”, UPI wire, *Eureka Times-Standard*, June 14, 1990.

⁷⁹ “Deconstructing Irv Sutley and the FBI, by Bruce Anderson, *Anderson Valley Advertiser*, June 12, 1991.

⁸⁰ “The Youth Vote”, letter to the editor by Amanita Gardner (and B. Anderson’s reply), *Anderson Valley Advertiser*, June 26, 1991.

⁸¹ Bruce Anderson, June 12, 1991, op. cit.

⁸² Personal communications with Tom Condit, Marsha Feinland, Susan Marsh, Frank Runninghorse, Gerald Sanders, and Gene Pepi, conducted 1995-2011.

⁸³ Bruce Anderson, June 12, 1991, op. cit.

this letter that just happened to be composed of stuff Irv would know. Then this unknown agent offered to set me up for a drug bust, an offer unlikely to be made by someone who doesn't have direct contact with me. And finally, even if you can believe all that, Irv admits that three months later, he sent the same photo to the *Anderson Valley Advertiser* without my permission, apparently completely unaware that the Ukiah police had the photo too. That's quite a coincidence, isn't it?"⁸⁴

Still more interestingly, a typographical analysis of the "Argus Letter" and the death threat received by Bari which read, "Judi Bari, get out and go back where you came from, We know everything. You won't get a second warning," shows that both were composed on the same machine.⁸⁵

* * * * *

The more that people investigated, the more the evidence pointed away from Bari and Cherney and the more the evidence suggested a conspiracy. The FBI frantically searched for something, anything on which to hang their only suspects. Desperate, they actually focused their attention on the nails that had been used as shrapnel in the bomb:

"The FBI was hard put to keep the case going against us. But they managed to find a straw to cling to for a few more weeks. Of all the 111 items seized, two nails allegedly had the same tool markings as some of the nails in the bomb. By this it could be determined that they were made on the same machine. But many hundreds of thousands of nails a day are made on each machine. The supplier, Pacific Steel, told the FBI that the nails come in 50-lb boxes from Saudi Arabia, and are distributed at over 200 outlets on the north coast. So, logically, it would be concluded that the nails were too common to compare.

"But logic never stopped the FBI. They just make up new lies. This time, according to an Oakland Police affidavit, an FBI bomb expert told them that the nails *matched in a batch of 200-1000*. The FBI bomb expert now claims that he never said that, and apparently they didn't even try to make this argument in court,

but they used it in the press for several weeks to counter emerging proof of our innocence⁸⁶, and they used it as part of the justification for the second raid on my house, in which they pulled finishing nails from my window trim in search of the elusive incriminating nails."⁸⁷

Lieutenant Mike Sims and Sergeant Michael Sitterud of the Oakland Police also pointed to an alleged FBI report linking a bag of nails that they claimed to have found in Bari's car to the nails used in the bomb⁸⁸, but tests showed that this bag of nails *didn't* match the nails in the bomb.⁸⁹ In fact, the differences were obvious even to the naked eye.⁹⁰ The nails on the bomb were finishing nails whereas the nails in the bag were *roofing* nails.⁹¹ No doubt the nails were in Bari's car because she was a carpenter⁹² and nails are common equipment possessed by just about anyone who homesteads in a rural community in any case. On top of these inconsistencies, the FBI twice denied the Oakland Police report.⁹³ None of the law enforcement agents ever mentioned that they had also taken, from Bari's vehicle, a folder containing a copy of the death threats and bogus Earth First! press releases in a folder labeled "Threats and Fakes"—which Bari used to demonstrate that there was a campaign of disruption against Redwood Summer.⁹⁴

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Despite the lack of evidence against Bari and Cherney, neither the FBI nor the Oakland Police bothered to investigate the possibility of other suspects.⁹⁵ They

⁸⁶ See for example, "Police Link Bomb Nails to Victim", AP Wire, *Ukiah Daily Journal*, July 6, 1990; "Nails in Bomb May Match Those in Victim's House", UPI Wire, *Eureka Times-Standard*, July 7, 1990; "Police: Nails Key to Bomb", by Chris Coursey, *Santa Rosa Press Democrat*, July 7, 1990; "Search Links Bari, Bomb; Oakland and Officials Claim Bomb Built at Activist's Home", by Chris Coursey and Mike Geniella, *Santa Rosa Press Democrat*, July 10, 1990; and "Nails Upstage Significant New Evidence", by Daphne Wysham, *San Francisco Weekly*, July 11, 1990.

⁸⁷ Bari, February 2, 1994, op. cit.

⁸⁸ "Court Records: Earth First! Activists Carried Nails for Bomb", AP Wire, *Ukiah Daily Journal*, June 10, 1990.

⁸⁹ Richard Johnson, June 15, 1990, op. cit.

⁹⁰ Nicholas Wilson, May 28, 1999, op. cit.

⁹¹ Harris, op. cit., page 328.

⁹² "Bari Says Nails Used for Carpentry, Not Bombs; Parody Gun Photo Taken is a Joke", by Mike Geniella, *Santa Rosa Press Democrat*, June 14, 1990.

⁹³ Richard Johnson, August 1, 1990, op. cit.

⁹⁴ Nicholas Wilson, May 28, 1999, op. cit.

⁹⁵ "Bari and Cherney Still Suspects in Car Bombing", by Mike Geniella, *Santa Rosa Press Democrat*, August 5, 1990.

⁸⁴ "Exposing the FBI", by Judi Bari, *Anderson Valley Advertiser*, June 12, 1991.

⁸⁵ Bari, February 2, 1994, op. cit.

didn't even offer a theory, which leads further credence to the belief that the bombing was a COINTELPRO operation from the get-go.⁹⁶ Whether it was or wasn't, the actual bomber was still at large and could make another assassination attempt. Outraged activists believed that the FBI and OPD should expand the scope of their investigation to find the real bomber, and so they conducted a letter writing campaign to the two agencies and congress demanding as much.⁹⁷ Law enforcement agencies *did* respond, with great fanfare⁹⁸, by expanding their suspect pool to include 800 or so North Coast environmentalists, including all known Earth First! activists in the region.⁹⁹

The idea that the suspect might have had some connection to anti-environmental forces, particularly corporate timber or the government itself was evidently not on the FBI's or OPD's radar, and the agencies refused to follow any such leads. Indeed, the FBI used the information they gathered to increase their surveillance of dissidents in the area.¹⁰⁰ In early August, the FBI dispatched two agents, Stuart Daley, who bore an uncanny resemblance to "a short, plumpish version of Clark Kent", and Stockton Buck, who had been present at the "Bomb School", to lead the effort.¹⁰¹ Captain James Hahn of the Oakland Police Department indicated that they, too, were involved in the investigation, but would provide no additional details.¹⁰²

The FBI initiated their "investigation" by sending a letter to the local newspapers—both corporate and independent—in the region, which read, in part, "As part of the [bombing] investigation, the FBI is attempting to identify the Lord's Avenger letter. In that regard we are asking for your cooperation in making available for review letters you have received regarding the redwood timber and abortion issues."¹⁰³ This meant that the FBI wanted to comb through unpublished letters to the editor, which vastly out-

numbered the published ones that anyone could access given the time and diligence.¹⁰⁴ Such a search was likely fruitless, because it would be very time consuming. As Betty Ball described it, "Instead of not having any leads, there are zillions of leads. Any avenue would take you quite a ways before you'd realize you were or were not close, that you had come up with nothing. It's a baffling thing."¹⁰⁵

For example, Del Norte County law enforcement agencies delved into the case of a Crescent City teenager whom local police had arrested in May of 1990 after he sold a homemade bomb to an undercover agent. Crescent City Police quickly dismissed any possibility of this being related to the Bari and Cherney bombing. Their reasoning was that the teenager was planting bombs to protest laws that restricted the purchases of assault rifles. "It's not connected in any way (to the Bari and Cherney case)", declared Crescent City detective Virginia Anthony, "I definitely would jump on it if there was any connection."¹⁰⁶ Anthony's assessment was probably on the mark, but her reasoning was suspect. The teenager in question probably would have felt at home among the members of WECARE, TEAM, Mother's Watch, or the Sahara Club, but then again, there were hundreds of such individuals in northwestern California.¹⁰⁷

Worse still, the FBI's method was invasive, and violated basic civil liberties. The *Santa Rosa Press Democrat*, in a moment of rare courage told the FBI to take a hike, arguing that surrendering the unpublished letters would have a chilling effect on free speech.¹⁰⁸ Richard Johnson, publisher of the *Mendocino Country Environmentalist*, also refused. He recalled:

"When Daley and Buck's San Francisco bureau Chief Richard Held—formerly of COINTELPRO fame—sent me a letter early last month demanding that I turn over the originals of all letters to the editor of this paper concerning abortion rights or redwood timber issues, I ignored him without further consequence. I have had no further contact with them..."

"No one is obliged to speak to the FBI about anything substantial. When you tell them that you would be happy to speak to them in the presence of your attorney, they go away and

⁹⁶ "The COINTELPRO Plot that Failed", by Judi Bari, *Anderson Valley Advertiser*, August 22, 1990.

⁹⁷ "Bombing Probe Disagreement: Earth First! Wants Broader Suspect Base", by Bleys W. Rose, *Santa Rosa Press Democrat*, July 19, 1990.

⁹⁸ "Earth First! Probe Hits North Coast", by Paul Grabowics and Carolyn Newburgh, *Oakland Tribune*, July 20, 1990; "Bomb Probe Renewed by FBI", by Mike Geniella, *Santa Rosa Press Democrat*, July 26, 1990; and "FBI's Earth First! Bombing Probe Comes to Humboldt County", by Mark Rathjen, *Eureka Times-Standard*, August 10, 1990.

⁹⁹ Bari, February 2, 1994, op. cit.

¹⁰⁰ Bari, February 2, 1994, op. cit.

¹⁰¹ "Willits Police Hunt Real Bombers", by Richard Johnson, *Mendocino Country Environmentalist*, September 1, 1990.

¹⁰² Grabowics and Newburgh, July 20, 1990, op. cit.

¹⁰³ Richard Johnson, September 1, 1990, op. cit.

¹⁰⁴ Bari, February 2, 1994, op. cit.

¹⁰⁵ Grabowics and Newburgh, July 20, 1990, op. cit.

¹⁰⁶ Grabowics and Newburgh, July 20, 1990, op. cit.

¹⁰⁷ Bari, February 2, 1994, op. cit.

¹⁰⁸ Bari, February 2, 1994, op. cit.

don't come back. If you tell them anything other than how to contact your attorney, they can open a file and put anything they want into it."¹⁰⁹

However, at least ten local editors, perhaps flattered by all of the sudden attention, consented to the FBI rifling through their files and picking out original copies of both published and unpublished letters.¹¹⁰ Even Bruce Anderson agreed to the search, opining, "It seems to me to be a fairly serious investigation... I think (the FBI agents are) up here all the time, that they're moving in, but a lot of my friends tell me I'm too optimistic."¹¹¹

Anderson's friends were correct. Virtually every letter they confiscated was written by an environmentalist, and what little connection any of the letters, their subject, or their author had to the bombing was tenuous at best.¹¹² A typical example included, "On Healing the Earth", by Forest Featherwalker, who was a supporter of Redwood Summer, and attended several demonstrations, but beyond that had no involvement in the planning or organizing of any of the events. Another, very curious example, was a poem, sent to the Redwood Record, titled, "Has anyone ever known their spirits?" signed "First Impressions in Pokhara Valley". According to Bari, who found much of this out through various discovery efforts in the lawsuit against the FBI in subsequent years, this letter was sent to all sorts of forensics and behavioral science labs by the FBI to determine whether or not the author had the personality type of someone who would plant a bomb in Bari's vehicle or write the *Lords Avenger* letter. Never mind that there were plenty of violent, right wing lunatics who *did* have such a personality. None of the letters from members of the Yellow Ribbon coalition, Mothers' Watch, TEAM, or other so-called "Wise Use" advocates were collected, much less investigated, even though there were *hundreds* of these.¹¹³

The FBI did, of course, consult with the representatives of these organizations who were not at all hesitant to offer their own twisted theories on who

the suspects might be, and naturally the list excluded any of their own ranks. Judi Bari recalls:

"Candy Boak of Mother's Watch, who is well known in our region as one of the worst pro-timber hate mongers, told the FBI that of all EFlers she knows, Larry Evans and Bill Duvall are the ones she fears the most. Larry is a non-violent activist with an academic background in and exceptional knowledge of forest biology. Bill Duvall is a Humboldt State University professor and coauthor of Deep Ecology. The very same week that Candy talked to the FBI, she organized a "Dirty Tricks Workshop" with the anti-environmental hate group Sahara Club, to teach local timber goons new ways to terrorize us. This, of course, is not mentioned in the interview."¹¹⁴

Boak's cohort, Paula Langager of WECARE actually admitted to the FBI that there was a core group of their ilk who liked "to play little jokes on Earth First! members (sic) and have issued false press releases." She then gave the FBI copies of the bogus press releases, and even named Dave Curzon as the author! Astonishingly, the FBI dropped this lead altogether. The FBI agents also took copies of environmental leaflets collected by various corporate timber apologists as well as timber management, that included headlines such as "Come to the Air Quality Hearing" and "Hemp Awareness Day: Music, Teach-in, and Festival". P-L president John Campbell provided copies of *The Country Activist*, a timber industry-produced booklet of Earth First! quotations (no doubt devoid of context), and a copy of *Live Wild or Die*, a primitivist oriented newspaper published very sporadically by a faction within Earth First! that also includes non Earth First! fellow travelers. Campbell also submitted a list of fifty three names and addresses that he claimed were "Earth First! trespassers" despite the fact that many of them had never been formally charged with this crime.¹¹⁵

Buck and Dailey's contact with local law enforcement agencies was no less suspect. Judi Bari elaborates:

"The FBI also interviewed the local police in the timber region. They asked them questions like who do they 'consider to be prominent environmental activists' in their town. Without ever questioning why, police gave out names

¹⁰⁹ Richard Johnson, September 1, 1990, op. cit.

¹¹⁰ Bari, February 2, 1994, op. cit.

¹¹¹ Grabowics and Newburgh, July 20, 1990, op. cit.

¹¹² Bari, February 2, 1994, op. cit.

¹¹³ "Dances With FBI Agents", speech by Judi Bari, recorded at Briceland School by Bob Seifert for KMUD FM community radio, Briceland, CA., November 1996. Featured on Who Bombed Judi Bari? spoken word album, published by Darryl Cherney, © 1997, Alternative Tentacles.

¹¹⁴ Bari, February 2, 1994, op. cit.

¹¹⁵ Bari, February 2, 1994, op. cit.

and addresses of various ‘respectable’ environmentalists, as well as Earth First!ers. Humboldt sheriffs were asked for a list of ‘individuals capable of engaging in violent activity.’ The list consisted entirely of nonviolent Earth First! activists, none of whom engaged in any violent activity before, during, or since that time. Names of timber supporters, who had committed many well-documented assaults on environmentalists in our region, were not solicited by the FBI or included on any police lists.

“Humboldt and Mendocino Sheriff’s ‘Intelligence Officers’ also came up with some wild stories about supposed internal jealousies and intrigues within Earth First!. One had Mickey Dulas and me pulling a coup on Darryl Cherney to squeeze him out of the picture. Another had Mickey crying ‘from being upset with Judi Bari, as Judi Bari was dictating how things should be run from her wheelchair.’ In reality, we were all working together, standing up to lethal force with principle, courage, and nonviolence in terrifying situation.

“A (Mendocino) sheriff report claimed that monkeywrenching was being done by the Nomadic Action team. Led by Mike Roselle. The fact that there was no monkeywrenching going on at all didn’t seem to bother him. Another fictitious ‘intelligence’ report of an event that never happened quotes Humboldt sheriffs as saying that ‘members of the Earth First (sic) in the tri-state area, believed to mean Washington, Oregon, and California and possibly Arizona are planning to travel to the north coast and attempt to take over, as they feel the local leadership is not doing enough. These outside Earth First! members, many of whom are former (sic) followers of Dave Foreman, are planning a build-up of activities...and there is something unknown that is being planned.’”¹¹⁶

Presumably, these alleged “differences” might have been pretext for a disgruntled Earth First!er planting the bomb in Bari’s car, except that none of these accounts were true, and what acrimony did exist within Earth First! was far less serious or pronounced than this. There *was* growing division between Dave Foreman and Mike Roselle over the direction of the *Earth First! Journal*, and there were many outside of northern California who questioned the renunciation on tree spiking, but for the most part, Earth First!ers were

unified in their support for Bari and Cherney as well as Redwood Summer.

The likelihood is that the leaders of the FBI and OPD investigative team knew *exactly* who the bomber was, but were concealing this information, and the expansion of the suspect pool in this fashion was nothing more than a distraction. The haze surrounding the bombing was thickened by the charging of Ilse Asplund, Mark Baker, Mark Davis, Dave Foreman, and Peg Millet in the Arizona power line case which had already been revealed as an FBI sting and COITNELPRO operation, a fact that the corporate media routinely ignored.¹¹⁷ If anything, the entire “investigation” was simply a continuation and expansion of the initial COINTELPRO operation all along, because much of what Buck and Dailey did involved information gathering, surveillance, and even disruption. The FBI even deposed John DeWitt, director of Save the Redwoods League. DeWitt turned over a letter he had received from Greg King, written in 1987, admonishing Save the Redwoods League to stop compromising with corporate timber and selling out the forest. He also submitted a list of Earth First! activists and associates and a list of how much each had donated to his organization. Most of them had donated nothing, and those who had, had contributed paltry sums, such as Darryl Cherney, who had given them \$5.¹¹⁸ The revelation of this information sowed further divisions and mistrust between Earth First! and Save the Redwoods League.

Clearly, not only was the bombing of Bari and Cherney an attempt to disrupt Earth First! (and by extension the IWW, EPIC, *Forests Forever*, Redwood Summer, and all of those connected to them), the FBI’s subsequent investigations *themselves* seemed designed to do exactly the same thing. Indeed, the intentions of both dovetailed so seamlessly, one could scarcely be faulted for concluding they were part of a unified effort. The only mystery was how effective would such an endeavor be.

* * * * *

Outside of the North Coast, the bombing actually strengthened the support for Redwood Summer, because in spite of all of the propaganda, the victims were quickly (and rightfully) regarded as martyrs rather than terrorists. Indeed, calls of support for Redwood Summer and offers of financial assistance were

¹¹⁶ Bari, February 2, 1994, op. cit.

¹¹⁷ “Feds Accuse Arizona Activists of Plot to Sabotage Nuke Plants”, by Mike Geniella, *Santa Rosa Press Democrat*, August 5, 1990.

¹¹⁸ Bari, February 2, 1994, op. cit.

nonstop at the Mendocino Environmental Center, and only increased after the bombing.¹¹⁹ Richard Johnson described the constant hustle and bustle at the MEC thusly:

“From Thursday afternoon to Saturday evening, the organization’s office near the courthouse in Ukiah was full of people responding to the tragedy. The tone of the continuously changing congregation was one of sober concern for the victims’ health and safety, and resolute conviction that both Bari and Cherney were innocent of any involvement in their assault. In an atmosphere of calm determination, tempered sometimes by fatigue, movement workers and volunteers, channeled information, created posters and written updates, organized a support fund, and conducted vigils. Never was there a feeling of crisis at the center.”¹²⁰

Earth First!ers from Boulder Colorado, while not in agreement with the renunciation of Tree Spiking, nevertheless pledged their support for Redwood Summer. “No, they’re not going to scare us away,” said Colorado Earth First!er Eric Kessler, who informed the MEC that at least 50 people would be coming from his region to join in the actions. “Until this, I never thought of tying myself to a tree,” said one volunteer, “now I’m ready.”¹²¹

Response from state and national environmental and social justice organizations to the bombing was immediate and strong. Pledges of support and solidarity were issued by Amnesty International, the American Civil Liberties Union, American Peace Test, the Christic Institute, Greenpeace, Pledge of Resistance, the Rainforest Action Network, and United Student Action. Support offices were established as far away as Boston, Detroit, and New York City.¹²² They were soon joined by the Earth Island Institute and the International Indian Treaty Council.¹²³ Members of the Santa Rosa chapter of CISPES and Pledge For Peace called for an immediate investigation of the bombing and police conduct in dealing with the

crime.¹²⁴ Howard C Hughs, a coordinator from the Sonoma County Rainbow Coalition wrote an op-ed piece for the *Santa Rosa Press Democrat* drawing the parallels between Judi Bari and Martin Luther King as well as Mississippi and Redwood Summers.¹²⁵ Labor unions and union militants, at least those still devoted to class struggle, also showed their support. In spite of all of this, however, at least one leader in the movement would be dropping out of Redwood Summer.

* * * * *

Greg King had been nowhere near the explosion when it had happened, but in a very real way he became its third victim. He had traveled to the Bay Area to attend several of the vigils in support of Bari and Cherney. However, he had already been fighting burnout for over a year and was not especially comfortable with the rapid expansion of the movement, preferring instead to work in small groups. He had warned Bari, Cherney, and many other Earth First!ers about infiltration, perhaps even from the FBI, and even after Arizona, none had envisioned anything as drastic as *this*. On top of these factors, King’s mother was fighting a losing battle with cancer. While staying with comrades in Berkeley one night shortly after the bombing, King stepped out to purchase candles for one of the solidarity vigils at a local convenience store. In an odd series of eerie coincidences, King was given a ride by Dave Kemnitzer, and on a dark street at a not particularly well lit intersection in Berkeley, they stopped behind another vehicle bearing a yellow bumper sticker with black letters produced by an obscure “noise” band from Contra Costa County known as Negativland. The sticker had just two legible words on it. They read, “Car Bomb!” on which Kemnitzer commented, “That’s not funny.”¹²⁶

This was too much for Greg King. He was already suspicious to the point that he wasn’t entirely sure that Kemnitzer wasn’t an infiltrator. By King’s own account he was stoned on marijuana and prone to the paranoia sometimes experienced under its influence. There was very little chance that, even in Berkeley where the local community based Pacifica radio station KPFA—who regularly featured Negati-

¹¹⁹ “Nonviolence is Our Answer”, by Richard Johnson, *Mendocino Country Environmentalist*, May 29, 1990.

¹²⁰ “Nonviolence is Our Answer”, by Richard Johnson, *Mendocino Country Environmentalist*, May 29, 1990.

¹²¹ “Supporters Insist Bomb Victims Nonviolent; Timber Firms Condemn Attack”, by Chris Coursey and Steve Hart, *Santa Rosa Press Democrat*, May 25, 1990.

¹²² “Nonviolence is Our Answer”, by Richard Johnson, *Mendocino Country Environmentalist*, May 29, 1990.

¹²³ “Redwood Summer Goes On!”, by Karen Pickett and Woody Joe, *Earth First! Journal*, Litha / June 21, 1990.

¹²⁴ “Human Rights in America”, letter to the editor by Mattie Rudinow, et. al, *Anderson Valley Advertiser*, June 20, 1990; and “Pledge for Peace”, letter to the editor by Mattie Rudinow, et. al, *Santa Rosa Press Democrat*, June 23, 1990.

¹²⁵ “Close to Home: Earth First! and Covert Ops”, by Howard C. Hughs, *Santa Rosa Press Democrat*, June 21, 1990.

¹²⁶ Harris, op. cit, page 332.

vland on a weekly show called “Over The Edge”, that anyone would have known that the “Car Bomb” reference had *nothing* to do with what had just happened to Bari and Cherney (indeed, it was the name of a nondescript track on their album, *Escape from Noise*, which had been released five years previously). Kemnitzer evidently hadn’t recognized it as an odd coincidence either.¹²⁷

King quickly exited the car and returned to where he was staying. His comrades tried, unsuccessfully, to comfort him, but the straw had broken the camel’s back. King wanted out and was determined to return to Humboldt County, and so he left. That proved to be an adventure also, due to a combination of the frightened activist’s snowballing paranoia and the quiriness of Berkeley’s side streets which are organized into a complex maze of one-way arteries, controlled by intersectional barriers, designed to re-route traffic onto main thoroughfares. After inadvertently driving in circles—or what seemed like circles, and experiencing several additional panic attacks, King gave up and left his vehicle by the side of the road and hitchhiked home to Humboldt. King was done, and would soon completely step away from activism for several years.¹²⁸

* * * * *

King may have been driven out of the movement (for a time at least), but Judi Bari, herself, proved far more resilient. On June 22, 1990, while Redwood Summer was in full swing, in Oakland, Bari (who was still in traction and recovering slowly at Highland Hospital) and Cherney were finally arraigned, and no charges were filed against them, no doubt because the Alameda County DA had no evidence against them. Nevertheless, the same DA expressed intent to charge them anyway, “as soon as evidence could be found.” The case was continued.¹²⁹

That day, a coalition of environmental, feminist, labor, peace, and social justice groups held a press conference outside of the hearing in Oakland “to announce its formation to work in support of the rights of all activists to carry out nonviolent protests unimpeded by police harassment, infiltration, and violence,” as well as to publically support Redwood

Summer.¹³⁰ The event was attended by Bari and Cherney’s lawyer, Susan Jordan, as well as David Brower and Ted Steiner of Earth Island Institute, David Chatfield of Greenpeace, Monica Moore of the Pesticide Action Network, Randy Hayes of the Rainforest Action Network, David Nesmith of the Sierra Club, and Jane McAlevey¹³¹ of the Environmental Project on Central America. Speaker after speaker excoriated the government for their obvious attempts to frame Bari and Cherney. During his speech, Steiner declared:

“It’s time for the government to clear the reputations of these two environmental activists... A cloud hangs over their heads, and the harassment and misinformation campaign by the Oakland police and the FBI is a well-orchestrated attempt to destroy Redwood Summer. It is an attack on the whole environmental movement.”¹³²

Jane McAlevey also spoke, saying,

“Despite illegal searches and seizures by the Oakland police and the FBI, the prosecution still has not produced a shred of evidence against the victims. This is simply an attempt by some at the federal level in and out of Corporate America to discredit these very effective and heroic environmental activists.”¹³³

Monica Moore stated, “The arrest of Judi Bari and Darryl Cherney and the authorities’ presumption that they were responsible for this violent crime is unjust, unfounded, and extremely dangerous to democratic rights.”¹³⁴

David Chatfield declared, “American history shows that when nonviolent protest begins to effect change, it invites repression from authorities committed to the status quo. As the cold war thaws, we may be entering an era in which the FBI and other agencies substitute the Green Menace for the Red Menace.”¹³⁵

Still carrying the proverbial torch of John Muir and his fellow Sierra Club founders, David Brower—now organizing under the banner of the

¹³⁰ “What Makes Us Strong”, by Karen Pickett, *Redwood Summer Earth First! Extra*, late July 1990.

¹³¹ This is the same Jane McAlevey who is now much better known as a union strategist.

¹³² Richard Johnson, July 1, 1990, op. cit.

¹³³ Richard Johnson, July 1, 1990, op. cit.

¹³⁴ Richard Johnson, July 1, 1990, op. cit.

¹³⁵ Richard Johnson, July 1, 1990, op. cit.

¹²⁷ Harris, op. cit, pages 332-34.

¹²⁸ Harris, op. cit, pages 332-34. Fortunately, King eventually found his way back into the environmental movement, ultimately succeeding Tim McKay as executive director of the North Coast Environmental Center.

¹²⁹ “Redwood Summer Timeline”, by Karen Pickett, *Earth First! Journal*, Samhain / November 1, 1990; and Richard Johnson, *Mendocino Country Environmentalist*, various issues from June 1, 1990 – October 1. 1990.

Earth Island Institute—spoke for nearly everyone in Redwood Summer when he stated:

“We call for a thorough and impartial investigation into who was truly responsible for the murder attempt against these activists as well as a serious investigation of the numerous death threats they have received. Further, we demand that the authorities desist in their campaign to discredit the legitimacy of their struggle...We call on other environmental groups to express their support for Redwood Summer and for nonviolent direct action as a legitimate method of defending the forests and preserving American jobs. Earth Island Institute supports the goals of Redwood Summer and deplores the thinly-veiled attempts to thwart this worthy effort to preserve the last of California’s old-growth forests.”¹³⁶

The speakers then drafted a letter calling for an independent investigation of the bombing and the police and FBI’s handling of the case.¹³⁷ The letter included the following statement:

“We are also concerned by reports that the two injured Earth First! organizers might have been deprived of due process. In particular, we are disturbed by reports that one of the victims (Cherney) was confined to a small prison cell for eight hours, questioned intensively for four hours by the FBI, given little food or water during this time, and denied access to his attorney—despite his attorney’s efforts to see him throughout this process.”¹³⁸

This document was signed by Congressman Ron Dellums, Assemblyman Tom Bates, and representatives from various organizations, including Earth Island Institute, Greenpeace, Friends of the Earth, Environmental Project on Central America, the National Organization of Women (NOW), the National Lawyers’ Guild, the ACLU, and many others.¹³⁹ Congressman Dellums declared:

“Neither the Oakland police or the FBI have conducted any interviews or done any investigative work with respect to this theory of the case. Instead, they continue to focus on a forensic inquiry that seeks to explain an a priori

conclusion that Ms. Bari and Mr. Cherney knowingly transported the bomb that blew up their car...”¹⁴⁰

“It strikes me as fundamentally flawed for these agencies to ignore the obvious possibility that individuals seeking to disguise their actions had planted a bomb in the car in such a fashion.”¹⁴¹

Mendocino County Supervisor Norm de Vall announced that both Dellums and Bates were seeking intervention from California Attorney General Van de Kamp against the ongoing attempts to frame Bari and Cherney.

“The media, FBI, and Oakland Police are looking upon the two victims as suspects,” charged Ying Lee Kelley, one of Ron Dellums Congressional aides.¹⁴²

“(There is an obvious) lack of care that’s been taken with the car and the immediate evidence that should have been investigated...I think it’s also important to point out that Bari and Cherney are two people that have dedicated themselves to the Gandhian principles of nonviolence.”¹⁴³

California state Democratic Party Executive Board member Agar Jaicks declared, “The violation of Bari and Cherney’s rights gives fair warning to lumber employees that their rights, too, can be denied.”¹⁴⁴ Helen Grieco, executive director of NOW’s San Francisco chapter suggested that if investigators were serious about catching the bomber, they’d consider the actual likely suspects, which included corporate timber representatives, anti-choice activists, and quite possibly the FBI itself. David Brower agreed, saying, “We’ve got to put our security agencies on trial. We deserve more than we’re getting from these agencies.”¹⁴⁵

“History is full of violence against nonviolent activists...Earth First! was beginning to have an effect on the status quo”, echoed Greenpeace regional director Chet Tchozewski.¹⁴⁶ “I think the next phase of this investigation has to be for a clear and open inves-

¹⁴⁰ Richard Johnson, August 1, 1990, op. cit.

¹⁴¹ “Probe Asked of Oakland Police, FBI: Handling of Car Bomb Blast Questioned”, staff and wire reports, *Santa Rosa Press Democrat*, July 17, 1990.

¹⁴² “California’s ‘Timber War’ Heats Up”, by Chuck Idelson and Tara Kramer, *People’s Daily World*, July 21, 1990.

¹⁴³ Staff and wire reports, July 17, 1990, op. cit.

¹⁴⁴ Idelson and Kramer, July 12, 1990, op. cit.

¹⁴⁵ Staff and wire reports, July 17, 1990, op. cit.

¹⁴⁶ Idelson and Kramer, July 12, 1990, op. cit.

¹³⁶ Richard Johnson, July 1, 1990, op. cit.

¹³⁷ Pickett, late July 1990, op. cit.

¹³⁸ Richard Johnson, August 1, 1990, op. cit.

¹³⁹ Pickett, late July 1990, op. cit.

tigation and not charge the victims and call that justice. We don't know anything anyone here doesn't know. We want someone other than the victims to be considered as suspects," he added.¹⁴⁷

* * * * *

Originally Oakland police officials stated that they would bring charges against the pair on June 18, 1990. They postponed that hearing until July 18¹⁴⁸, but on July 17, 1990, Chris Carpenter announced that the County would not charge Bari and Cherney after all, despite their having corroborated with the FBI in an obvious frame up attempt of the pair. "Based on the evidence that we have, no charges will be filed. We had a bomb go off in Oakland and police are continuing their investigation," declared Carpenter.¹⁴⁹ Not willing to completely concede defeat, however, he said, "We haven't eliminated anyone as a suspect."¹⁵⁰

Lawyers Susan B. Jordan, Douglas Horngard, and Richard Ingram, Bari and Cherney's legal team, declared:

"From the moment the bomb went off under Judi's seat the Oakland Police Department launched an investigation directed only at them solely because they are political activists. The Oakland Police Department has conducted an unprecedented and outrageous smear campaign in an attempt to discredit Earth First! and Redwood Summer."¹⁵¹

Redwood Summer organizer Ed Denson issued the following addendum, on behalf of Bari and Cherney's legal team:

"We view the District Attorney's action today not only as an indication, but as a confirmation of Judi Bari's and Darryl Cherney's innocence. We resent any implication that they are not totally innocent. There is no evidence, nor has there ever been, that nails on the bomb match nails at Judi's house. This evidence does not exist...

"We intend to pursue this investigation and we are demanding the immediate release of

all information gathered to date. We are evaluating today's action with an eye toward a lawsuit for false arrest and for violation of Judi Bari's and Darryl Cherney's civil rights.¹⁵²

The Oakland Police Lieutenant Mike Sims, however, indicated that his department still considered Bari and Cherney as likely suspects, stating, "We developed a lot of information, talked to a lot of people. What a lot of people lost sight of was that there was another bombing in this case involving a lumber yard. We would have been remiss if we had not followed the course we have taken."¹⁵³ He complained about the difficulty in his investigation, because few of those close to the victims would cooperate with his department, no doubt due to the latter being wary of the Oakland Police's possible complicity in a cover-up.¹⁵⁴ Sims declared:

"We will continue with the investigation and check out all leads, but it is difficult when we have people refusing to talk to us. To this point our (investigation) has been geared in their direction. We realize the political and economic situation in that area is volatile but we are not going to serve somebody's political agenda. We are going to go with the evidence that identifies the bomber."¹⁵⁵

What Sims was ignoring, of course, was that he was already serving the political agenda of the employing class, specifically Corporate Timber, by continuing to ignore the obvious, that the bombing was an assassination attempt.¹⁵⁶

The reaction among the Redwood Summer organizers was one of relief and vindication, but not elation. Mike Roselle stated, "We need a real investigation that follows up on some of the obvious leads like the death threats, but we do not have a lot of confidence that the Oakland Police will do this, although that is their responsibility."

Betty Ball made it clear that there was still a campaign to be waged. "The forests are still falling and a bomber is still out there. We don't have to deal with (just) one issue anymore. I have known from the outset that (Bari and Cherney) were the victims."

¹⁴⁷ Staff and wire reports, July 17, 1990, op. cit.

¹⁴⁸ "No Charges Against Judi and Darryl", *Industrial Worker*, September 1990.

¹⁴⁹ "No Bombing Charges: Evidence too slim against Bari, Cherney", by Bleys W. Rose, *Santa Rosa Press Democrat*, Wednesday, July 18, 1990.

¹⁵⁰ "DA Won't Charge Victims; Evidence Lacking in Earth First! Case", *UPI Wire, Eureka Times-Standard*, July 18, 1990.

¹⁵¹ Rose, July 18, 1990, op. cit.

¹⁵² Press release, by Ed Denson, July 17, 1990.

¹⁵³ "DA Won't Charge Victims; Evidence Lacking in Earth First! Case", *UPI Wire, Eureka Times-Standard*, July 18, 1990.

¹⁵⁴ Richard Johnson, July 1, 1990, op. cit.

¹⁵⁵ Rose, July 18, 1990, op. cit.

¹⁵⁶ Richard Johnson, July 1, 1990, op. cit.

Representatives of Seeds of Peace were angry at the unwarranted searches and what they felt were illegal detentions of their members on May 24, 1990 and demanded an apology from the Oakland Police. Jim Squatter, speaking for the group declared, “We felt that they were on the wrong track and they finally proved our point.”¹⁵⁷

Bari and her immediate family, including her estranged sister Gina Kolata, were relieved.¹⁵⁸ Bari declared that she was “ecstatic” about the decision but “outraged at what the FBI and the Oakland Police (had done to her).”¹⁵⁹ She was also critical of the Mendocino County police agencies, unsympathetic local officials, and the corporate press for their parroting of the official line that she and Cherney were knowingly transporting explosives that accidentally detonated. Bari said that local officials and especially the Mendocino County Supervisors were, “quick to condemn us for possible violence when we announced Redwood Summer, but they were strangely silent when this unspeakable violence happened to me.” Of the corporate press, she complained about reporters falling for “selected leaks and innuendo instead of making the police try me in the courtroom where there are rules of evidence.” She was especially incensed at the reporting in one publication in particular, declaring, “The *Press Democrat* has done as much damage to me as the Oakland Police. I don’t call that journalism. I call that slander.” She could just as easily have singled out the *Eureka Times-Standard*, *Oakland Tribune*, *San Francisco Chronicle*, *San Francisco Examiner*, or countless other corporate owned publications (not to mention radio and TV outlets) of the capitalist press who had been just as atrocious in their handling of the bombing.

Despite this, Bari was undaunted in her resolve. She declared, “I don’t intend to be run out of town. I don’t intend to shut up. I’m going to be there (involved in Redwood Summer), and I’m going to be saying ‘no’ to the timber industry.”¹⁶⁰ She added,

“We are going on the offensive now...the authorities in Oakland, the local FBI, and the Mendocino County Sheriff’s Department have shown themselves to be completely incapable of conducting an investigation into finding out who did this to me. Some of these people

should be fired, some of them belong in jail themselves. The killers are still out there.”¹⁶¹

She also stated, “What they did was not an investigation. It was an outrageous smear campaign...Now they’re going to pay. We’re going to sue their asses...We’re going to find out who did this and we’re going to demand that those people responsible be prosecuted.” Darryl Cherney, who had just returned from the annual Earth First! Round River Rendezvous in Montana was equally guarded, declaring, “I’m worried about some bozo out there with a bomb. My happiness with the district attorney’s decision not to prosecute is tempered by the fact that there’s a would-be assassin of environmentalists who’s still on the loose and not being looked for.”¹⁶² Bari had recently been discharged from Highland Hospital in Oakland, but her right leg was shredded and she was undergoing physical therapy at a Santa Rosa rehabilitation clinic.¹⁶³ Though she had been severely maimed, if the bomber had hoped to silence Judi Bari, that attempt had failed miserably. Bari agreed, stating, “They blew up the wrong end of me.”¹⁶⁴

While the bombing hadn’t stopped Redwood Summer—if anything the bombing and its fallout may have brought it more attention and more volunteers—it still changed the focus and reframed the debate, particularly in the eyes of the corporate media. According to Judi Bari, “In spite of (the charges being dropped), the FBI was successful in damaging my reputation and discrediting the nonviolent movement I was helping to organize.”¹⁶⁵ Even though Bari and Cherney were innocent, it would take time for that to be ultimately proven true. While the organizers of Redwood Summer had, thus far, succeeded in raising awareness about corporate liquidation logging, the threats to old growth forests and biodiversity, and the seemingly underbelly of the corporate timber stranglehold on timber dependent communities, the bombing had halted much the progress IWW Local #1 had made at building bridges between timber workers and Earth First!. This was due partly to Bari being incapacitated, but it was no doubt also due to the fear that the bombing instilled in many workers. Worse still, the bombing served to discredit the efforts to cam-

¹⁵⁷ Rose, July 18, 1990, op. cit.

¹⁵⁸ “Bari Vows to Resume Fight”, by Mike Geniella, *Santa Rosa Press Democrat*, July 18, 1990.

¹⁵⁹ Idelson and Kramer, July 12, 1990, op. cit.

¹⁶⁰ Geniella, July 18, 1990, op. cit.

¹⁶¹ “Redwood Summer Appears in Fort Bragg Saturday: Frame Up Dropped”, by Bruce Anderson, *Anderson Valley Advertiser*, July 18, 1990.

¹⁶² Rose, July 18, 1990, op. cit.

¹⁶³ Geniella, July 18, 1990, op. cit.

¹⁶⁴ “Breaking Up or Breaking Apart”, by Karen Pickett, *Earth First! Journal*, Samhain / November 1, 1990.

¹⁶⁵ Bari, August 22, 1990, op. cit.

paign for *Big Green* and *Forests Forever*. It further muddied the debate on the Northern Spotted Owl. There was no doubt that the movements that had coalesced to form Redwood Summer had been dealt a major setback, one from which it would take years to recover. Meanwhile, Corporate Timber continued to clear-cut and liquidate the last remaining unprotected redwoods on California's North Coast at an unprecedented rate.¹⁶⁶

¹⁶⁶ "Earth First! in Northern California: An Interview with Judi Bari" by Douglas Bevington, reprinted in *The Struggle for Ecological Democracy: Environmental Justice Movements in the United States*, edited by Daniel Faber, New York, NY and London, Guilford Press, 1998, 260.