



# Redwood Summer Justice Project

A Project of the Redwood Justice Fund

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Dear Friends and Supporters,

Just ten short months from now, *Bari vs. USA* will put the FBI on trial in federal court! This historic civil rights case and our campaign for justice for Judi Bari and Darryl Cherney have just shifted into overdrive, so your help and your support are now more crucial than ever.

### Fighting for Discovery

Our legal team, which includes attorneys Erica Etelson, Marvin Stender and Tony Serra, has been battling in court for the last few months to obtain documents withheld by the FBI, as well as to track down and expose the "disappeared files." A key section of the San Francisco FBI field office's THERMCON file covering the critical time period just before and after the May 24, 1990 car-bombing is still missing.<sup>1</sup>

Key questions remain unanswered: Were Judi Bari, Darryl Cherney or Earth First! subjects of an ongoing investigation in "the terrorist field" as agents claimed in FBI reports? If so, where are the files? Was this investigation authorized? Were Judi and Darryl under FBI surveillance when they were bombed? And what does the FBI know about who put the bomb in the car?

In search of these answers, we've also requested the FBI's "control files" – that is, files not specific to any case – on Earth First! and other environmental groups. Because the Church Committee hearings of the 1970s limited the FBI to investigating specific crimes, the whole idea of "control files" seems to violate the prohibition against intelligence-gathering operations targeting progressive groups. We want to see them.



We've also requested the disciplinary files involving three separate allegations of misconduct against FBI agents who are named defendants in our case. We expected these files to be released at our discovery hearing in early October, but so far the federal magistrate has still not ruled on our request.

We're also waiting for the magistrate to grant our request that the FBI reveal blacked-out information in documents previously given us in discovery. This includes "informant deletions" from the THERMCON file, and references to two 1982 memos (one from the Phoenix FBI to the

<sup>1</sup>THERMCON was an FBI sting operation against Earth First! in Arizona in 1987-89 which targeted Dave Foreman, Mark Davis, Marc Baker, Peg Millett and Ilse Asplund. The FBI spent \$3 million and employed 50 agents in an unsuccessful attempt to create a bombing conspiracy with Earth First! at its center. Activists steadfastly refused to use the thermite and dynamite offered by the FBI undercover agent/provocateur Michael Fain. These activists were busted on May 30, 1989, when they attempted to use an acetylene torch to take down a power line transmission tower for the Central Arizona project.



Denver FBI office, and the other from the FBI's Washington Field Office to Headquarters). Both memos involve Earth First! civil disobedience actions and confirm that FBI monitoring of Earth First! goes back well into the early 1980s.

In other discovery news, Special Agent Stewart Daley testified in depositions that the dozens of death threats Judi and Darryl had received in the weeks and months before the bombing, "...would have been a priority" as investigative leads. We've established that immediately after the blast the FBI knew of the prior death threats against Judi and Darryl; in fact, a file containing the threats was seized as evidence from the backseat of the bombed car. Susan Jordan, Judi's criminal defense attorney at the time, repeatedly demanded that the FBI conduct an investigation of these threats and search for the would-be assassin. Yet the FBI never seriously investigated a single death threat and instead made statements to the media discounting the relevance of the threats to the bombing investigation. Is it any wonder that the real bomber(s) were never apprehended and remain at-large?

### **Holding Richard Held Accountable**

The Center for Constitutional Rights is assisting our effort to get FBI agent and key COINTELPRO operative Richard W. Held reinstated as a defendant in the case. In July, the legal team asked to be allowed to file a motion asking district court Judge Claudia Wilken to reconsider her ruling dropping Held from the case; Judge Wilken has yet to rule on that request. We may be forced to attempt to appeal Wilken's ill-considered ruling to the 9th Circuit Court of Appeals.

Richard Held is infamous as a COINTELPRO operative and for his role in framing Geronimo ji jaga and Leonard Peltier. Held also served as head of the FBI's San Juan, Puerto Rico field office, where he targeted the Puerto Rican independence movement. We believe, given his documented history, that he was a central figure in the campaign to neutralize Earth First! by attempting to frame Judi and Darryl for the bombing. (Remember, Held was Special Agent In Charge of the San Francisco field office in May of 1990, and thus oversaw the bombing investigation.)

### **Yet Again, FBI Investigates Us, Not Them**

In yet another outrageous attempt to use the bombing investigation as a cover to investigate the movement, the FBI issued a September subpoena demanding that Redwood Summer Justice Project turn over mailing lists, lists of contributors, the names of Redwood Summer organizers and of people who attended events.

We, of course, refuse to turn over any names or to cooperate with this latest attempt by the FBI to intimidate us and our supporters. This McCarthy-ite move is reminiscent of earlier FBI misconduct during the bombing investigation when they used the phone records of 14 Earth First! activists to identify and then investigate over 600 people nationwide whose only crime was to receive a phone call from an Earth First!er. Then, as now, instead of looking for the bomber and investigating death threats against Judi, Darryl and other activists, the FBI focused its investigation solely on trying to intimidate, harass and marginalize Earth First! supporters.

We will not let the FBI violate the civil rights of us all with yet another witch-hunt! In case we need to call on you on a moment's notice to protest these or other illegitimate actions by the FBI, please e-mail us at [alerts@judibari.org](mailto:alerts@judibari.org) to get on our rapid response e-mail list.

### **Organize, Organize, Organize ...**

As we come into the final phase of this important civil rights case, we need every one of you to help bring the bombing of nonviolent activists and the outrageous conduct of the FBI into the midst of every environmental and



**One of many death threats Judi Bari received before the bombing. This one puts Judi in the rifle scope.**

Photo: Scott Braley



May 24, 1990, Park Blvd. in Oakland

social justice struggle in the upcoming year. To help you do that, we've created several more tools you can use to organize and educate people about the case.

· *Earth First! & Timber Workers: Alliance for Sustainable Communities.* In this 34-page booklet, Judi Bari explains how her labor union roots led her to bridge cultural and class divides to build a coalition of loggers and environmentalists to take on the timber companies and their clear-cut-and-run logging practices destroying the Northern California forests.

· *Revolutionary Ecology: the Legacy of Judi Bari.* This just-

released 58-minute radio documentary is narrated by Ruby Dee and features Judi's speeches from the front lines. Also included are the voices of Karen Pickett, Carl Anthony, Gene Lawhorn, Michael Parenti, Ed Herman, Geronimo ji jaga, Puerto Rican Independence leader José Lopez, and Ramona Africa.

· *Petition to Oakland Mayor Jerry Brown.* This grassroots petition calls for full disclosure by the Oakland Police Department (OPD) of their bombing case investigation records. It also demands that the OPD shut down its domestic intelligence unit (used to spy on activists); conduct an independent investigation of the bombing; and take disciplinary action against officers who acted improperly during the 1990 investigation.

### We Can't Do It Without You

In the next year, besides organizing activists and educating the world about the FBI misconduct in this case, we also have to raise the money to pay tens of thousands of dollars in trial expenses – fees for expert witnesses on forensics, explosives, and police misconduct; jury consultants; investigators; and court transcripts.

Please help us by making a donation as large as you can afford, whether it's \$35 or \$150; \$15 or \$1500. Already you've made it possible to bring the FBI and the Oakland Police to trial for their egregious human rights violations. Now please give us the resources we need to win this case for all of us.

And remember ... wherever we stand together with humor and direct action to resist corporate control of the environment and government repression of dissent, Judi Bari lives on.

¡Hasta la victoria siempre!

Tanya Brannan

Darryl Cherney

