

FBI Still Stalling on EF! Bombing Case

Fifth Estate Collective

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SAN FRANCISCO—A federal magistrate ordered the FBI to provide further evidence to lawyers for the late Judi Bari and fellow Earth First! activist Darryl Cherney in their 7-1/2 year lawsuit against the FBI and Oakland Police Department.

On May 24, 1990, a bomb exploded beneath Judi Bari's car seat after she and Cherney, her passenger, had received death threats aimed at their political organizing in defense of the redwoods (see FE #334, Summer 1990). The FBI arrived on the scene in Oakland, California within minutes and declared that Bari and Cherney—two prominent nonviolent organizers of Earth First! "Redwood Summer"—were knowingly transporting the bomb that nearly killed them. The Oakland Police arrested the two within hours, but no charges were ever filed. Judi died of breast cancer in 1997.

Using a frequent delaying tactic, the Oakland city attorney filed an appeal of a district court decision denying the Oakland police "qualified immunity" from the suit. The appeal has already delayed for over a year the setting of a trial date, and the FBI's refusal to cooperate has compounded the effects.

The hearing on a motion to compel discovery also considered whether Bari and Cherney's legal team would be allowed to take the deposition of former FBI Director William Sessions. Both the FBI and the Oakland Police Department argued to delay discovery and depositions until Oakland's appeal is resolved.

Giving a verbal preview of his decision, the federal magistrate said that a number of depositions should be allowed, but would not allow a deposition of Sessions at this time. He stated that "there was an outline" of the needed proof that Sessions had personal knowledge of the events surrounding the Bari bombing, but that further justification would be required to allow his deposition. Further depositions may establish the necessary connections between Sessions and this case.

"Clearly, this is a victory," said Noelle Hanrahan, a supporter of the EF!ers. "We got the FBI and the Oakland Police Department back into court, and discovery will move forward." The FBI must allow depositions with FBI personnel, who will answer questions regarding the FBI's procedures and regulations about evidence and record keeping.

Bari and Cherney filed their federal civil rights lawsuit in 1991, charging the FBI and Oakland Police failed to conduct a legitimate investigation of the bombing, and instead used the assault on them as an excuse to conduct an illegal disinformation campaign intended to destroy Earth First! and their environmental organizing. They charge FBI conduct in this case shows the Bureau is still using COINTELPRO tactics, even though the covert action program targeting political dissent was supposedly terminated in the 1970s.

Related

"Redwood Summer: Anatomy of an Action," FE #335, Winter, 1990-91
Judi Bari website: <http://www.judibari.org/>

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