



# Redwood Summer Justice Project

A Project of the Redwood Justice Fund

P.O. Box 14720  
Santa Rosa, CA 95402

Phone: 707.887.0262  
Fax: 707.887.0865

[www.monitor.net/~bari](http://www.monitor.net/~bari)

August, 1999

## ADVISORY BOARD:

CARL ANTHONY  
GARY BALL  
BETTY BALL  
LISA BARI  
MARTHA BARI  
ELAINE BERNARD  
DANIEL BERRIGAN  
DAVID BROWER  
HERBERT CHAO GUNTHER  
DARRYL CHERNEY  
DAVID DELLINGER  
BARBARA DUDLEY  
BARBARA EHRENREICH  
DAN HAMBURG  
CARRIE HAMBURG  
NOELLE HANRAHAN  
EDWARD HERMAN  
DANNY LEVITAS  
ALICIA LITTLETREE  
PETER MATTHIESSEN  
ROBERT MEEROPOL  
GRACE PALEY  
MICHAEL PARENTI  
U. UTAH PHILLIPS  
VICTOR NAVASKY  
MARGARET RANDALL  
KAREN RUDOLPH  
NICOLE SAWAYA  
PETE SEEGER  
CORA LEE SIMMONS  
JIMMIE SIMMONS  
KELPIE WILSON  
HOWARD ZINN

Dear Friends and Supporters,

Since our last mailing to you, we learned of a spate of violent attacks and attempted frame-ups of environmental activists around the country. As we talked with the targeted activists, we couldn't escape the feeling that it was exactly this atmosphere of stepped-up violence, threats of violence and law enforcement complicity that had led up to the carbomb attack on Judi Bari and Darryl Cherney in 1990.

We need to alert you to the attacks on these courageous environmental activists as they continue to stand up against increasingly violent attempts to scare them off and to neutralize effective grassroots environmental protection movements nationwide. (See "The REAL Eco-Terrorism," enclosed.)

Equally important, we have much progress to report on Judi and Darryl's lawsuit against the FBI—the civil rights case you have so steadfastly supported at every turn. We think you'll agree that recent events are stunning. Your support for the case is more important now than ever.

### The Appellate Court Hearing

After languishing in the 9th Circuit Court of Appeals for nearly a year, on April 15th we had our day in court to refute the Oakland Police Department's appeal of Judge Claudia Wilken's qualified immunity ruling. Wilken's October, 1997 decision had swept away the Oakland Police claims to immunity from prosecution and cleared our way to trial.

The three-judge appellate panel showed no patience with Oakland's assertion that police had the right to act on the basis of FBI lies despite overwhelming physical evidence to the contrary. Oakland hardly even defended their position, underlining the fact that the appeal was only a procedural delaying tactic with no hope or basis for success. Once the appeal is resolved, Judge Wilken will set a date for trial.

### Mystery of the Missing Documents: The Plot Thickens

While waiting for the appeals court hearing, we fought for and won the right to continue discovery against the FBI. One of many suspicious anomalies in the FBI's main bombing file is that the numbers on most of the documents have been crossed out and new numbers written in. With whole blocks of numbers missing, this renumbering has caused us to suspect that the FBI is hiding documents from us.

In May, we were finally able to depose the FBI file clerks who had worked on the bombing file. None of the clerks we questioned was able to account for the renumbering. In fact, one explained, there are only two situations that would call for documents to be renumbered, neither of which applied in our case. Moreover, both of the clerks testified that they personally had not changed the numbers on the documents.

Besides the "renumbering" hanky-panky, the FBI also claims that certain documents are simply and inexplicably "missing" from the file. In depositions an FBI file supervisor let slip that the procedure is that two copies of all documents are kept in the file. This unexpected revelation makes the

(over, please)



disappearance of the documents all the more suspicious; one copy might somehow be misplaced, but the likelihood of both copies dematerializing is virtually nil. Hopefully, these important admissions will move the court to demand that the FBI quit lying and cough up what are likely key and incriminating documents in our case.

**... And on Other Fronts**

As always, just as we were making significant progress on the legal front, the disruption and disinformation intensified. An all-out campaign was unleashed, attempting nothing less than to rewrite the theory of the bombing case on the eve of our hearing in the Court of Appeals. It began with the clever use of local media to hype a wild news story from a smalltown fringe conspiracy magazine speculating that Judi was bombed by a personal associate with no connection to her political organizing.

By far the most offensive tactic was a media event staged on May 24th, the ninth anniversary of the bombing. The group presented the Mendocino County district attorney with a bogus "petition" demanding he open a new investigation into one of Judi's personal associates as a suspect in the Oakland bombing. They then made a photo-op presentation to the DA of the "evidence"; i.e., the conspiracy article he'd already read and rejected as "unsubstantiated conjecture, speculation and innuendo." Obviously, the real target of the petition was not the DA at all, but the press.

Difficult as it has been at times, we have refused to be drawn off course, but have continued the real work of developing the case against the FBI, consulting with activists who are being similarly targeted, and continuing our grassroots organizing to stop both the corporate destruction of the earth and the cynical attempts to undermine that opposition.

To that end, we have launched a petition to newly inaugurated Oakland Mayor Jerry Brown, a longtime supporter of the case and of the fight to save the Headwaters Forest. The petition (enclosed) is a call for full disclosure of police investigative materials, an independent investigation of the bombing, and disciplinary action against officers who acted improperly in the investigation of Bari, Cherney and Earth First! Please distribute and circulate this call for justice in the bombing case.

We have also formed a Redwood Summer Justice Project advisory board, listed on the first page of this letter, to guide us as we get closer to a victory in the court. We are frankly awed at the level of commitment and experience we can now call on as we fight the good fight against government repression of dissent.

You know that all of this work is incredibly expensive. The most recent round of depositions alone cost almost \$6,000. Once again we ask you to stand with us, just as you always have, in our pursuit of justice for Judi Bari — for Darryl Cherney and Earth First! — for all activists everywhere who dare to risk their lives to preserve our rights.

Please send your tax deductible donation today. We're counting on you.

¡Que viva Judi Bari!



Tanya Brannan



Alicia Littletree