

FBI Lab Scandal

Adds Fuel to Charges of Agency Complicity in Earth First! Bomb Case

Fifth Estate Collective

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OAKLAND, CA—Amid revelations that the FBI crime lab routinely manipulated scientific evidence for political ends, the FBI and Oakland, Calif. Police have been charged with deliberately falsifying evidence in their investigation of the 1990 car bombing of Earth First! activists Judi Bari and Darryl Cherney in a brief filed March 18 by their lawyers.

The brief accompanied a motion calling on U.S. District Court Judge Claudia Wilken to deny the FBI and Oakland claims of immunity from prosecution for violating Bari's and Cherney's civil rights in a COINTELPRO-style campaign to neutralize their political activity. Bari, who was nearly killed and left disabled by the blast, died March 2 of breast cancer.

The legal move comes at a time when a recent Inspector General's report on the FBI's crime lab has focused intense criticism on the agency and the integrity of its investigations. The main bomb expert in Bari's case, FBI Special Agent David R. Williams, is one of three experts transferred from their jobs following the U.S. Inspector General's report that the FBI crime lab regularly distorted and manipulated scientific evidence to support the prosecution in court cases. Among the dozens of cases said to be jeopardized by the scandal is the 1995 Oklahoma City federal building bombing.

Within hours of the 1990 car bombing, and despite evidence the environmentalists were targets of an assassination attempt, Oakland Police arrested Bari and Cherney for transporting explosives based on false FBI claims they were terrorists.

According to Dennis Cunningham, lead attorney for the two activists, "Rather than conduct a legitimate investigation to find the real bombers, the agencies instead used the attack to smear Bari and Cherney, Earth First!, and the Northern California environmental movement." The charges were later dropped and the bomber remains at large.

In the Bari case, Oakland Police claim it was Agent Williams who told them the nails in the car bomb matched those found in Bari's house. In fact, evidence shows no match of nails was possible and that investigators were well aware of it. This patently false statement was used to justify a second search of Bari's house and to fuel lurid headlines falsely connecting her to the bomb.

The Oakland Police and FBI claim their actions were legally reasonable, and they should be granted immunity in the six-year-old civil rights case.

The brief includes overwhelming evidence that the FBI and Oakland Police did not simply make "mistakes," but knowingly and deliberately falsified evidence in a conspiracy to violate Bari and Cherney's rights.

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- Judi Bari Lives! FE #349, Summer 1997

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