

DEPOSITION OF JUDI BARI

Redacted version of the transcript of the deposition of Judi Bari as authorized by the court and used to guide the editing of the deposition videotape for presentation to the jury at trial.

Compressed single-spaced format with original line breaks, page and line numbers preserved.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUDI BARI and DARRYL CHERNEY,
Plaintiffs,

vs. No. C 91-1057 CW (PJH)

THE UNITED STATES OF AMERICA,
et al.,
Defendants.

_____ /

DEPOSITION OF JUDI BARI

January 30, 1997

and

January 31, 1997

BROOKS & OJEDA, INC.
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26

1 BE IT REMEMBERED THAT, on Thursday,
2 January 30, 1997, commencing at the hour of 12:25
3 p.m. of the said day, and continuing on Friday,
4 January 31, 1997, commencing at the hour of 10:25
5 a.m., at the Ukiah Valley Conference Center, 200 S.
6 School Street, Ukiah, California, before me, DEBORAH
7 WONG BROOKS, a Certified Shorthand Reporter in the
8 State of California, personally appeared JUDI BARI,
9 produced as a witness in the above-entitled court
10 and cause, who, being by me first duly sworn, was
11 examined in said cause.

12

13 APPEARANCES OF COUNSEL

14

13 FOR PLAINTIFFS JUDI BARI and DARRYL CHERNEY:

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FOR THE OAKLAND DEFENDANTS:

22

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Oakland, CA 94612

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1 FOR THE FEDERAL DEFENDANTS:
2 DEPARTMENT OF JUSTICE
3 BY: R. JOSEPH SHER, ESQ.
4 Post Office Box 7146
5 Benjamin Franklin Station
6 Washington, D.C. 20044
7 There also being present:
8 JAMES D. WHALEY
9 MICHAEL GRAY (Videographer)
10 CAROL GRAY (present on 1/30/97 only)
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4 JUDI BARI,
5 being first duly sworn, testified as follows:
6 EXAMINATION BY MR. CUNNINGHAM
7 MR. CUNNINGHAM: I'm sorry. The record
8 should show also Deborah Wong Brooks is the
9 certified court reporter who administered the oath
10 and is taking a transcription of the testimony.
11 Q. State your name for the record, ma'am.
12 A. Judi Bari.

7

10 Q. ... what is the basic event out
11 of which the case arose?
12 A. In May -- on May 24th of 1990, I was bombed
13 and nearly killed in a car bomb assassination
14 attempt.

8

23 You said you were bombed. Where did this
24 occur?
25 A. In Oakland, California, on -- I don't --
26 it's on 34th and Park. Something like that.

9

1 Q. And what exactly happened to you?
2 A. What happened when the bomb went off?
3 Q. Yes. Where were you?
4 A. I was driving my car, and I was driving
5 down the street, and I was following somebody
6 because we were trying to go to her home. I didn't
7 know the way well, so I was supposed to follow her.
8 And she was driving a little fast for me to keep up
9 with her.
10 And what I remember is that, at a certain
11 point, I think she was getting ready to make a turn,
12 and I was trying to follow her and realized I wasn't
13 going right, and I quickly hit the brake. And at
14 the time when I hit the brake, there was a very huge
15 explosion, and I felt it rip through me. I felt it
16 from underneath me.
17 And I don't remember what happened in the
18 next couple of minutes. I remember the explosion
19 being so powerful that the sound, itself, had a
20 force. I remember the explosion very clearly, and I
21 certainly remember the place that it came from,
22 which was directly underneath me.

10

4 Q. What led you to believe that the explosion
5 occurred underneath you?
10 A. I felt it. I felt a huge force that came
11 from directly below me. It was the hugest thing I'd
12 ever felt in my life. It was the most violent force
13 I'd ever felt, and it was directional. And it came
14 from below me, and I felt it. I felt it rip through
15 my body.
16 Q. And what happened next that you can recall?
17 A. The next thing I remember, the car was
18 stopped and there were people around, and I was in
19 incredible pain that I had never felt before. I
20 knew my back was broken. My legs both were immobile
21 at the time. I knew that my body was ruined. I
22 knew that I was paralyzed. I felt that I was
23 dying.
24 I don't remember exact conversation, but I
25 do remember just saying, "I'm dying. I'm dying. My
26 back is broken." I remember them trying to take me

11

1 out of the car, and that I didn't think there could
2 be any pain worse than I was already experiencing.
3 But when they lifted me out of the car, it
4 was beyond horror. I remember trying to think of
5 reasons to stay alive.
13 MR. CUNNINGHAM: Q. So, you recall them
14 removing you from the car?
15 A. Yes.
16 Q. And was someone in the car with you when
17 the explosion occurred?
18 A. Yes. Darryl Cherney was riding in the
19 passenger seat.
20 Q. And were you aware of what had happened to
21 him before you were taken out of the car?
22 A. No. I remember hearing him say, "I
23 love" --
26 MR. CUNNINGHAM: Q. Were you --

12

1 A. I was not --
2 Q. What were you aware of with respect to
3 Darryl after the explosion?
4 A. I was not aware of what injuries he had or
5 didn't have.
6 Q. Okay.
7 A. I remember him telling me that he loved me,
8 and that I was going to live.
11 MR. CUNNINGHAM: Q. Do you remember
12 Darryl saying anything to you while you were still
13 in the car?

16 A. Just what I said. I remember him saying
17 that he loved me, and I remember him saying that I
18 was going to live.
19 Q. And then what can you tell us about -- that
20 you can recall, about being removed from the car?
21 A. I just remember incredible pain. I was not
22 conscious enough of what was being done to me to
23 describe that, except that it was incredible pain.
24 Q. And what's the next thing you remember
25 after being taken out of the car?
26 A. I remember being placed on a gurney, which,

13

1 again, was another incredible pain. I remember
2 being put in an ambulance. I remember going to the
3 hospital in the ambulance. I remember repeating
4 that my back was broken, because I wanted them to --
19 Q. And do you recall arriving at the hospital?
20 A. Yes. I remember being moved again, and
21 again being in incredible pain.
22 Q. And what happened when you got to the
23 hospital when you were moved? Where did they take
24 you?
25 A. I don't know.
26 Q. And what's the next thing you do know that

14

1 happened?
2 A. I remember a nurse hugging me and telling
3 me that they were going to put me unconscious, and
4 that I would probably wake up with one of those
5 little colon bags. I forget what they're called.
6 And I remember begging them to let me die, and
7 that's the last thing I remember before I lost
8 consciousness.
9 Q. Do you remember talking to anyone before
10 losing consciousness, besides -- between the time
11 you got to the hospital and the time you went in the
12 emergency room?
13 A. I remember people around, but I don't
14 remember talking to any of them. I remember people
15 talking at me, but I didn't understand what was
16 going on.
17 Q. Do you remember any statements that you
18 made at the time about what happened, or about who
19 might have been responsible for what happened?
20 A. No.
21 Q. And do you remember being in the operating
22 room?
23 A. No.
24 Q. Do you remember -- is there anything,
25 besides the nurse talking to you about when you
26 would wake up, that you can recall, that happened

1 before you then lost consciousness?
2 A. No.
3 Q. And what's the next thing that you remember
4 that happened when you woke up again?
5 A. I remember waking up and finding myself
6 completely immobile and my leg up in a traction
7 device, and I remember that there were two uniformed
8 police standing next to me as soon as I opened my
9 eyes, and that they asked --
13 Q. Okay. Where were you
14 when you woke up?
15 A. I just know I was in a hospital bed. I
16 don't know anything else than that.
17 Q. In a hospital room?
18 A. Yes. And it didn't seem to be a private
19 room. There seemed to be curtains.

4 MR. CUNNINGHAM: Q. Did the officers
5 speak to you when you woke up?
6 A. Yes.
7 Q. And what did they say?
10 A. They told me that I was under arrest, and
11 they said they wanted to -- for transporting
12 explosives, I guess. I don't remember their exact
13 words. But I came to understand that I was under
14 arrest for transporting the bomb.
17 MR. CUNNINGHAM: Q. You're saying you
18 came to understand from the conversation?
19 A. From the conversation. I'm just not
20 remembering the exact words.
21 Q. That you were under arrest?
22 What else?
23 A. And that they wanted to question me.
24 Q. And do you know -- how many of these
25 officers were there?
26 A. I remember two.

1 Q. And you say they were in uniform. Do you
2 know their names or any badge number, or any other
3 identifying characteristic?
4 A. No.
5 Q. Do you remember what they looked like?
6 A. No.
7 Q. What was your condition at the time that
8 you awoke and first spoke to these officers?
9 A. I was heavily drugged.
10 Q. Could you see and hear all right at that

11 point?
12 A. My perception was hazy, but I saw and heard
13 enough to understand that there were two uniformed
14 officers speaking to me.
15 Q. And you also gathered -- did you also
16 gather, at that time, what it was that you were
17 supposed -- you were under arrest for?
18 MR. CUNNINGHAM: Q. Did they tell you?
19 A. They must have told me, but I don't
20 remember their exact words. I do remember
21 understanding --
22 Q. Do you remember the substance of what they
23 told you?
24 A. The substance was that I was under arrest

18

1 for transporting explosives.
2 Q. What do you remember about what they asked
3 you, in terms of questioning you?
4 A. Only what I just told you.
5 Q. Okay. And what was your response at that
6 time?
7 A. I said I wouldn't talk to them without a
8 lawyer.
9 Q. And what was their response?
10 A. I don't remember.
11 Q. And what else transpired in that
12 conversation?
13 MS. RODRIGUE: Again, as to any --
14 THE WITNESS: I don't remember.
15 Q. Were you aware

19

1 of who these officers worked for, what police agency
2 they were part of?
3 A. No.
4 Q. Do you remember anything else about the
5 conversation that you had at that time?
6 A. No.
7 Q. Did they leave while you were still awake?
8 A. I don't -- I don't recall. I kind of
9 drifted back into semi-consciousness, you know,
10 shortly after -- it was a brief conversation. And I
11 don't know what happened to them or whatever.
12 Q. And what's the next recollection that you
13 have?
14 A. In the hospital?
15 Q. Mm-hmm.
16 A. Just in general?
17 Q. In the hospital.
18 A. I remember a reporter coming to see me. I
19 remember being told that I was a prisoner, and
20 nobody was allowed to touch me.
21 Q. Who told you that?

22 A. I don't know.
23 Q. Okay.
24 A. I next remember my parents coming to visit
25 me, and again I remember that they weren't allowed
26 to touch me. I remember that my -- should I keep

20

1 going, or is that a narrative?
2 Q. When your parents came -- strike it.
3 Do you know how long it was after that
4 first conversation with the two officers that you
5 saw your parents?
6 A. No.
7 Q. Do you know if it was the same day or the
8 next day or what date --
9 A. No.
10 Q. -- or numbers of days after?

21

1 Did you have a visit with your parents?
2 A. Yes. And I remember them bringing in a
3 tape recorder and asking me to make a statement on
4 the tape for a newspaper, and I remember attempting
5 to do that in a groggy state.
6 Q. Mm-hmm. And what happened after that?
7 What's the next thing that happened after that, that
8 you recall?
9 A. The next thing I remember is my ex-husband
10 coming to visit me.
11 Q. Is that the same day that your parents
12 came?
13 A. I don't know.
14 Q. And in between these visits, did you see
15 medical people in the hospital that you can recall
16 talking to?
17 THE WITNESS: I remember seeing doctors
18 and nurses, but I don't remember any specifics of my
19 interactions with them.
20 MR. CUNNINGHAM: Q. And besides your
21 parents, did your children come to see you?
22 A. Not until months later.
23 Q. You didn't see them at all until months
24 later?
25 A. No.
26

22

2 MR. CUNNINGHAM: Q. Did you get any
3 additional information in that first period about
4 the charges against you or about the circumstances

5 of your arrest?

7 THE WITNESS: Not at that time.

23

4 A. At some point I was taken -- I was in the
5 critical care room. And at one point I was taken
6 and moved, and I was moved to the jail ward. And
7 this, I understood, was because I was under arrest,
8 and -- should I keep going?

9 Q. Yes

10 A. Okay.

11 Q. Who moved you?

12 A. I don't remember. I don't know. I wasn't
13 aware, I guess, is what I really need to say. And I
14 remember being in the jail ward. I remember being
15 in a room with a curtain, and there was a woman who
16 was in labor on the other side of the curtain. I
17 remember feeling great despair. There were no
18 nurses or anything that came by, and I knew that I
19 was very sick.

20 And then, at some undetermined time --
21 because I had no sense of time during this ten
22 days. That's why I'm not able to answer your
23 questions about how many days transpired. But I
24 remember being taken back out of the jail ward and
25 back to the critical care ward.

24

9 A. I believe you asked me whether I saw any
10 lawyers in that early period in the hospital.

11 Q. Mm-hmm

12 A. And I replied "no." But I recall that
13 actually I did see a lawyer during that period. A
14 lawyer came in my room named Susan Jordan.

15 Q. And did you have a conversation with her?

16 A. Yes.

17 Q. And did she inform you of the circumstances
18 of the charges against you at all?

19 A. I don't recall anything of the
20 conversation.

27

14 Q. Mm-hmm. And at the time of the bombing,
15 what was your occupation?

16 A. My occupation was a carpenter, but I was on
17 a leave of absence.

18 Q. And what were you doing in your leave of

19 absence?
20 A. I was organizing for Earth First! Redwood
21 Summer.
22 Q. And what was Redwood Summer? What is Earth
23 First! and what is Redwood Summer?
24 A. Earth First! is an environmental group,
25 and in this region we fight to save the redwood
26 forest. And Redwood Summer was a campaign that we

28

1 initiated in 1990 to bring in students and others
2 from around the country to participate in a
3 summer-long exercise of demonstrations, nonviolent
4 civil disobedience, but with a very strong
5 nonviolence code, and the object of it was to have
6 people come in for nonviolent demonstrations.
7 Q. And what were the demonstrations going to
8 be about?
9 A. The overcutting of the redwoods.
10 Q. And where were they planned to take place?
11 A. Various places. Mendocino County and
12 Humboldt County would be the main ones. The three
13 timber companies that own most of the redwoods were
14 the primary targets: Louisiana Pacific, Georgia
15 Pacific, and Maxxam Pacific Lumber.
16 Q. And how long had you been working with
17 Earth First! at that time?
18 A. Since 1988.
19 Q. And was that in California, or elsewhere,
20 as well?
21 A. It was in California.
22 Q. Okay. This was in 1990 that Redwood Summer
23 was announced; is that right?
24 A. That's right.

29

12 MR. CUNNINGHAM: Q. When you joined
13 Redwood Summer -- I mean, Earth First! -- did you
14 have experience in organizing? In advocacy?
15 A. Extensive.
16 Q. And what was the nature of that
17 experience?
21 THE WITNESS: My primary organizing
22 experience was in the union movement, both in the
23 Retail Clerks Union when I worked at the grocery
24 store, and in the American Postal Workers Union at
25 the Post Office.
26 MR. CUNNINGHAM: Q. And what jobs did you

34

1 have with the union?

4 A. I was shop steward at both locations, and I
5 helped organize and lead strikes at both places.

35

3 MR. CUNNINGHAM: Q. How did
4 you first get involved with Earth First!?
5 A. I was working as a carpenter, making houses
6 out of old growth redwood, and became disturbed at
7 the -- the houses were out in the woods. So, they
8 were like rich people's houses. So, I was watching
9 the trucks go by with the logs on them while I was
10 building these fancy houses out of the wood, and the
11 contradiction disturbed me.
12 I knew about the Mendocino Environmental
13 Center, because they're a very prominent
14 organization in our area. And I, through them,
15 found out about Earth First! and other activities to
16 save the redwoods, and volunteered myself.
17 Q. And where did you come in contact with the
18 people you volunteered with?
19 A. At the Mendocino Environmental Center.
20 Q. And what kind of activities did you then
21 get involved in?
22 A. The first thing that we did was we had a
23 demonstration, where we marched through Ukiah in
24 costumes, protesting the destruction of rain forest
25 wood, at Burger King. It was kind of a little
26 national thing they were doing.

40

1 That's the first demonstration I was
2 involved in.
3 Q. And after that, where did that activity
4 lead you to? What further activities were you led
5 into with Earth First!?
6 A. James Watt came to speak in Ukiah, and we
7 had another demonstration in which we dressed up in
8 costumes and sang songs and went to protest his
9 environmental stance at the conference where he was
10 there.
11 Q. What was the mission of Earth First! at
12 the time you joined up with it? How did they see
13 themselves? What did they set themselves up as?
14 MR. CUNNINGHAM: Q. Just what you learned

41

1 and what you came to understand about Earth First!
2 A. That Earth First! was an environmental
3 group that used what they call direct action to try
4 to bring attention to and halt destruction of the
5 environment, and that it was a decentralized group,
6 so that each local Earth First! chapter, although
7 they're not actually called that -- but each local

8 Earth First! chapter set its own agenda, and our
9 agenda primarily concerned the redwoods.
10 Q. And how many people were associated with
11 Earth First! in this area at the time you joined up,
12 roughly, to your knowledge?
13 A. When I first joined, there was about 200
14 people on the mailing list, and 25 would show up at
15 a meeting.
16 Q. And besides the kind of demonstrations that
17 you described a minute ago, what other activities
18 did they engage in, did the group engage in?

19 A. The first prolonged campaign up here that I
20 engaged in was at a place called Cahto Wilderness in
21 Laytonville, and it was the Bureau of Land
22 Management land. It had old growth on it, and
23 protecting old growth was really our primary
24 mission. And we set up in -- just set ourselves up
25 in the middle of the road, and physically blocked
26 the logging equipment from getting to the place

42

1 where they were supposed to cut.
2 Q. And what happened as a result of your
3 sitting in the road like that?
4 A. The neighbors formed a neighborhood group
5 and filed a lawsuit, and the place was saved.
6 Q. And did those activities sometimes involve
7 the Earth First! people getting arrested?
8 A. Yes.
9 Q. In what circumstances did that occur?
10 A. Well, people climbed trees and sat in the
11 trees to stop them from being cut. Sometimes -- if
12 you physically block a log road, you're obviously
13 physically arrest. People chained themselves to
14 logging equipment.
15 So, the basic activity was nonviolent civil
16 disobedience, and there were regularly arrests
17 associated with that.
18 Q. Up until the time that Redwood Summer was
19 conceived of or that that project was begun, were
20 there any other particular protest activities that
21 you were involved in besides the ones you've told us
22 about?
23 A. Constant, from the time that I came. It
24 was a growing organization and growingly active. We
25 protested -- well, one large one -- for example, in
26 1989, we had what we called National Tree Sit Week,

43

1 and different Earth First! branches from different
2 states -- we simultaneously, during one week, each
3 staged tree sits in seven different states.
4 In our area, we held five demonstrations in

5 six days around Mendocino and Humboldt County,
6 sitting in trees and blocking logging trucks during
7 that week.
8 Q. How were those activities coordinated with
9 people in other areas?
10 A. Like National Tree Sit Week?
11 Q. Mm-hmm.
12 A. Well, National Tree Sit Week -- each
13 different state was completely independent as to how
14 they organized. In our immediate area, people from
15 the Bay Area came up and participated. But the
16 local people from Mendocino and Humboldt County
17 organized the actions, chose the sites, chose the
18 style and manner of the action, and the people from
19 our immediate region, outside of us, came up and
20 helped. They joined the demonstrations. In some
21 cases, they participated in climbing the trees or
22 whatever.

44

1 THE WITNESS: What was the question that I
2 didn't respond to?
3 MR. CUNNINGHAM: Q. And was there --
4 strike it.
5 Is there a national structure to Earth
6 First! through which such a thing would, in several
7 states, be implemented?
8 A. I didn't understand the question. I'm
9 sorry.
10 Okay. There's not actually a national
11 structure, but there is a national -- what's called
12 a rendezvous. And once a year they have a national
13 gathering, and it's a camp-out. And the idea for
14 National Tree Sit Week was -- they came up with it
15 at the rendezvous, at this once a year gathering,
16 where the different Earth First! groups meet
17 together. So, that's where that was conceived.
18 Q. And then, is it followed up through any
19 kind of national structure, or is everybody just
20 independent once they leave the rendezvous?
21 A. Everybody's independent once they leave.
22 Q. In the -- strike it.
23 A. Can I clarify that a little, Dennis? I'm
24 sorry.
25 (Discussion off the record.)
26 MR. CUNNINGHAM: Q. Clarify --

45

1 A. The answer. I really didn't understand as
2 to how it's organized.
3 We also have -- certainly have informal
4 contacts with each other around the country. So,
5 when I say that particular event was conceived at
6 the rendezvous, at meetings, but although there's no

7 regular structures, there's no central Earth
8 First! group that gives orders, there's no charter
9 or anything like that, we certainly have informal
10 contacts with each other through the different Earth
11 First! groups.
12 Q. So, is it right to say -- there's no
13 charter; there's no structure. Does it have
14 membership? Does it have officers? Does it have
15 rules? Bylaws?
16 A. No. There's no membership, there's no
17 bylaws, there's no rules, and there's no officers.
18 Q. And so, how does a person become connected
19 to or become part of Earth First!?
20 A. Well, we're pretty public about where our
21 meetings and our demonstrations are, and people show
22 up. And by working with the other people, those who
23 win the respect of the other people come into
24 leadership positions. It's very informal, though.
25 Q. Are there named leadership positions, or
26 anything of that nature in the way of a structure?

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1 A. No.
2 Q. Is there any elections of officers or
3 anything?
4 A. None.
5 Q. Are there any records kept of the
6 proceedings or meetings of the organization?
7 A. None.
8 Q. So, how was the decision made to stage
9 Redwood Summer?
10 A. Just by talking to each other. I mean, we
11 came up with the idea. I was the first one to say
12 it. I went back to the Mendocino Environmental
13 Center, mentioned it to some other Earth First!ers
14 who were enthusiastic, we had a meeting and talked
15 about it, and people were enthusiastic.
16 So, the way I like to describe the lack of
17 structure or lack of same is that things happen by
18 constituency. If there's a constituency for
19 something to happen, it happened. And people liked
20 the idea of Redwood Summer and agreed to work on
21 it.
22 Q. When was it announced?
23 A. The first formal announcement was in March
24 of 1990. It was mentioned in a newsletter that came
25 out at the end of February.
26 Q. And did you have some particular

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1 responsibility, then, once it was announced, in
2 helping make it happen?
3 A. Well, I had no formal responsibility. But
4 as the person with the biggest mouth who was

5 promoting it, I felt a personal responsibility, and
6 I assumed an organizing role.
7 Q. And was there some formal committee that
8 was brought together to work on it, or how did that
9 work?
10 A. No. It's just the committee of the whole.
11 We worked on it at Earth First! meetings.
12 We actually also expanded the circle.
13 Other groups, peace groups, local people who didn't
14 usually associate with Earth First!, who liked the
15 idea, began to come to our meetings, and we welcomed
16 them in and tried to spread the work around.
17 Q. And what particular work were you involved
18 in, then, during that period?
19 A. Putting out mailers to notify people.
20 Writing articles to go -- I remember I wrote an
21 article for the Student Environmental Action
22 Coalition that was printed in their national paper.
23 I made up packets when people would -- we put out
24 phone numbers. "If you're interested in coming to
25 Redwood Summer, call these numbers."
26 And then if you called that number, we

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1 talked to people and took down their address, and I
2 made up packets and sent them out to them, giving
3 them maps, telling them what to expect, and things
4 like that.
7 MR. CUNNINGHAM: Q. Mm-hmm. And where
8 was this work based?
9 A. What city?
10 Q. Yeah. What city?
11 A. Well, I was working out of Ukiah. But
12 people were also working out of Humboldt County and
13 Sonoma County and the Bay Area.
14 Q. And were there particular plans by March
15 for certain times that people were supposed to come
16 or certain places they were supposed to come to or
17 occasions?
18 A. Not yet. We were working on that.
19 Q. And in particular, did you come in contact
20 with people in an organization named Seeds of
21 Peace --
22 A. Yes.
23 Q. -- during that period?
24 When did you first learn about Seeds of
25 Peace?
26 A. I believe it was April of 1990.

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1 Q. And what stage was the Redwood Summer work
2 at when you met Seeds of Peace?
3 A. It had been -- it had made the national

4 press, it was out on the national environmental
5 networks, and it was mushrooming to the point where
6 we were struggling to build the infrastructure to
7 hold the -- to prepare for the influx.

20 MR. CUNNINGHAM: Q. In what circumstances
21 did you come in contact with the people from Seeds
22 of Peace?

23 A. Seeds of Peace called the Mendocino
24 Environmental Center and said that they were
25 interested in helping us run a base camp where we
26 would feed people, and things like that, which we

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1 didn't have much experience with. And we invited
2 them to our next meeting, and they came.

3 Q. Did you expect that people would come and
4 stay for a long period? Stay through the summer?
5 Was that your hope?

6 A. Some, and some we thought would come for a
7 shorter period.

8 Q. So, who were the Seeds of Peace people
9 that you -- strike that.

10 Was it up to you to deal with Seeds of
11 Peace? Is that part of your own work?

12 A. Many of us dealt with Seeds of Peace. I
13 was one of them.

14 Q. What kind of arrangements were made with
15 Seeds of Peace?

16 A. That they would run the kitchens in the
17 base camps, and that was the main thing they
18 volunteered for; for the infrastructure. They would
19 provide porta-potties and gray water, and all of
20 those things that you need to have a group camping
21 situation. That they would --

22 Q. I'm sorry. Explain what a base camp is.

25 MR. CUNNINGHAM: Q. Just briefly.

26 A. It's a camp; a camp-out; a physical place

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1 where people camp who are going to be participating
2 in the actions.

3 Q. And did you make -- strike it.

4 I think you said you met the Seeds of Peace
5 people in April; is that correct?

6 A. That's right.

7 Q. And did you then have -- were you part --
8 I'm sorry, did you participate in a series of
9 meetings with them?

10 A. Yes.

11 Q. And where did those meetings take place?

12 A. Well, they weren't meetings just with Seeds
13 of Peace. We were having regular Redwood Summer
14 organizing meetings, and they were attending them.

15 Q. I see.
16 A. One was in Ukiah, one was in Arcata, and
17 one was in Laytonville, and then the final one in
18 Berkeley the night before the bombing.
19 Q. And were there other groups that were also
20 incorporating themselves into the Redwood Summer
21 work, like Seeds of Peace?
22 A. Yes.
23 Q. And what groups were they?

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3 A. Local peace groups. People from Abalone
4 Alliance, the remnants of, which had worked on the
5 anti-nuclear campaign. There was something called
6 Grandmothers for Old Growth. Groups like that.
7 Q. So, would it be right to say, then, that
8 Redwood Summer, itself, was like a coalition of
9 these groups?
12 THE WITNESS: Yes.
18 MR. CUNNINGHAM: Q. And were there
19 discussions of any terms on which Seeds of Peace, or
20 any of the other groups, agreed to join with Earth
21 First! in Redwood Summer?
22 A. It was all contingent on the nonviolence
23 code.

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4 MR. CUNNINGHAM: Q. Would you tell us the
5 conditions -- what those conditions were? The
6 terms?
7 A. The terms were that this was to be a
8 strictly nonviolent Gandhian-style civil
9 disobedience type of action. Would include no
10 sabotage; would include no violence.
11 Q. Were there any -- did those terms have to
12 be negotiated with Seeds of Peace or any other
13 group?
14 A. Well, we drew them up at a meeting and
15 wrote down a nonviolence code. But it wasn't a
16 negotiation. We all were in agreement.
17 Q. And what was the essence -- what was the
18 nature of the nonviolence code? How was it set
19 forth?
20 A. Exactly what I just said. There will be no
21 violence; there will be no verbal violence; there
22 will be no drugs or drinking; there will be no
23 property damage or sabotage. I believe those were
24 the four terms.
25 Q. Had there been any problems associated with
26 Earth First! with respect to any of those things

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1 prior to that time; prior to the time that agreement
2 was made?
3 A. Yes.
4 Q. And what problems had you experienced in
5 that line?
6 A. When I first got involved in Earth First!,
7 Earth First! advocated sabotage to logging equipment
8 or other equipment deemed to be destructive to the
9 environment.
10 Q. And you say Earth First! advocated it. How
11 did the advocacy effect itself?
12 A. It effected -- there's an Earth
13 First! journal, which, although there's no national
14 structure, there was this one newspaper that
15 reported on the activities of all the local groups.
16 And it wasn't answerable to the local groups, but it
17 just reported. And that newspaper advocated
18 sabotage. Also tree spiking.
19 Q. What is tree spiking?
20 A. Tree spiking is driving metal, large metal
21 nails, into trees in the hopes of preventing them
22 from being cut.
23 Q. How does it work? How does it prevent them
24 from being cut?
25 A. It doesn't.
26 Q. What's the hope of preventing them from

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1 being cut?
2 A. The hope of preventing it being cut is that
3 they will -- the timber companies will fear damaging
4 their equipment, and so they'll leave the tree
5 standing.
6 Q. So, how's the timber company notified that
7 the spikes are in the trees?
8 A. Well, you know, as to how is this
9 advocated -- also, there's a book that was written
10 by Dave Foreman, who was one of the founders of
11 Earth First!, and that book is called Eco-Defense.
12 And in it, Dave Foreman advocated tree spiking and
13 other forms of sabotage, which he described how to
14 do.
15 In that book, there's a chapter on tree
16 spiking. And in the tree spiking chapter, he claims
17 that it's an effective way to stop trees from being
18 cut, and he says that trees that are spiked should
19 have an "S" painted on them, or some such notice,
20 and that a notification should be sent to the timber
21 companies.
22 Q. Okay. And was there a debate inside the
23 Redwood Summer group about tree spiking?
24 A. Well, not so much in the Redwood Summer
25 group. We had all agreed that we were against it.
26 But there was certainly a debate in Earth First!

1 Q. At this same time?
2 A. Yes.
3 Q. And so, you mean just like pro and con
4 factions?
5 A. Yes.
6 Q. Was there a debate within the local group
7 of Earth First! that you were part of?
8 A. If there was, they were afraid to say it to
9 me.
10 Q. And so -- it's been said that Earth
11 First! has associated with tree spiking by way of a
12 reputation. Are you aware of it having that
13 reputation?
14 A. Very much so.
15 Q. And what was your concern with that
16 reputation in connection with Redwood Summer when it
17 was starting?
18 A. Well, I had two objections. First I felt
19 that tree spiking was immoral and did not fall under
20 any kind of nonviolence code, and I felt that it
21 targeted the timber workers with whom we were
22 building alliances. So, I felt it undermined our
23 work and it didn't fall within the moral standards
24 that I thought that we should uphold.
25 Q. And did the local Earth First! group take
26 any steps to dissociate itself from tree spiking?

1 A. Yes. We publicly renounced it.
2 Q. When did that happen?
3 A. April 11th, 1990. Well, it actually
4 happened in March at a conference in Oregon. And I
5 was on a panel on labor coalitions, and a mill
6 worker who was on the panel publicly challenged me
7 to explain how it was okay to spike trees. And I
8 publicly stood up in front of a national audience
9 and said, "It's not. And I renounce it."
10 And at that point, the Earth First!ers at
11 the conference, which were mostly from Oregon and
12 California, met immediately afterward and decided to
13 renounce tree spiking. But it wasn't until
14 April 11th that we got our statement drawn up and
15 signed by enough different organizers from different
16 regions that it would seem to represent the group.
17 Q. And then what happened on April 11th?
18 A. We held a press conference and -- two
19 simultaneous press conferences, one in Southern
20 Oregon and one in Northern California -- and we
21 renounced the -- we each had our own statement.
22 Southern Oregon wrote theirs, and we wrote ours.
23 And we publicly renounced the practice of tree
24 spiking, not just for Redwood Summer, but for all

25 time.
26 Q. What about other forms of sabotage? Was

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1 there a similar renunciation?
2 A. Not a public renunciation. There was a
3 debate within the group as to that, even within the
4 Redwood Summer group. But no equipment sabotage was
5 understood to be part of the nonviolence code for
6 Redwood Summer.
7 As to whether it was renounced for all
8 time, it took us a little longer to get to that
9 point, and there was debate.

18 Was the word about -- that there would be
19 no equipment sabotage in Redwood Summer -- also put
20 out publicly?
21 A. Yes. It was in the nonviolence code
22 explicitly.

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14 Q. What was the plan as to when the actual
15 Redwood Summer would begin and end? What was the
16 scope of it or the course of the plan to be?
17 A. This decision was actually made the night
18 before the bombing at the Berkeley meeting, and we
19 decided that the first demonstration would be on the
20 Summer Solstice, and that the last demonstration
21 would be on Labor Day.
22 Q. You mentioned, I think, four meetings, in
23 which Berkeley was the fourth? Is that correct?
24 A. That's right.
25 Q. These were the organizing meetings for the
26 event.

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1 A. There was also a meeting in Garberville and
2 another meeting in Ukiah. You had asked me which
3 one Seeds of Peace was at. There were also others
4 before Seeds of Peace joined.
15 Q. And did you attend the meeting in Berkeley?
16 A. Yes.
17 Q. That was on May 23rd, 1990?
18 A. Yes.
19 Q. Did you come there from up -- with other
20 people? I'm sorry.
21 A. Yes.
22 Q. And who did you go to the Berkeley meeting
23 with?

24 A. I traveled with Utah Phillips.
25 Q. And did some other contingent come from up
26 here that you were part of?

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1 A. Well, we caravanned with Dakota Sid and
2 Joanna Robinson. Darryl Cherney had come down
3 separately. Some other of the local organizers. I
4 don't know all of who was there. I can't remember
5 all of who was there. But there were local
6 organizers, but they didn't travel with me.
7 (Discussion off the record.)
8 MR. CUNNINGHAM: Q. Had you been at
9 another meeting the night before that, in Willits?
10 A. I'm trying to remember if it was the night
11 before. There was a meeting in Willits. It may
12 have been two nights before. Let me think about
13 it. Yes, it was the night before. There was a
14 meeting in Willits.
15 Q. And the same people that you mentioned a
16 moment ago were at that meeting, too?
17 A. Well, Utah Phillips, Dakota Sid, and Joanna
18 Robinson were there. Darryl Cherney was not.
19 Q. What was the purpose of the meeting in
20 Willits?
21 A. We were trying to meet with the loggers and
22 the log company owners -- the small company owners,
23 not the big corporations -- so that we could work
24 out peaceful relations with them. We were being
25 publicly threatened and were trying to establish a
26 rapport and make them understand that we weren't

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1 going to sabotage their equipment or try to direct
2 our protests against them.
3 Q. What public threats had occurred that you
4 had direct knowledge of?
5 A. What immediately precipitated that meeting
6 was a Board of Supervisors meeting in the beginning
7 of May, in which some of the log company -- small
8 local log company owners had stood up and publicly
9 threatened us at the meeting.
10 I'd also received -- I and other
11 organizers, but I had gotten the most of them -- had
12 received a series of written death threats. There
13 were also phoned threats. There were also people
14 who walked up to us on the street and threatened
15 us -- or -- I'll be more specific. I know both me
16 and Darryl had that experience.

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12 Q. Were the threats against Earth First! or
13 against Redwood Summer brought to the attention of
14 the Mendocino County Board of Supervisors?
15 A. Yes.
16 Q. By what means?
17 A. The meeting that I just referred to in the
18 early part of May. I was actually asked by the
19 Board of Supervisors to come to the meeting to
20 explain what was going to happen in Redwood Summer,
21 and I brought the threats to the meeting, I
22 displayed them and talked about them in front of the
23 Board of Supervisors.
24 Q. Were they brought to the attention of the
25 Mendocino County Sheriff's Department?
26 A. Yes.

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11 Q. We marked several exhibits -- several
12 documents as exhibits. I'm going to show you what's
13 been marked document 2-A and ask you to tell us what
14 that is.
19 Q. Go ahead. Did you receive this document?
20 A. Yes.
21 Q. And how did you receive it?
22 A. It was -- it was addressed to me, care of
23 the Mendocino Environmental Center. It came in an
24 envelope. This top piece is the envelope
25 (indicating), and the bottom was a piece of paper
26 that was inside the envelope.

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1 Q. So, this is a copy of the actual object
2 that came in the mail?
3 A. Yes.
4 Q. And when did it come?
5 A. Well, it came in early April. I don't know
6 the exact date, but the postmark was April 10th.
7 So -- but I do remember that it was early April.
8 Q. And was it brought to your attention right
9 at that time?
10 A. I picked up my mail every day. So, I,
11 myself, opened it and discovered it. It wasn't
12 opened by anybody but me, initially.
13 Q. And did you take any particular action as a
14 result of receiving this item in the mail?
15 A. No. I just told people about it, but I
16 didn't take any action at this point.
17 Q. And looking at what is 2-B, the item that
18 you mentioned before that has the ribbon stapled to
19 it, what is that?

22 THE WITNESS: This was a document that was
23 also sent to the Environmental Center

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6 MR. CUNNINGHAM: Q. You received it from
7 Betty Ball; is that correct?

8 A. I received it from Betty Ball. Yes.

11 MR. CUNNINGHAM: Q. What is the ribbon?

12 A. The yellow ribbon was the symbol of the
13 timber industry; of the pro-timber groups.

15 MR. CUNNINGHAM: Q. And how do you know
16 that?

17 A. It was very widely used.

18 Q. In what ways was it used that made you
19 understand it to be their symbol?

20 A. Well, they had leaflets -- they had
21 something called the "Yellow Ribbon Coalition" that
22 had leaflets advocating for the timber companies'
23 position. They sent these -- I don't know if I

24 could say this -- how I could say this from direct
25 knowledge.

26 They appeared on -- okay. I got it. They

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1 appeared on antennas of log trucks of pro-timber
2 people who I knew, and were displayed in rallies by
3 pro-timber people that I witnessed.

23 Q. Do you understand the photograph in that
24 picture to represent yourself?

25 A. Yes.

26 Q. And had you seen that photograph prior to

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1 seeing it in that form, with the circle drawn over
2 it and the cross?

3 A. Yes.

4 Q. I'm showing you what's marked Exhibit 2-C,
5 which appears to be a Xerox copy of a news
6 clipping.

7 A. Yes.

8 Q. And it has that same picture?

9 A. That's correct.

12 MR. CUNNINGHAM: Q. Did you understand
13 that to be -- strike it.

14 Is that the same picture, to your

15 knowledge?

16 A. Yes.

18 MR. CUNNINGHAM: Q. When did the article
19 appear?

20 A. On April 3rd, 1990.

21 Q. And what is the article about, without
22 reading the whole thing?

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3 MR. CUNNINGHAM: Q. Briefly.

4 A. It was about a Board of Supervisors meeting
5 at which Earth First! and currently employed loggers
6 and mill workers appeared together to denounce the
7 timber companies and ask for the County to use their
8 power of eminent domain to seize the timber
9 companies' property so that we could assure
10 sustained jobs and trees.

12 MR. CUNNINGHAM: Q. Were you at such a
13 meeting at the County Board?

14 A. Yes.

15 Q. And when did that meeting take place?

16 A. The same day. On April 3rd.

17 Q. Did you participate in the meeting? Did
18 you speak to the body?

19 A. Yes.

20 Q. On what subject did you speak?

21 A. That that I just described. On the timber
22 companies' abuses. I read a list of abuses, and
23 recommended eminent domain seizure.

24 Q. And were you speaking on behalf of Earth
25 First! then?

26 A. I was wearing an Earth First! shirt.

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19 And had there been an incident in which you
20 were hit by a truck?

21 A. Yes.

23 MR. CUNNINGHAM: Q. And when did that
24 occur?

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3 A. August of 1989.

4 Q. And what happened on that occasion?

6 THE WITNESS: I was traveling to a
7 well-publicized demonstration as part of National
8 Tree Sit Week, which I referred to earlier. And I
9 had my children in my car and several of my friends,
10 and we were rear-ended by a log truck which -- that

11 we had blockaded the very day before, driven by the
12 same truck; the same driver. And that's it.
13 MR. CUNNINGHAM: Q. And what happened in
14 the rear-ending?

19 A. The truck rammed me. I didn't hear them
20 hit the brakes. I believe they just rammed me full
21 force. My car flew through the air, hit another
22 car, accorded, and all of us in the car ended up
23 in the hospital with relatively minor whiplash
24 injuries.

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21 Q. Showing you the documents which we marked
22 3-A through J, tell us how you came into possession
23 of those documents.

24 A. The first one that says "Mendocino
25 Environmental Center" on the front of it was mailed
26 to the Mendocino Environmental Center, who provided

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1 me with a copy.

17 MR. CUNNINGHAM: Q. Is it true that all
18 of these documents were given to you by other
19 people?

20 A. Let me look first.

21 (Brief pause.)

22 THE WITNESS: Yes.

23 MR. CUNNINGHAM: Q. And were they --

24 A. Oh, I'm sorry. With one exception.

25 Q. Which is that?

26 A. This was also mailed to me (indicating).

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4 Q. And that's the one that's headed
5 "Stompers"?

6 A. Yes.

7 Q. So, you received a copy of that in the mail
8 yourself?

9 A. Yes.

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15 Q. Did you have copies of any of these
16 documents, that are marked Exhibit 2 and Exhibit 3,

17 in your possession at the time you were bombed?
18 A. Yes.
19 Q. And would that be all of these?
20 A. No.
21 Q. How many, or what percentage?

25 A. Let me think about it for a minute.
26 Approximately six.

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1 Q. Six of these items, however many these
2 items were.
3 A. Of these items. Yes.
4 Q. Did they include the one with the rifle
5 scope drawn over the picture of you, which is 2-B?
6 A. Yes.
7 Q. And did they include the one that says
8 "Judi Bari, get out and go back where you came from.
9 We know everything. You won't get a second
10 warning," which is marked 2-A?
11 A. Yes.
12 Q. And did they include the one that begins
13 "Dear Judi, it has come to our attention that you
14 are an Earth First! lesbian whose favorite pastime
15 is to eat box lunches in pajamas"?

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1 MR. CUNNINGHAM: Q. Which has been marked
2 as Exhibit 2-D.
3 A. Yes.
4 Q. And did they include that one that's headed
5 "Stompers"?
6 A. Yes.
7 Q. And --
8 MR. SHER: Which one is that, Counsel?
9 THE WITNESS: 3-I.
10 MR. CUNNINGHAM: 3-I. And the witness
11 already indicated that it also should be in
12 Exhibit 2, because she received it herself.
13 Q. Where were they? How were you carrying
14 them at the time you were bombed?
15 A. They were in a folder that was labeled
16 "Threats and fakes."
17 Q. And when you say -- strike that.
18 Are the documents we've been talking about
19 what you referred to as threats?
20 A. Yes.
21 Q. And what were the, quote/unquote, fakes?
22 A. Should I enter the documents, and then
23 we'll talk about them?
24 Q. First tell us what they were.
25 A. Okay. There were several fake press
26 releases that were designed to look as if they came

1 from Earth First!, but, in fact, were not written by
2 Earth First!, that were sent to the press and
3 distributed in our communities. And those were the
4 fakes.

13 MR. CUNNINGHAM: Q. At what period did
14 they come to light?

15 A. April 1990.

16 Q. Can we see them?

17 A. Yes. I think it was April. It may have
18 been early May, but I think they were all April.
19 There's actually three. I don't remember if the
20 third one was in my car, though. But there were
21 three fakes. Not just two.

2 Q. And we'll go to the one that's been marked
3 4-B.

4 A. Okay.

5 Q. And that was in your possession or was not,
6 at the time you were bombed?

7 A. It was in my possession.

8 Q. And what is it?

11 THE WITNESS: It's a document that
12 appeared to be from Earth First! It has our logo.
13 It also says -- it refers to -- for donations, send
14 to "Darrell Cherney," and it also refers to me.
15 However, Darryl Cherney's name is spelled wrong, and
16 I'm listed as living in the wrong town.

17 MR. CUNNINGHAM: Q. And when had that
18 first come into your possession?

19 A. April 1990.

20 Q. And in what circumstances did you obtain a
21 copy of it?

22 A. These were distributed to the local press.

23 Q. And how did you come by a copy?

24 A. A reporter gave it to me.

25 Q. And was there any inquiry made within Earth
26 First! about where it might have come from?

1 A. Well, not this one. Our names were spelled
2 wrong.

3 Q. So --

4 A. We presumed this was fake.

5 Q. Did you take any steps to publicize the
6 existence of a fake Earth First! statement or
7 leaflet, or whatever that is?

8 A. Yes, we did.

9 Q. And what did you do?

10 A. We spoke to the press about it and
11 described why we believed it was fake.

12 Q. Other than the press, were you aware of any
13 other places where it had been left or distributed?
14 A. Not at the time. I learned later.

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5 Q. Referring back to Exhibit 4-B, a document
6 with "Earth First!" at the top, Earth First!'s name
7 and logo at the top. It's entitled "Fight back:
8 Some thoughts on strategy."

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1 Q. What did you do when you received this
2 document?
3 A. We sent it to all the Earth First!ers that
4 we knew who were involved in this. We discussed it
5 among ourselves --
6 Q. Involved in Redwood Summer.
7 MR. SHER: Objection.
8 THE WITNESS: -- in Redwood Summer.

19 A. I made copies of this and sent it to many
20 Earth First!ers who were involved in Redwood Summer
21 organizing, and discussed it with them, discussed
22 where it may have come from, and --

26 A. And I guess that's about it. We didn't

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1 publicize it to the outside world. Just within our
2 group, so people would be aware of it.
3 Q. Now, referring to the document marked as
4 4-C, when was that received?
5 A. Also April 1990.
6 Q. And how did it come to your attention?
7 A. It was sent to the press, and I was shown
8 it by a reporter. But it was also sent to me by
9 Candy Boak of the Mothers Watch, which was a
10 pro-timber group.

16 THE WITNESS: She called me and asked me
17 if I had seen it. I said I had heard about it but
18 not seen it, and she volunteered to send me a copy.
19 And the next day, one arrived in the mail in an
20 envelope with her return address on it.
21 MR. CUNNINGHAM: Q. What's the basis on
22 which -- strike it.
23 This was determined to be a fake; is that
24 correct? What you classified as a fake?
25 A. Yes.

9 MR. CUNNINGHAM: Q. When the document
10 came to your attention, was there some discussion
11 that you were part of about its provenance; its
12 authenticity?
13 A. Yes.
14 Q. And what was the substance of that
15 discussion?

8 A. This document is signed "Earth First!
9 Arcata," and there's no such group.
10 Q. Any other reasons?
11 A. There was no known -- this purports to be
12 from a splinter group that objects to the
13 renunciation of tree spiking and denounces our call
14 for nonviolence. There was no known group like that
15 in our region that we were aware of or were able to
16 discover.

23 Q. What action did you take in response to the
24 receipt of that document, 4-C?
25 A. The same as the other. We -- I copied it;
26 sent it to other people involved in the organizing;

1 discussed it with them.
2 I also discussed it with the press and
3 explained to them why I believed it to be a fake.
4 Q. And was there any response in the press
5 about either one of those documents?

7 THE WITNESS: Yes.

5 Q. And directing your attention to the meeting
6 in Berkeley the day before the bombing, that was --
7 am I right? That was a meeting with Seeds of Peace?
8 A. No. It was a meeting with the Coalition,
9 but it was held at Seeds of Peace's house. The
10 Seeds of Peace were there, but it wasn't
11 particularly a meeting with Seeds of Peace.
12 Q. Okay.
13 A. Excuse me. And by the "Coalition," I meant
14 the coalition that was emerging, that was joining in
15 Redwood Summer --
16 Q. All right.
17 A. -- which included Earth First!, Seeds of
18 Peace, and others.

19 Q. And had Seeds of Peace been participating
20 in -- had they participated in previous meetings?
21 A. Yes.

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10 Q. At the end of that meeting, what did you
11 do?
12 A. I went -- well, people were getting ready
13 to find places to sleep over. And a man at the
14 meeting, Dave Kemnitzer, suggested to me that he had
15 a house with a private room that I would be more
16 comfortable than sleeping on the floor at Seeds of
17 Peace. So, I followed him to his house in Oakland
18 to spend the night.
19 Q. And did you spend the night there?
20 A. Yes.
21 Q. And do you recall where you parked your
22 car?
23 A. Yes. Right -- well, in front of his house,
24 but one car down from in front of his house. Maybe,
25 I would say, in front of his neighbor's house.
26 Q. So, is it a street with a row of parked

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1 cars and --
2 A. Yes.

7 MR. CUNNINGHAM: Q. To your knowledge,
8 did you lock your car?
9 A. Yes.
10 Q. What was in your car, as far as you recall,
11 when you left it parked that night?
12 A. There's things that I just keep in my car.
13 A toolbox -- you know. Some various tools, and
14 things like that, that hadn't been taken out
15 before. So, I know that those things were in the
16 car.
17 Q. Are these car tools or other tools?
18 A. Car tools. And also, there were some
19 carpentry tools, just because I was a carpenter.
20 Q. Okay. Anything else you recall?
21 A. I think I took everything else out.
22 Q. And what you took out, what did you do with
23 it?
24 A. Oh, one minute. There is something else
25 that was in it. There's a trash bag that I
26 regularly carry in my car behind the front seat, and

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1 I left it in. I didn't take it out.
2 Q. And what things did you take out? What

3 things did you take out of the car?
4 A. My fiddle, my guitar, my satchel with my
5 clothes and things in it, my sleeping bag, and at
6 least one, possibly two, boxes with various files
7 and organizing materials in it.
8 Q. What were you doing with the fiddle and
9 guitar?
10 A. We were on our way to a concert, and I was
11 going to play the fiddle, and the guitar was for
12 when Darryl broke his strings, there would be a
13 spare guitar handy.
14 Q. You were going to play the fiddle at the
15 concert?
16 A. Yes.
17 Q. What was the concert going to be?
18 A. It was an organizing activity for Redwood
19 Summer.
20 Q. Where was it going to happen?
21 A. Santa Cruz.
22 Q. When?
23 A. That evening. May 24th. That evening.
24 Q. Meaning the next day after the meeting at
25 Seeds.
26 A. Yes.

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1 Q. Uh-huh. And was that a regular thing with
2 you, playing music at organizing meetings or
3 organizing concerts?
4 A. Yes.
16 MR. CUNNINGHAM: Q. can
17 you describe the program you had planned for Santa
18 Cruz --
26 THE WITNESS: We had a slide show about

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1 the redwoods. We had songs prepared that Darryl and
2 I were going to play and sing. Guitar, fiddle, and
3 singing. And I was going to give a speech.
4 MR. CUNNINGHAM: Q. What kind of songs
5 were these?
8 THE WITNESS: They were songs that mostly
9 Darryl, but also I, had written about the struggle
10 in the redwoods. They were songs we wrote on the
11 front lines or concerning the material, the
12 organizing issues, the issues of the redwoods, and
13 things like that.
14 MR. CUNNINGHAM: Q. And what was your
15 speech about?
18 THE WITNESS: The speech was also about the

19 situation in the redwoods; the over-cutting, the --
20 I was intending to talk about the violence that we
21 had been encountering and our call for nonviolence
22 in response, and I was going to end by calling for
23 people to sign up to come on up. I guess I was
24 going to explain what Redwood Summer was and why we
25 were calling for people to come up and help us.
26 MR. CUNNINGHAM: Q. All the items that

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1 you mentioned, the instruments, the bag, the
2 sleeping bag and stuff, when you took those out of
3 the car, did you take those in the house there?
4 A. Yes.
5 Q. And did you put them back in the car the
6 next day?
7 A. Yes.
8 Q. And do you recall doing that?
9 A. I recall doing it. Yeah. I don't think I
10 loaded every single item, though. I think that
11 somebody helped me. It may have been Darryl and it
12 may have been Dave Kemnitzer. But somebody helped
13 me load the items. I didn't do it by myself.
14 Q. Do you recall where in the car they were
15 loaded, or where any of them were loaded?
16 A. We were only going for five minutes to
17 somebody else's house. So, I didn't bother to
18 repack. I just threw things in. And I remember, in
19 particular, that the instruments had been put in the
20 back seat, just on the seat, which is something I
21 didn't usually do. But because it was a five-minute
22 drive, I figured it was easier.
23 Q. What did you usually do with the
24 instruments?
25 A. I usually packed them in the back -- it was
26 a station wagon. I usually packed them in the back

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1 part of the station wagon so they would be secure
2 for driving.

5 MR. CUNNINGHAM: Q. You testified that,
6 after the bombing, you went in the hospital. You
7 were unconscious until, I guess, the second day, or
8 some early period. You woke and found the two
9 officers next to your bed. Do you recall that?
10 A. Yeah, but I have no idea how many hours or
11 days it was.
12 Q. Okay. And then there was a period, I think
13 you said, that you didn't have a recollection of,
14 because you were on the pain medication; is that
15 right?
16 A. Not exactly accurate. I have vague
17 memories. I drifted in and out of consciousness.

18 But as far as like how much time elapsed
19 between different events and the order of the
20 different events, I'm hazy on. But I do remember
21 the events when I would go into consciousness.

26 MR. CUNNINGHAM: Q. What's the first

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1 event you can remember from that period?

6 A. The first event is the two uniformed
7 policemen at my bed.

20 MR. CUNNINGHAM: Q. Besides the police --
21 the event where -- waking up and finding the
22 officers there, and you described the visit from
23 your parents and some other -- oh, and the visit
24 from the lawyer. Counsel is correct. Did there
25 come a time when you were no longer groggy or in and
26 out of consciousness, and your memory -- your

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1 consciousness became clear, and your memories are --

2 A. Yes.

3 Q. -- more orderly?

4 And when did that time start? Not by date,
5 but --

6 A. Ten to twelve days after the bombing. It
7 was early June.

8 Q. What marked the change from the in and out
9 of consciousness to clear consciousness?

10 A. I went off the morphine.

11 Q. And at that time, did you get information
12 about the status of the case?

13 A. Yes.

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7 A. I learned that I was still under arrest.
8 That, at first there were policemen guarding my
9 door. But shortly -- somewhere around that time --
10 again, I'm a little hazy on exactly when. But
11 somewhere around that early time, when I began to be
12 more conscious of what was going on, the policemen
13 were removed from the door.

14 I remember being very terrified that
15 someone was going to come in and attack me,

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13 MR. CUNNINGHAM: Q. There came a time
14 where you had a companion in the room; is that
15 correct?
16 A. I think that was what I was trying to get
17 to, was that there was a constant flow of people in
18 and out of the room who were giving me information.
19 That was really a lot of the point of what I was
20 saying.
21 Q. Were you also -- go ahead.
22 A. So, there were multiple people

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2 Did you also get newspapers during this
3 period of time?
4 A. Yes.
5 Q. Were there stories in the paper about your
6 case?
7 A. Yes.
8 Q. And the people that were visiting you, were
9 they giving information about -- did you get
10 information from them about the case, as well?
11 A. Yes.
12 Q. And what was your understanding, then --
13 we're talking, I guess, about a couple of weeks
14 after the bombing -- about the status of the case?
15 A. I knew --
21 Q. You knew you were under arrest. You knew you
22 were charged with -- what offenses? Did you know
23 what offenses you were charged with?
24 A. Yes.
25 Q. What were they?
26 A. Possession of explosives.

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1 Q. Anything else that you recall?
6 MR. CUNNINGHAM: Q. Did you know anything
7 besides possession? Was there anything besides
8 possession?
11 THE WITNESS: I didn't know anything
12 besides that I was -- I knew that I was charged with
13 transporting the bomb that had exploded in my car.
14 MR. CUNNINGHAM: Q. Okay. And --
15 A. If the word "charge" is -- I knew what I
16 had been arrested for, and I knew that the case was
17 going to court to decide whether charges would be
18 followed up on.
19 Q. And did you know what that decision was
20 supposed to be based on or contingent on?
21 A. Well, I knew that there was a battle over

22 the evidence; over whether we were allowed to see
23 the evidence. I knew that -- I just knew that it
24 had to do with physical evidence, and it had to do
25 with claims that we were terrorists.
26 Q. Did you recall -- was there any mention of

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1 the evidence going to a lab?
2 A. Not that I recall. There may have been.

19 MR. CUNNINGHAM: Q. You mentioned before
20 that you knew there was a decision pending or a
21 determination pending with respect to whether the
22 case would go ahead; is that correct?
23 A. Yes.

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19 MR. CUNNINGHAM: Q. What was in your mind
20 with respect to -- I'm sorry. What did you
21 understand with respect to the status of the case as
22 we've described?
23 A. I understood that there was an upcoming
24 court hearing at which decisions as to whether to
25 charge Darryl and I would be made by the court.
26 Q. And did you know what that decision was

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1 going to be based on?
2 A. Other than the evidence, not in great
3 specifics. I knew there was a question of the
4 evidence. I knew there was a question about the car
5 having been left out in the rain. I remember that
6 one early on.
7 Q. And did you know what the questions about
8 the evidence were supposed to be?

11 THE WITNESS: I knew the question was
12 whether or not Darryl and I knew the bomb was in the
13 car.

14 MR. CUNNINGHAM: Q. Do you recall
15 learning that your house had been searched?

16 A. Yes.

17 Q. And when did you learn that?

18 A. In those early days.

19 MS. RODRIGUE: I'm sorry. In which early
20 days? After you regained the consciousness?

21 THE WITNESS: Yes.

22 MS. RODRIGUE: So, about 10 to 12 days

23 afterwards.

24 THE WITNESS: Yes.

25 MR. CUNNINGHAM: Q. And were you told any

1 A. Yes.

2 Q. And what were you told?

5 MR. CUNNINGHAM: Q. Go ahead.

6 A. My ex-husband told me that the FBI and
7 Oakland police had both arrived with the Mendocino
8 County Sheriff, and that they had torn the house
9 apart and taken things away, and that my children
10 were upset that their room had been taken apart and
11 their toys dismantled and things.

1 Q. Now, again focusing on this time, the first
2 few days that you have -- that your consciousness is
3 clear, and before the court date -- so, in other
4 words, this period when that court date was
5 pending -- can you describe how you felt? What you
6 were thinking about?

7 A. I was terrified. And I was terrified not
8 just because of the bombing. I was equally
9 terrified that I would be framed for this bombing
10 and spend my children's childhood in prison and not
11 get to raise my children.

12 Q. And did anything happen during that period
13 to -- strike it. That's a bad question.

14 When you say you're terrified, what are you
15 experiencing this time?

16 A. I learned through this experience that
17 extreme fear is a physical phenomenon and not just a
18 mental phenomenon. I would shake uncontrollably,
19 and people would try to hold me and calm me down and
20 have great difficulty doing so.

21 I experienced complete sleeplessness. I
22 could not sleep at all. I would be awake the entire
23 night, one hundred percent of the time. I -- it
24 just felt like there was a hole in my stomach. I
25 was so scared, I couldn't focus on -- it's like it
26 consumed my consciousness, how petrified I was.

1 And not just -- I mean, I didn't know the
2 extent of my physical injuries. I knew that I was
3 in traction and was being told that I would probably
4 spend my life in a wheelchair, but I was -- and the
5 thought of doing that in prison was very
6 frightening.

7 Q. Did you know, at that time, that the FBI
8 was involved in the case?
9 A. Absolutely.
10 Q. What did you -- what did you understand to
11 be their involvement?
12 A. I've read all of the newspapers from
13 May 24th on, that people brought me. So, whatever
14 statements were made in the newspapers I was aware
15 of, and that included the FBI's involvement.

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13 MR. CUNNINGHAM: Q. Was there anything
14 else about the FBI involvement that was on your mind
15 at this period in connection with your fears about
16 what might happen to you?

23 I was also aware of the FBI's previous
24 activities in Earth First!, with, you know, agent
25 infiltrators, and things like that, in Arizona and
26 other places, and I also feared that the FBI would

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1 disrupt our political activities in Redwood Summer.

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14 Q. You said earlier that you didn't get to see
15 the children while you were in the hospital. Is
16 that right?

17 A. I didn't get to see them immediately. I
18 got to see them maybe a month after the bombing.

19 Q. Were you able to talk to them on the phone?

20 A. No. I didn't have a phone in my room, and
21 I couldn't get out of bed because I was in
22 traction.

23 Q. Did there come a time when you were
24 informed that your house had been searched again?

25 A. Yes.

26 Q. And do you recall learning about that?

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1 A. Yes.

2 Q. And what were you told at that time? What
3 did you find out?

5 THE WITNESS: I was told that -- well, it
6 wasn't just that I was told. I was also showed the

7 newspaper articles about it. So, I knew, both from
8 people telling me, and also from reading, that the
9 FBI had re-searched my house.
10 I knew they said they were looking for
11 nails. I knew they said that they had found
12 matching nails in my house that they claimed matched
13 nails in the bomb.

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4 Q. Were you involved in discussions with
5 people that you were seeing about how to refute
6 that?
7 A. Yes.
8 Q. And what were -- what was the substance of
9 the attempt to refute it?
14 A. I knew that the legal team was trying to
15 get to see the physical evidence and not
16 succeeding. And so, my ex-husband took the lead in
17 urging myself and my defense team to use my medical
18 condition to prove what we were unable to get access
19 to with the physical evidence, because it could --
20 he contended, and I agreed -- that it could be shown
21 by the location and nature of my injuries that they
22 came from below; not behind.
23 Q. And what came of that attempt, to your
24 knowledge?
26 THE WITNESS: My ex-husband -- Mike

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1 Sweeney, by the way. That will probably make it
2 easier. Mike Sweeney organized a press conference
3 at which he would release this artist rendition, et
4 cetera, that I described earlier, to show that my
5 injuries were consistent with a blast from below;
6 not behind.
7 I guess that's the answer to that.
24 Q. Yes. And what was the relation of the
25 press conference to the search?
26 A. The search came, I believe, the day after

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1 the press conference and subsumed the headlines that
2 my friends and relatives and legal team were trying
3 to get, so that the day that -- it's like, "Well,
4 Bari's house searched again. Oh, and by the way,
5 her friends say that her medical records show that
6 it was on the bottom."
7 So, the search subsumed any publicity

8 benefit of the work that was done to show my medical
9 records.

14 MR. CUNNINGHAM: Q. Do you recall seeing
15 newspaper stories about the search?

16 A. I recall seeing them, and they were
17 particularly upsetting.

18 Q. Why were they?

22 A. One of the headlines said "Bomb built at
23 Bari's house." And the contention that I was
24 building bombs in a 600 square foot cabin while my
25 children were sleeping was very upsetting to me.

26 Q. And do you recall where that headline

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1 appeared?

2 A. I believe it was the Press Democrat.

3 Q. And do you recall what was in the story at
4 all to support that?

6 THE WITNESS: Yes. It listed the claims on
7 the search warrant as if they were facts. It said,
8 you know, "The search warrant says we're looking for
9 such and such." And the way that it came out, it
10 sounded like they already knew these things, instead
11 of they were looking for these things.

12 So, I felt that that series of articles,
13 headlines -- there was another one in the Chronicle,
14 something about "Sack of nails led to," you know,
15 discovery of something. I felt that that particular
16 round of headlines of articles particularly vilified
17 me, and particularly without foundation.

18 MR. CUNNINGHAM: Q. Did that also affect
19 your feelings about what would happen with the case?

20 A. Yes.

21 Q. And how did that make you feel about the
22 case?

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18 A. It made me feel very powerless. At that
19 time -- and this is foundation, Joe -- at that time,
20 the Lord's Avenger letter had already come out,
21 suggesting that there was a bomber other than
22 myself. And it felt like a huge setback. It was --
23 all of a sudden, we were back to day one.

24 So, I felt violated, both by the search and
25 by the press coverage.

26 Q. When you say "setback," you mean like --

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1 A. As far as establishing our innocence or our
2 credibility.

3 Q. And did you come to understand something in
4 that period about what had happened in the search,
5 itself, that's separate from the effect of the press
6 coverage?

9 THE WITNESS: The search felt very much
10 like a violation, especially because my children
11 were living there and -- excuse me. I've got to try
12 to -- my ex-husband and his girlfriend had moved
13 into my house so that my children could have some
14 stability during this traumatic -- excuse me --
15 during this traumatic time.

16 And for the house that they were living in
17 to be re-searched, when they were just beginning to
18 feel a little bit of stability again, was very
19 hard.

20 Q. And you were concerned about this there in
21 the hospital. That's what you're saying?

22 A. Very much.

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21 Q. And up to this time, in addition to the
22 things you've told us about your fear of going to
23 prison, your fear of being separated from your
24 children, were you mindful of the effect that these
25 accusations against you might have on the political
26 work that you'd been doing?

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1 A. Very much.

2 Q. And what was your sense of what impact they
3 would have?

7 A. I felt that they not only would but were
8 discrediting Earth First!, undermining our call for
9 nonviolence, frightening people away, and creating a
10 tense and dangerous situation on the front lines
11 where some of our adversaries believed that we were
12 now bombers.

13 Q. While you were in the hospital, to your
14 knowledge, were the plans and then the events of
15 Redwood Summer going forward?

16 A. Yes.

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12 THE WITNESS: I also have an addendum as
13 to the answer as to how it affected Redwood Summer.
14 It took up our whole legal team. It took

15 up much of our key organizers; people who intended
16 to spend their time -- you know, people who had been
17 in the struggle for a long time, who had planned on
18 being there to direct the demonstrations, to make
19 sure that the people coming in from out of town
20 understood what we were about.

21 They were taken up in trying to defend
22 Darryl and me; in trying to organize support for me
23 in the hospital; in trying to help us with the legal
24 work. So, it really -- it took our top leadership
25 out.

26 MR. CUNNINGHAM: Q. And did this --

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4 MR. CUNNINGHAM: Q. And was this
5 something you had to be concerned with, then, in the
6 hospital?

7 A. I was concerned, but I couldn't do anything
8 about it. I was in traction.

9 Q. Uh-huh. And how did that make you feel
10 with respect to the case against you?

18 MR. CUNNINGHAM: Q. You were aware that
19 the organization and the Redwood Summer work was
20 disrupted by the need to respond to the bombing
21 charges against you and Darryl.

22 A. Yes.

23 Q. So, what did this make you feel with
24 respect to what had happened?

26 THE WITNESS: It made me feel that this

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1 was an act of political sabotage into Redwood Summer
2 as much as anything aimed at me or Darryl.

5 MR. CUNNINGHAM: Q. Once the District
6 Attorney announced that it wasn't going to file
7 charges, did you continue to feel the impact of the
8 charges and the arrest in what was happening in your
9 life?

10 A. Yes.

11 Q. In what way?

12 A. Although the charges were dropped, we were
13 not exonerated. The FBI in particular, and Richard
14 Held as an individual, made a point in the
15 newspapers, in the news media -- in Richard Held's
16 case, it was on the television -- to say that the
17 only reason -- that yes, there wasn't enough
18 evidence to charge us at this time, but we were
19 still considered suspects and were not exonerated,
20 and that they were going to continue their -- that
21 the FBI now, rather than the Oakland police in the

22 lead -- that the FBI was going to continue the
23 investigation, with the assumption that we were
24 still suspects.
25 Q. And were you doing or trying to get done
26 anything -- strike it. I'm sorry.

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1 What were you doing at this time to try --
2 what, if anything -- to try to counteract the
3 effects of the charges against you in the public
4 mind?
5 A. I was giving interviews. I began
6 actually -- as soon as I was strong enough to --
7 actually, before I was strong enough to, I began to
8 allow press into my room to give interviews so that
9 I could help counter the impression of us as
10 terrorists.
11 I'm not sure what else you may be getting
12 at, but that's one thing I can say.
13 Q. Did you have any success with that? Were
14 you getting the answer out?
15 A. It was like a tug of war. Yes and no. As
16 soon as we'd gain ground, something else would come
17 about. In fact, that was kind of the context of the
18 second search. As soon as something would happen
19 that would appear to exonerate us, any favorable
20 press coverage, whatever, some other thing would
21 come out that would accuse of us being terrorists.
22 Q. Can you recall anything after the second
23 search of that nature, something else that came out
24 against you?
25 A. What I mentioned was the statement that we
26 were still suspects, and that the FBI would be

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1 investigating, they would be coming up north, they
2 would be conducting investigation under the
3 assumption that we were still suspects.
4 Q. Did you ever hear that the FBI or the
5 Oakland police were looking at any other suspects?
6 A. No.
26 MR. CUNNINGHAM: Q. Did you receive any

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1 more threats?
2 A. Yes.
3 Q. And when did that happen?
12 A. I received threats while I was in
13 the hospital, in the mail.

14 Q. Mailed to the hospital?
15 A. Yes.
16 Q. That came to you; mail that you had to
17 open?
18 A. Yes.
19 Q. And what kind of threats were they?
20 A. Well, one of them was the one I guess I
21 mistakenly put in the file. That crazy man that
22 writes those closely-written insane letters. I
23 received them almost daily. I stopped opening
24 them. I just threw them away.
25 I received -- after the Lord's Avenger
26 letter, I began to receive letters from

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1 Christians, or -- I don't know if they're
2 Christians, but people associating themselves with
3 the right-wing Christian ideology, you know,
4 threatening me.

22 THE WITNESS: I threw them away. I was
23 too scared by them at that time.
24 MR. CUNNINGHAM: I was getting to that.
25 Q. So, the threats that you received in the
26 hospital you didn't save?

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1 A. I threw away. I saved one.

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21 MR. CUNNINGHAM: Q. Showing you a
22 document which I've miraculously premarked as 6-A.
23 I'll ask you if that is the --
24 MR. SHER: Copies, too?
25 MR. WHALEY: Oh, my goodness.
26 (PLAINTIFF'S EXHIBIT 6 WAS MARKED

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1 FOR IDENTIFICATION.)
2 MR. CUNNINGHAM: Q. I'll ask you if you
3 recognize that document.
4 A. Yes.
5 Q. And is that -- what is it?
6 A. This is the threat that was placed in my
7 landlord's mailbox.

12 MR. CUNNINGHAM: Q. How did you receive
13 it?
14 A. My landlord made a copy and gave it to me.

15 Q. And was this -- did you make any report to
16 the police about it?

17 A. Yes.

18 Q. And what came of that?

22 Q. What police did you make the report to?

23 A. Willits.

24 Q. And what was the nature of the report?

25 A. Well, we gave them a copy of the threat,
26 and I went down and talked to them, and they turned

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1 it over to the County, because I don't actually live
2 in Willits. I live in the County. But they did
3 volunteer if we felt an immediate danger, to come
4 out, even though we weren't technically in Willits,
5 because they were the closest police force.

11 THE WITNESS: I found out from Steve
12 Talbot.

13 MR. CUNNINGHAM: Q. Who's Steve Talbot?

14 A. He is a reporter who produced a video
15 documentary about the bombing that was called "Who
16 bombed Judi Bari?" and aired in May of 1991.

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14 Do you have a belief as to who wrote that
15 letter and sent that picture to the Ukiah police?
16 A. Yes.

19 THE WITNESS: I believe it was Irv
20 Sutley.

21 MR. CUNNINGHAM: Q. And what is the basis
22 of your belief?

25 THE WITNESS: The information contained in
26 the letter is all things that he would know from a

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1 certain weekend that he spent up here. He owns the
2 Uzi, he placed it in my hands, he had access to the
3 photographs, and he attempted to get me to sell him
4 marijuana right around the time that that ad was
5 run.

19 MR. CUNNINGHAM: Q. What's the basis of
20 your belief that something in the letter --

22 MR. CUNNINGHAM: Q. -- is connected to
23 Irv?

25 THE WITNESS: Although I hadn't seen Irv

26 for years, in November of 1988 he traveled to Ukiah

224

1 to participate in a demonstration at the abortion
2 clinic, and --

3 MR. CUNNINGHAM: Q. Were you in that
4 demonstration?

5 A. Yes. I organized it.

6 Q. And what happened in that occasion?

7 A. Afterwards, he stayed, and he had a camera.
8 He was staying with Pam Davis, who -- he was living
9 at her house at the time. A friend of mine. And
10 they had a camera and were taking turns taking
11 pictures. And he stayed overnight because he was
12 traveling north, and he stayed at Darryl's house.

13 And while we were at Darryl's house, we had
14 certain conversations which are reflected in this
15 letter.

16 And also, he whipped this Uzi out of his
17 trunk and suggested to us that it would be fun to
18 pose with it, imitating the famous Patty Hearst
19 pose. And we took turns posing, and they took
20 photos. Actually, there's photos of four people:
21 Irv, Pam, me, and Darryl, each holding the Uzi.

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23 Now, this photograph contains a gun that's
24 owned by Irv, that he suggested that we pose. That
25 he placed it in my hands. I had a hard time even
26 looking serious. I kept laughing and not holding it

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1 right. He placed it in my hands, and he actually
2 lowered it, I now believe, so the Earth
3 First! symbol would show on my shirt.

4 So, he actually posed this picture. He
5 suggested that we do it. He actually placed the gun
6 in my hand and posed it.

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26 Q. Have you ever fired an Uzi --

244

1 A. No.

2 Q. -- machine gun?

3 A. No.

4 Q. Have you ever been trained in the use of an

5 Uzi?

6 A. No.
7 Q. Have you had any association in your life
8 with the use of firearms?

10 THE WITNESS: I fired a .22 rifle a couple
11 times with a boyfriend of mine in high school, but
12 that's about it.

13 MR. CUNNINGHAM: Q. Did you ever, or was
14 there ever, to your knowledge, any firearms training
15 or -- as referred to in the letter that we saw,
16 carried on by Earth First! in this area?

17 A. Absolutely not.

245

12 MR. CUNNINGHAM: Okay.

13 Q. So, now, how long were you in the hospital?

14 A. Eight weeks, and then another two in a
15 rehab center.

16 Q. Two more weeks.

17 A. Yes.

18 Q. And then you moved home.

19 A. No. Then I went to -- actually, I was
20 still afraid to go home, and also I needed
21 round-the-clock care. So, I moved in with a nurse.
22 Actually, the person who had been my midwife. And
23 she took care of me for another month.

24 Q. And during that period, besides the things
25 that you testified about this morning, was there
26 any -- were there any further effects on you of the

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1 occurrence of the arrest and the charges against you
2 and the case against you and the publicity about
3 you?

4 A. Say that again.

5 Q. Were there any further effects that you're
6 mindful now, in thinking over what your response --

7 A. What I'm not understanding is do you mean
8 back then, or since then?

9 Q. Back then. We'll start back then. I'm
10 starting about when you were out of the hospital,
11 when you were out of the rehab place, and staging
12 your way back home. So, we're talking about August
13 1990 and thereabouts.

14 A. Well, I continued to experience levels of
15 terror relating to both the bombing itself, and
16 being under investigation by the FBI.

17 Q. Terror of the kind you described earlier
18 this morning?

19 A. That's right.

20 Q. And did you -- were you also involved in
21 nascent efforts to try to counteract the public
22 effects of the false charges?

23 A. Yes.

24 Q. What activities did you engage in along
25 those lines?

7 A. Mostly maintaining a public persona and
8 doing press interviews, which I actually didn't
9 intend to do, because I was so traumatized by the
10 bombing. But I realized that if I didn't speak in
11 the papers, then I wouldn't be able to represent
12 myself. So, I reluctantly became a public figure
13 again.

14 Q. And why did you -- what was your thought
15 process as to the need to become a public figure
16 again, as you put it?

18 THE WITNESS: I was being vilified in the
19 press by the charges and by the continuing
20 accusations against me, and I thought that was the
21 only way to prove my innocence was by having people
22 hear me speak myself.

23 MR. CUNNINGHAM: Q. And what particular
24 occasions were there in which you were able to speak
25 out publicly?

1 THE WITNESS: You're still talking about
2 near the time of the bombing, right?

3 MR. CUNNINGHAM: Q. Yes. Talking about
4 in the balance of 1990.

8 MR. CUNNINGHAM: Q. Go ahead.

9 A. It was all press interviews. I was way too
10 disabled to travel or speak publicly.

11 Q. Mm-hmm. And besides press interviews, was
12 there anything else that you did?

20 A. There was something else. And that is that
21 people around me tried to put together our own
22 investigative teams, because we felt the bombing
23 wasn't being investigated. And I, of course, had to
24 attend these meetings and discuss in great detail
25 all of these things, kind of dragging it all up.

26 So, there were regular meetings, just with

1 non-experts. Just with people who were trying to
2 help us solve the bombing case.

8 MR. CUNNINGHAM: Q. Can you describe any
9 of the particular steps that were taken in terms of
10 investigation of the bombing?

11 MS. RODRIGUE: Objection. Relevance. You

12 mean by this grass-roots group?

13 MR. CUNNINGHAM: Yes.

14 MS. RODRIGUE: Then I'll object as to
15 relevance.

16 MR. SHER: Same objection.

17 THE WITNESS: We would have these meetings
18 where they would bring up all these -- "Charlie
19 Stone. Why do you think Charlie Stone. Jack
20 Azevedo." We'd go through all the people that we
21 thought were potential suspects. We discussed where
22 did the fake press releases come from, and things
23 like that. We just kind of brainstormed to try to
24 figure some of that out. And I don't think we got
25 very far, but we certainly tried.

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22 Q. can you summarize what was in your mind as
23 being the particulars of the political sabotage
24 which had been carried on against you by the FBI?

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1 THE WITNESS: The attempt to portray Earth
2 First! as terrorists, the attempt to falsely
3 associate us with bombs to make people fear us, the
4 attempts to undermine our nonviolent organizing
5 campaigns by portraying us as violent all appeared,
6 to me, as efforts to neutralize a political group

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15 MR. CUNNINGHAM: Q. And today, how do you
16 feel about the -- how do you feel about the
17 continuing effect of the original accusations
18 against you?

20 THE WITNESS: Through my efforts, I think
21 they've lessened in my community. But out of the
22 area, I'm still perceived as a terrorist by, you
23 know, people who only know vaguely about Earth
24 First! I think Earth First! continues to be
25 discredited by it. And people on the East Coast,
26 for example, if they know anything about me, I'm

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1 that terrorist who blew myself up with my own bomb.
2 So, that's certainly been --

7 MR. CUNNINGHAM: Q. Have you had concrete
8 or particular reports of people still referring to
9 you in those terms, or thinking of you, mentioning
10 you, in those terms?

14 MR. CUNNINGHAM: Q. Can you tell us any

15 particulars?

17 THE WITNESS: The most place I've gotten
18 information like that is friends tell me their
19 parents think this, for example.

20 I also know other political groups have
21 been wary to work with Earth First! after that, and
22 we've had to constantly battle that.

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9 Q. Do you still feel the
10 effects yourself of the accusations?

11 A. Yes.

12 Q. The effects on yourself?

13 A. Yes.

14 Q. And say briefly how you feel that. How you
15 experience that.

16 A. Well, I know I certainly felt some
17 bitterness when Richard Joel was given a public
18 exoneration and a \$500,000 reward. There's never
19 been any reward in my case, or exoneration.

24 THE WITNESS: No. I'm sorry. What I meant
25 was -- I didn't mean he was given a reward. I meant
26 a reward was posted for information leading to the

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1 arrest of the bomber in that case, whereas no reward
2 was ever posted in my case for the information
3 leading to the arrest of the bomber. That's what I
4 meant by that statement.

25 MR. CUNNINGHAM: Q. Anything else?

26 A. Well, it just -- it's kind of -- it's a

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1 disturbing thing, and I feel a great injustice.

25 MR. CUNNINGHAM: I have no further
26 questions of the witness.

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1 MR. SHER: No questions for the Federal
2 defendants.

3 MS. RODRIGUE: No questions for the Oakland
4 defendants.

5 MR. CUNNINGHAM: That concludes, then, the
6 deposition of Judi Bari in the above mentioned case,
7 and we'll adjourn without day. Thank you all.

1 CERTIFICATION
2 I, DEBORAH WONG BROOKS, a Certified
3 Shorthand Reporter in the State of California,
4 hereby certify that the witness in the foregoing
5 deposition was by me duly sworn to testify to the
6 truth in the within-entitled cause; that said
7 deposition was taken at the time and place therein
8 stated; that the testimony of said witness was
9 reported by me, and was thereafter prepared under my
10 direction into typewriting; that the foregoing is a
11 full, complete and true record of said testimony;
12 and that the witness was given an opportunity to
13 read and, if necessary, correct said deposition and
14 to subscribe the same.
15 I further certify that I am not of counsel
16 or attorney for either or any of the parties in the
17 foregoing deposition and caption named, or in any
18 way interested in the outcome of the cause named in
19 said caption.
20 IN WITNESS WHEREOF, I have hereunto set my
21 hand this 11th day of February, 1997.
22
23
24 _____
25 DEBORAH WONG BROOKS
26 CSR No. 5223