

Hokey Pokey Productions Presents...

# Who Bombed Judi Bari?

A Film by Mary Liz Thomson and Darryl Cherney

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## Who Bombed Judi Bari? Story Summary

Stricken by cancer and close to death, Judi Bari--a leader of the movement to save California's old growth redwoods--gives her testimony about the attempt on her life and her lawsuit against the FBI for trying to frame her and Darryl Cherney.

It's a story about beating the system and saving the trees; a film that resonates today as we face deteriorating civil rights and the huge ecological problems that bring us closer to catastrophic climate change.

In the mid 1980's the pace of old growth redwood forest clear-cutting increased dramatically in California and led to a resistance movement spearheaded by Earth First! Only 5% of the redwoods remained at that time – and the fear was that soon they would all be gone. Local activists called for national help, planning a summer of protests in the style used in Mississippi during the civil rights struggles, called Redwood Summer.

But on May 24 in 1990, a bomb blew up in the car of two of the most prominent Earth First! redwood activists: Judi Bari and Darryl Cherney – while they were driving through Oakland, CA on an organizing tour for Redwood Summer. The FBI and Oakland Police immediately accused the pair of carrying their own bomb and of being environmental terrorists. The story played out for weeks in the press – the victims were the suspects.

To vindicate their work and their names, Bari and Cherney launched a lawsuit against the FBI and Oakland Police for violations of the First and Fourth Amendments of the Constitution. When their case went to trial in 2002 -- THEY WON! They proved that law enforcement officers intentionally falsified evidence and tried to frame them, and were given one of the largest jury awards of its kind in history, \$4.4 million dollars.

The story spans from the mid 1980's right up to today, uniquely capturing a part of environmental history that is still as relevant as ever. Just this Fall of 2012, Darryl and his legal team are in court again, trying to prevent the FBI from throwing away crucial evidence that was never tested, and could prove who the bomber was.

Judi Bari emerges as an authentic environmental heroine, whose warnings from the past about the dangers of deforestation and global warming hardly seem extreme. Rather they loom large as a dangerous harbinger of the failure to heed their messages.

# Brief History of the Judi Bari Bombing Case

Judi Bari was nearly killed in a still-unsolved terrorist attack on May 24, 1990, when a motion-triggered pipe bomb wrapped with nails exploded directly under her driver's seat. She and Darryl Cherney were driving through Oakland, California when the bomb exploded. They were on a concert and speaking tour to recruit college students for Redwood Summer, a campaign of nonviolent mass protests against corporate liquidation logging.

Judi was maimed and disabled by the bombing, while Darryl received lesser injuries. In the previous two months, both had received numerous death threats from timber industry supporters and had reported them to local police. They had copies of written death threats in the car, where investigators found them. Right away, Judi and Darryl told paramedics and police officers that they had been bombed because of their activism against the timber industry, and both of them separately named the same individuals and a right-wing group that they believed were behind the bombing. But instead of investigating the bombing as attempted murder, as the evidence clearly showed, the FBI, with the willing collaboration of the Oakland Police, tried to frame Judi and Darryl for the bombing, further victimizing them by false arrest and accusing them of knowingly transporting the bomb that nearly killed them.

It was a deliberate, politically motivated effort to target and "neutralize" Judi, Darryl and Earth First! and to discourage people from traveling from all over the nation to join in Redwood Summer. The sensational false charges made headlines nationwide, and the FBI and their Oakland Police accomplices kept a two-month media smear campaign going with a series of false claims about physical evidence linking Judi to building the bomb.

After delaying arraignment for seven weeks, when it was finally time for the District Attorney to present evidence in court and file formal charges, the FBI and Oakland Police didn't actually have any. The D.A. announced he would not file charges, citing the lack of evidence. The Oakland Police ceased their "investigation," but the FBI continued theirs, telling the media that Judi and Darryl were their only suspects.

The FBI then used the pretext of investigating the bombing as cover for a nationwide investigation of Earth First!, sending agents to create dossiers on over 500 people whose only crime was to have received a long-distance phone call from Judi, Darryl, or one of 14 other people associated with them.

A year after the bombing, when it was clear that the FBI and OPD were making no genuine effort to solve the bombing, Judi and Darryl filed a federal civil rights suit against the FBI and OPD. The suit claims false arrest and unlawful search in violation of the Fourth Amendment to the U.S. Constitution. It also claims a politically motivated conspiracy in violation of the First Amendment, which

attempted to suppress and chill their free speech by discrediting them in public perception as violent extremists.

Fully 12 years after the event the bomber or bombers are still free because, as overwhelming evidence has shown at trial, instead of mounting a genuine investigation of the bombing, the FBI and OPD:

- falsified, fabricated and manipulated evidence,
- perjured themselves under oath to get search warrants and high bail,
- conducted a sustained media smear campaign to mislead the public,
- blamed the victims despite clear evidence of their innocence,
- conspired to frame and demonize Judi Bari and Earth First! for political reasons,
- spied on nonviolent environmentalists in a phony investigation of the bombing,
- failed to investigate fingerprints and other evidence pointing to the real bombers, and
- covered up their own wrongdoing and obstruction of justice.

The lawsuit was delayed from coming to trial for nearly 11 years by defense motions and appeals intended to wear the plaintiffs down and prevent the case from ever coming to trial. They gained an immense advantage when Judi died in 1997, but Judi's estate, Darryl Cherney, their legal team and supporters have kept the suit alive and won every appeal.

The evidence was presented in a jury trial that began on April 8, 2002, and ended June 11 with a stunning vindication of Judi and Darryl, and a \$4.4 million award of damages. A full 80% of the damages were for First Amendment violations, showing that the jury understood that the motivation for the false arrest and illegal searches was to interfere with Judi and Darryl's political activism with Earth First! in defense of the redwoods.

## **Director's Statement by Mary Liz Thomson**

Who Bombed Judi Bari? is about the astounding events in the life of an iconic environmentalist and how we can create movements and victories. The story opens up the world of politics using the emotional journey of a heroic woman who exemplifies the elements of American activism.

The environmental movement has long been the target of negative propaganda. One only need look at the Congressional Hearings which voted to deny climate science (March 18, 2011). Nature magazine decried the anger at scientists on display, saying, "misrepresentation was presented as fact, truth was twisted..."

The movie peels back the layers of deception on one of the most explosive stories in the history of direct action environmentalism, one literally involving a bombing. Not only were two effective redwood activists falsely accused and made to seem like "dangerous bombers" in the press, but the tactics used against them are still

in use today. Corporate money bought protection, big public relations firms distributed fake press releases, and the government falsified evidence. But they didn't get away with it this time!

My goal visually was to present the story in a fast pace that would work on an emotional level, to grab the viewer with high stakes events, and to establish empathy for the disappearing redwoods and its defenders. I chose to reveal explanatory information incrementally so that its meaning could build and take the audience through dramatic arcs of change with the main character, Judi Bari. I wanted to ensure intellectual and factual information was presented without being overwhelming. To keep this dramatic pacing, we decided not to use narrated voice over. Rather we allow Judi Bari tell her story directly through her videotaped deathbed testimony in her lawsuit against the FBI and Oakland Police.

The American public and International audiences know very little about who "saved the redwoods" and how. My goal is to change that. This history is vitally important to understanding how to effectively take on the continued environmental challenges that confront us today.

## **Subject Bios**

### **Judi Bari, Lead Subject**

Judi Bari (November 7, 1949 – March 2, 1997) was an environmentalist and labor leader, a feminist, and the principal organizer of Earth First! campaigns against logging in the ancient redwood forests of Northern California in the 1980s and '90. She also organized efforts through Earth First! and the Industrial Workers of the World (IWW) to bring timber workers and environmentalists together in common cause.

Born and raised in Baltimore, Maryland, Bari became a union organizer in a chain grocery store, later becoming a union bulk mail handler for the US Post Office in Maryland. She published and illustrated newsletters and led strikes at both jobs.

Bari moved to Sonoma County, CA, where she was employed as a carpenter and a graphic artist/sign painter. There she became active in opposition to U.S. policies in Central America. She further developed her flamboyant style and continued to gain publicity. She eventually moved to the suburbs of Ukiah, CA. There she met Darryl Cherney, who recruited her into Earth First!. She began organizing protests against overcutting old growth redwoods. Along with Cherney she founded Redwood Summer 1990, adapting tactics from the civil rights movement's Freedom Summer. Bari simultaneously joined the Industrial Workers of the World (IWW) and began organizing timber workers into the venerable old radical labor union co-founded by Mother Jones almost a century before.

On 24 May 1990, in Oakland, California, Bari and Cherney were blown up by a bomb planted in their vehicle. Bari was severely injured by the blast, as the bomb was under her seat; Cherney suffered minor injuries. Bari and Cherney were falsely arrested for transporting explosives while she was still in critical medical condition with a fractured pelvis, pulverized vertebrae and other major injuries. The attempted assassination catapulted Bari and Cherney into national media attention. The Federal Bureau of Investigation and Oakland Police took jurisdiction. However, the case was never investigated by any authority and remains unsolved. Bari's wounds disabled her for the remaining seven years of her life. The false arrests and illegal search warrants became the basis of Bari and Cherney's civil rights suit, filed the following year.

On September 15, 1996, Bari was the principle organizer of the largest civil disobedience protest in the history of the forest protection movement. Six thousand attended, including Bonnie Raitt and 1,033 were arrested in peaceful civil disobedience at the gates of what would become the federally protected Headwaters Forest Reserve.

On 2 March 1997, Judith Beatrice Bari died at home of breast cancer. The civil rights lawsuit Judi Bari and Darryl Cherney filed a year after the bombing outlived Bari. The law enforcement agents who were named in the suit lost their bid for immunity from prosecution. The suit went to trial in 2002, and Bari's estate and Cherney were awarded \$4.4 million as compensation for violations of Bari's and Cherney's First Amendment and Fourth Amendment rights.

## **Dennis Cunningham, Lead Subject**

Inspired by the civil rights movement, Dennis Cunningham got his law license just in time to cut his teeth in 1968, that momentous year, defending people arrested in riots that followed the murder of Martin Luther King, and protests at the Democratic National Convention. Inspired again by lawyers and organizers working with the NLG, he helped found what is still known and going strong in Chicago as the People's Law Office, and participated in numerous cases involving protesters and protest movements, prisoners and prison rebellions.

Chief among these were the 12-year civil prosecution of FBI agents, Chicago police and others for the infamous "weapons raid" on December 4, 1969, in which Illinois Black Panther Party leaders Fred Hampton and Mark Clark were shot to death. He aided in the defense of dozens of prisoners falsely accused as "ringleaders" of the rebellion at the Attica State Prison in western New York in 1971. After the false charges were thrown out, Dennis was part of a team of Guild lawyers who prosecuted state officials that had been in charge of the massacre of 39 prisoners and state employee hostages when the prison was retaken, and mass torture of prisoners afterwards. That case went on more than a quarter-century, and was finally was settled in the Year 2000.

In early 1992, Dennis got involved in a case Bill Simpich had started against FBI agents and Oakland police officers involved in the frame-up and media smear of Earth First! Activists Judi Bari and Darryl Cherney, after a car bomb assassination attempt against Judi in Oakland, in May 1990. It occurred just at the start of Redwood Summer, a planned season of mass protest against destruction of ancient redwood forests on the North Coast. After Judi's tragic death from breast cancer in 1997, Dennis and Bill, joined by renowned attorneys Tony Serra, Bob Bloom, Ben Rosenfeld and paralegal Alicia Little tree finally brought the case to trial in 2002, and won. A unanimous jury awarded Bari and Cherney \$4.4 million dollars in damages, 80% of which were assigned to the violation of the First Amendment.

## **Production Bios**

### **Darryl Cherney, Producer / Lead Subject / Music Supervisor**

Darryl Cherney was born in New York City where he was a child actor. For 20 years he has been an activist, topical singer-songwriter and organizer in Humboldt County, California. He helped spearhead the successful campaign to protect the redwoods, including Headwaters Forests, now a national preserve. As creator and president of Environmentally Sound Promotions, the non-profit organization, he has produced five albums of his original songs dedicated to environmental protection. He also produced Judi Bari's spoken word CD, also called *Who Bombed Judi Bari?*, and the benefit compilation, *If a Tree Falls*.

He has organized hundreds of rallies and events, attracting national press coverage on behalf of forest protection and civil rights. He was co-founder of Redwood Summer 1990 with Judi Bari and was car-bombed alongside her that year and falsely arrested by the FBI and Oakland Police. He and Bari (who passed in 1997) sued the authorities and won a \$4.4 million jury award in federal court in 2002 for First and Fourth Amendment violations of the Constitution. He broke the story on Julia Butterfly's tree-sit, and has appeared in media outlets such as Donahue, Prime Time, The New York Times, The Wall Street Journal, and CNN. Darryl has worked on environmental litigation and lobbied in Washington, D.C. and Sacramento. He joined with Judi Bari to create the Redwood Summer 1990 campaign as well as an alliance between timber workers and environmentalists. He is a founding member of the Alliance for Sustainable Jobs and the Environment. Darryl is the inaugural winner of the Edward Abbey Deep Ecologist of the Year Award given by the Fund for Wild Nature in 1989; and the Sempervirens Lifetime Achievement Award given by the Environmental Protection Information Center (EPIC) of Garberville, California in 2012.

### **Mary Liz Thomson, Director / Editor**

Mary Liz has a long history of involvement in politics and the film industry. In 1990, she co-produced and directed *Redwood Summer: Where the 90s Begin*, which aired on PBS. She documented the war zones in Central America, directed music videos with Island Records, worked for 60 Minutes, shot footage for the Academy Award winning documentary, *Panama Deception*, and directed a documentary, *Flashpoint*, about the alternative music scene in San Francisco, winning a "New American Makers" Best of the Year Award, and A "Local Hero" Artist Award.

In 1999 Mary Liz moved from San Francisco to Los Angeles, where she has directed shorts and worked in development, production, and post on both indie and studio films (*The Flyboys*, *Small Town Saturday Night*, *Freddy vs. Jason*). She has also stayed political - blogging about environmental and political issues for the Huffington Post and Alternet. As an Editor and Post Producer, she has worked on commercials, music videos, and documentary series including *The Sierra Club Chronicles*. She edited the short documentary that sold the award-winning feature film *The First Grader* to BBC films. Mary Liz speaks fluent Spanish and recently traveled to Nicaragua to consult on production and post for the socially conscious TV series, *Contra Corriente*, produced by the women's non-profit, Puntos Encuentros.

### **Elyse Katz, Executive Producer**

Elyse Katz has over 20 years of experience in film, documentaries, television, commercials, web, live-music shows and promotional programming. Her work includes groundbreaking web content on *DEN.net*, the academy award winning documentary, *The Last Days*, and the critically acclaimed concert and DVD *Barbra Streisand One-Night Only Live at the Village Vanguard*.

Katz has worked with directors and producers including Steven Spielberg, Barbet Schroeder, Michael Ritchie, Mark Pellington, Debra Hill, Laura Ziskin, and Garry Marshall. Her film credits include *Pretty Woman*, *Going All the Way*, *Single White Female* and the Spielberg/Shoah Foundation produced documentary *The Last Days*. In addition to her film experience, Ms. Katz also produces documentaries including *The Fire Within*, *Trudell*, *Bellyfruit* and currently *Pell Grants: A Passion For Education* and *To God's Ears*. Katz has worked on productions as a line producer, production manager, and supervisor such as the independent produced *Johns*, *Mohave Moon*, *Destiny Turns on the Radio*, feature films, television series, music DVDs and national commercials.

### **Sheila Laffey, Executive Producer**

Sheila is an award-winning producer/director of documentaries and short dramatic films, primarily on the environment. Her series on the Ballona Wetlands, *The Last Stand*, hosted by Ed Asner, won 15 awards including a Cine Golden Eagle, Best Documentary in several festivals and a Telly Award for *Natural Heroes*, the Public Television series in which it aired. Her film, *South Central Farm: Oasis in a Concrete Desert* aired on this Emmy Award-winning series. She was co-

producer/co-director of *Show Me the Way* with Oscar-nominated William Gazecki. She co-produced children's dramatic shorts, "We All Need the Forest" and "In the Middle of the Sea," as well as the documentaries *Hawaii in Transition: Vision for a Sustainable Future* and *Geo-Thermal: A Risky Business in Hawaii's Wao Kele O Puna Rainforest* which helped save the last lowland tropical forest in the U.S. Laffey teaches courses at Santa Monica College including Green Screen: Films on the Environment and Transformation.

### **Bill Benenson, Co-Producer**

Bill Benenson made his producing and directing debut in the 1970's with two award-winning documentaries: *Diamond Rivers* based on his work in the Peace Corp in the poverty stricken backlands of Brazil where he witnessed first hand life on the human and ecological precipice; and *The Marginal Way* advancing his early environmental concerns as expressed by the people of Ogunquit, Maine.

Bill went on to create Benenson Productions and BBZ Films and was involved with the creation of John Houston's *Under the Volcano*, *The Lightship* with Robert Duvall, *A Walk on the Moon* (1987) for which he wrote the original story; and in 1990 on *Mister Johnson* with Pierce Brosnan. He was an Executive Producer on *Watching the Detectives*, *Diminished Capacity*, and *Trucker*. In 2009, Bill's *Dirt! The Movie* ran at Sundance and was Independent Lens' 30th Anniversary of Earth Day Special on PBS. Bill is now producing and directing a feature documentary shot in Tanzania with the last hunter-gatherers on the planet--The Hadza.

### **Laurie Benenson, Co-Producer**

A writer, editor and filmmaker, Laurie was the founder and editor-in-chief of *Movieline Magazine*. She was a Hollywood correspondent for the *New York Times* Sunday Arts & Leisure section and, most recently, Executive Producer of the documentary *Dirt! The Movie* along with her husband. She is currently writing, producing and directing a documentary, *Sacred Vanities*.

### **Mike Gray, Cinematographer**

Academy Award nominated screenwriter Mike Gray (*China Syndrome*) was the cameraman who shot the footage of Judi Bari's deposition, around which is used as a narration of *Who Bombed Judi Bari?*. Like several other Hollywood realists, Mike Gray comes from a documentary film background. His Chicago-Based Film Group chronicled the political violence of the 1960's, including the award-winning feature documentaries, *American Revolution II* and *The Murder of Fred Hampton*.

After moving to Hollywood in 1973, Gray began writing the screenplay that was to become the eerily prophetic *China Syndrome*. His years of research were

confirmed less than two weeks after the movie's release by the accident at Three Mile Island. Gray went to Harrisburg to cover the TMI story for *Rolling Stone* magazine and collaborated on *The Warning*, (W.W. Norton) a definitive account of the accident based on 200 hours of interviews and 50,000 pages of transcripts from 5 government inquiries.

## **Tom Myers, Re-Recording Mixer / Skywalker Sound**

Tom Myers has been nominated for three Academy Awards; one for Best Sound and two for Best Sound Editing. He has worked on over 70 films since 1990, including *Toy Story*, *Up*, *Cars*, *The Simpsons Movie* and *Monsters, Inc.*

## **Matt Eakle, Composer**

Matt Eakle and his flute have been blowing crowds out of their chairs and onto their feet since 1989 as the first wind player to share the front line with David Grisman in the David Grisman Quintet. He's featured on 14 Acoustic Disc CDs with the DGQ, Jerry Garcia, Enrique Coria, and as the leader of his own jazz trio on the CD, *Flute Jazz*. On these and hundreds of other recordings, Matt appears on 4 CDs with Jerry Garcia including the Grammy nominated *So What* with Garcia/Grisman. His other Grammy nominated recordings is *Simple Pleasures* with banjo virtuoso, Alison Brown, and *Dawg 90* with the David Grisman Quintet. You can also hear Matt featured on Chris Isaak's recording, *Notice the Ring*, and on the bass flute providing a mellow setting for Bonnie Raitt's, *Home. de Mi Padre*. Matt and his band composed numerous instrumental pieces for *Who Bombed Judi Bari?*, as well as performing a cover of Mason Williams "Classical Gas."

## **Festivals and Awards**

### **Winner**

CINE Golden Eagle  
Best Documentary, Santa Cruz Film Festival  
Best Documentary, Malibu Film Festival  
Best Documentary, Desert Rocks Film Festival  
Best Feature, Davis Film Festival

### **Official Selection**

Ft. Lauderdale Film Festival  
Harlem Film Festival  
DC Independent Film Festival  
Mendocino Film Festival  
Ohio Int'l Film Festival  
San Francisco Green Film Festival  
Oakland Int'l Film Festival

Oakland Underground Film Festival  
Big Bear Lake Int'l Film Festival  
San Francisco Frozen Film Festival  
LA Indie Film Festival  
Awareness Film Festival  
Eugene Int'l Film Festival  
Black Hills Film Festival  
Siskiyou Film Festival  
Daytona Beach Film Festival  
Santa Rosa Int'l Film Festival  
Connecticut Film Festival  
Long Island Film Festival  
Wild and Scenic Film Festival  
Reel Work May Day Labor Film Festival

### **The Company: Hokey Pokey Productions, LLC**

Hokey Pokey Productions, LLC was created in 2004 in Garberville, CA to produce two films: a dramatic feature, *Timber!*, and a documentary, *Who Bombed Judi Bari?* Both are on the subject of the 1990 car-bomb assassination attempt in Oakland on the life of legendary Earth First! and labor organizer Judi Bari of the redwoods. The company is currently engaged in self-distribution of the documentary and securing screenings around the United States. It was named after a discussion about going to “The Pokey” for civil disobedience and also because Earth First! occasionally has danced the Hokey Pokey to diffuse tense situations at demonstrations.

The Mission of Hokey Pokey Productions, LLC is:

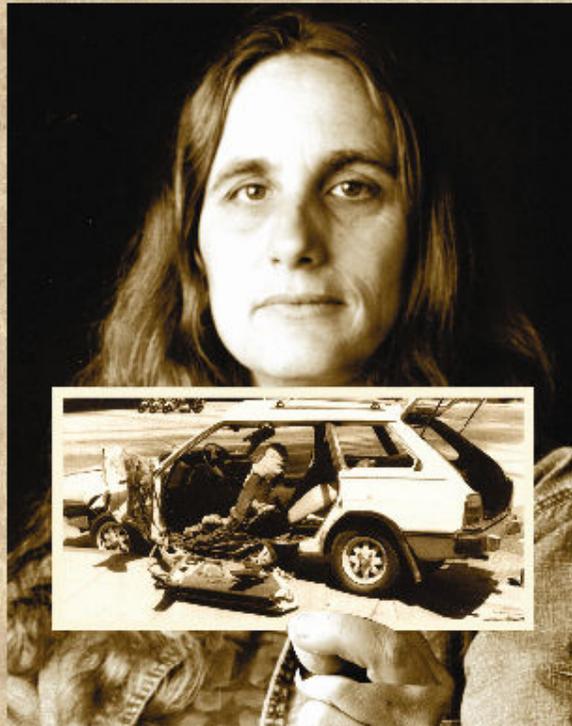
1. To produce quality films that provide a positive message with an unflinching eye to the controversial.
2. To make profitable pictures and put a portion of the proceeds towards environmental and civil rights causes.
3. To keep an ecological mind toward the physical production of our films.

## **Who Bombed Judi Bari? Reward Fund**

Hokey Pokey Productions in conjunction with the documentary is offering a genuine \$50,000 reward for information leading to the arrest, conviction and incarceration of the bomber. Rules for collecting the reward can be found at [whobombedjudibari.com/reward.htm](http://whobombedjudibari.com/reward.htm)

# \$50,000 REWARD

FOR INFORMATION LEADING TO THE ARREST,  
CONVICTION, AND INCARCERATION OF  
WHO BOMBED JUDI BARI.



JUSTICE

JUSTICE

EMAIL: [REWARD@WHOBOMBEDJUDIBARI.COM](mailto:REWARD@WHOBOMBEDJUDIBARI.COM)  
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