



OUTSIDE AGITATOR

How Darryl Cherney Set Out To Save The Redwoods And Ended Up Suing The FBI (And Winning)

an interview by GREG KING

I met Darryl Cherney

on the spring equinox of 1986, in a gravel parking lot outside a ragtag environmental office in Humboldt County, California. I had hardly emerged from my vehicle when this little overwound spring of a man uncoiled from the office door and bounded toward me, sizing me up as if I'd dinged his car. He asked if I needed help. I told him I was looking for Sally Bell Grove, an ancient redwood forest threatened by logging.

"Oh," he said, almost under his breath but with obvious satisfaction. "Well, that's great. Because we're going to Sally Bell Grove." Pause. "Can we take your car?"

Three months later Cherney and I cofounded the campaign to save the world's last unprotected ancient redwood groves, Headwaters Forest, from clear-cutting by the Houston-based Maxxam Corporation. (Maxxam had floated \$750 million in junk bonds to take over the Pacific Lumber Company.) We took my car; we took his car. Sometimes we drove each other crazy: the high-strung big-city hustler and the country-journalist-cum-tree-climber joined in pitched battle against draconian timber companies.



Darryl Cherney in his “dome on the range”; Humboldt County, California, 2001

During the late 1980s, Cherney, who’d arrived in Humboldt County with a master’s degree in education from Fordham University, emerged as one of the nation’s most noteworthy and effective grass-roots activists. A member of Earth First!, he devised street theater, media spin campaigns, and humor-laced folk songs as a means of bringing news of falling redwoods into American homes. The U.S. Congress eventually protected most of Headwaters Forest, but not before Cherney and others — especially fellow activist Judi Bari — had paid a heavy price.

Bari was a brilliant progressive dynamo in Mendocino County who was attempting to bring down timber giant Louisiana Pacific. LP was clear-cutting thirty-five thousand acres of second-growth redwood every year in northern California and treating its non-union workforce like indentured servants — and environmental activists even worse.

By 1990, Bari, Cherney, and I had collectively been on the receiving end of some four dozen death threats and a half dozen assaults. Nonetheless, that year Cherney and Bari began organizing “Redwood Summer,” a campaign that would bring thousands of activists to the forests, lumber mills, and streets of Mendocino and Humboldt counties to protest the “last great roundup” of California’s once ubiquitous redwood forests. On April 24, 1990, Darryl and I kicked off Redwood Summer with an occupation of the Golden Gate Bridge. While I was 250 feet above the concrete, expecting to be arrested for hanging a banner, Darryl was at a public phone at the nearby Marin Headlands, expecting to grab media coverage and then bail me out. But he was among the first to be arrested. Somehow the police knew where to find him. His car was impounded in Marin County, where the action took place, but was searched by members of the Oakland Police Department,

a jurisdiction that has about as much to do with the Golden Gate Bridge as it does with Manhattan.

Exactly one month later, on May 24, a pipe bomb exploded in Bari's Subaru near downtown Oakland with her and Cherney in the car, injuring Darryl and nearly killing Judi. The Oakland Police Department repeated over and over the FBI's assertion that Bari and Cherney were knowingly transporting the bomb, but the charge was later dropped for lack of evidence.

The following year, Bari and Cherney filed a lawsuit (Bari v. USA) against the Oakland Police Department and the FBI, alleging that the two Earth First! activists were "denied any normal and proper police effort to catch those who set the bomb," and instead "were themselves preposterously but sensationally arrested . . . without grounds and on fabricated evidence."

It was one of the most powerful and protracted actions ever brought against the FBI, contending that the FBI made Bari and Cherney — and, by association, the Earth First! organization — the targets of a frightening smear campaign. The lawsuit charged that such illegal tactics were a matter of regular FBI policy, and were modeled after the "counterintelligence" programs of the fifties and sixties, particularly the infamous COINTELPRO.

COINTELPRO was the creation of former FBI chief J. Edgar Hoover, who sought to "neutralize" U.S. political organizations that challenged the status quo. In 1975 the Senate rendered COINTELPRO illegal, though activists contend that it simply went underground.

On June 11 of this year, after an unusual three weeks of deliberation, a federal jury found several FBI agents and Oakland police officers liable for \$4.4 million in damages for violating the activists' constitutionally protected freedom of speech and freedom from unlawful search and seizure. It was a rare victory against the FBI.


Contrary to FBI claims that Bari and Cherney were transporting explosives "in the back seat" to be used in toppling power lines, the bomb was actually a sophisticated antipersonnel device wrapped in nails, rigged with a timer and motion detector, and placed under the driver's seat of Bari's Subaru. While Cherney's injuries were superficial, Bari was permanently disabled until she died on March 2, 1997, of breast cancer — a death political activist Michael Parenti lays at the doorstep of the national security state, saying that her injuries suppressed her immune system and left her vulnerable to the cancer.

At forty-six, Cherney remains an aggressive, creative, and sometimes alienating activist. He can still be found organizing "base camps" for young environmentalists who continue to challenge Maxxam in Humboldt County. The gutsy Manhattan native lives and works deep in the Humboldt County hills, occupying a twenty-foot-diameter leaky canvas "dome on the range," where he's spent the past twelve years living as a dedicated minimalist. A tiny wood stove in the middle of the floor is surrounded by a bed, a sink, clothes, books, filing cabinets, musical instruments, and a tiny kitchen. There are six solar panels, one water spigot, and an outhouse. When I arrived in early November of last year for the first of several rounds of questions, the sun was still warm on surrounding meadows. We talked for hours in the sienna glow of Elk Ridge and Bear Butte.

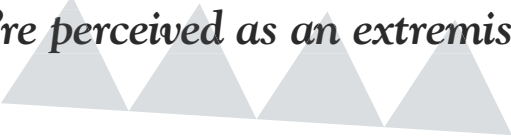
King: This place is pretty far from Manhattan, where you spent your first twenty-nine years. How did you end up here?

Cherney: When I was fourteen, I traveled cross-country with my parents and saw the redwoods for the first time. After the trip was over, I lay in bed back on West 24th Street, staring up at the ceiling and imagining that someday I would live among the redwoods, because I sensed the presence of God among them.

In 1985 I packed up all my things and headed west. As I was driving down the Oregon coast, I saw this figure ahead of me, walking in the rain. He didn't have his thumb out, but I just felt that he needed a ride. Into my van came Kingfisher, a Cheyenne road man, with a big smile on his face. We started talking, and he said, "What do you want out of life?" I said, "I'd like to learn how to live off the land and save the world." And he said I should go to Garberville.



A radical is somebody who goes out to the furthest edge of the debate in order to gain leverage with which to move the larger body of thought. . . . The problem is that, once you're out there, you're perceived as an extremist.



In Garberville, we got out of the van and walked right into the EPIC office, the Environmental Protection Information Center, which at the time was suing Georgia Pacific in an attempt to save the redwoods. I didn't know anything about nature at all. I was scared of bugs. I was this total urban animal. But I *knew* people were meant to live among nature, and at that moment, when I learned that the redwoods were being cut down, I knew I would stay in Garberville.

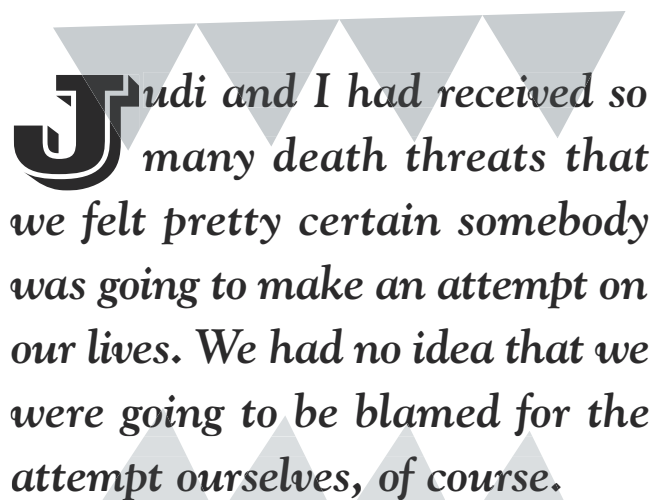
King: You've been grabbing headlines as an activist ever since, but it's the one action you didn't plan — the bombing of Judi Bari's car — that has brought you the most media attention. What happened that day?

Cherney: When the bomb went off, the FBI showed up immediately. Special Agent Tim McKinley, of the FBI's terrorism squad, arrived just fifteen minutes after the explosion. He claimed he was in the neighborhood shopping for a costume for his daughter to wear in her school play. As our lead attorney, Dennis Cunningham, put it, "The FBI was there in a trice, almost as if they had been standing around the corner covering their ears."

Coincidence or not, much of the FBI crew was made up of the same agents who had attended a “bomb school” exactly one month earlier on Humboldt County land owned by timber giant Louisiana Pacific, Judi’s principal adversary. In fact, the FBI’s lead bomb technician in charge of the crime scene, Special Agent Frank Doyle, had been the bomb-school instructor.

Three hours after the bomb went off, the Oakland police arrested Judi and me on the word of the FBI agents at the scene, who said we were domestic terrorists injured by our own bomb. But the Alameda County district attorney looked at the evidence, or lack thereof, and refused to file charges.

King: Now here we are twelve years later, and you say there has never been an earnest attempt by the FBI and the Oakland Police Department to conduct a full investigation, although the real bomber is still out there. Do you expect the FBI ever to solve this case?



Judi and I had received so many death threats that we felt pretty certain somebody was going to make an attempt on our lives. We had no idea that we were going to be blamed for the attempt ourselves, of course.

Cherney: I don’t think the FBI is capable of solving this case. I think the FBI is a criminal entity and a threat to national security. And that’s not just rhetoric. That’s not just dogmatic Darryl getting up on his soapbox. The FBI works with the Mafia. They work with hit men. They work with the Ku Klux Klan. They have a shining track record of being present when people are murdered, and a really dismal track record of solving crimes.

King: But hasn’t there been some internal reform?

Cherney: Senator Patrick Leahy held monthly hearings on the FBI before the World Trade Center attack. They were called the “Senate Judicial Hearings on Restoring Public Confidence in the FBI.”

King: Rather than restoring the integrity of the FBI itself.

Cherney: Yeah, and rather than boosting the public’s confidence, he actually did the opposite. He uncovered facts that destroyed people’s faith in the FBI.

A friend once told me that the true nature of everything — whether creature or business or organization — is imprinted on it at birth. The FBI was born out of A. Mitchell Palmer,

who led the infamous Palmer Raids to round up suspected communist immigrants in 1920. And it was raised by J. Edgar Hoover, a psychotic, homophobic, fascist, totalitarian cavorter with the Mob. Despite being a gay transvestite, Hoover had agents persecute gay people and personally purged the FBI of agents he thought were gay.

King: Because he hated that part of himself?

Cherney: I don’t know. He was pathological, and I think what we’re looking at is a pathological organization. For the duration of his career, Hoover never acknowledged the existence of organized crime, because the Mob had information on him. They used him as much as he did them. And that’s how the FBI fouled up its ability to fight crime. The organization is not only corrupt but criminal, and the criminals have as much information on the FBI as the FBI has on them. The FBI can’t indict any major crime figures — or even midlevel crime figures — in this country because the criminals will say, “Oh, you’re going to put me in jail? Well, then I’m going to tell them how you were there when we killed so-and-so, or raped so-and-so, or tortured so-and-so.”

That’s what Patrick Leahy’s committee was uncovering before September 11: that the FBI was in bed with the Mob and other crime figures. We learned that an FBI security analyst in Las Vegas sold information on protected informants to the Mob for twenty-five thousand dollars. The FBI has put people in jail who didn’t commit murders and let off mobsters who did. In Boston, the FBI allowed two innocent men to spend several decades in prison for a murder committed by an FBI informant. And the FBI knew their man was guilty. The FBI was in the car with members of the KKK when they killed civil-rights leaders in the sixties. The FBI knew who bombed the Birmingham, Alabama, church. But the FBI couldn’t convict the Klan, because the FBI was with them when they were committing these murders and lynchings. This is the real history of the FBI. So it can’t be reformed because the very nature of the organization is to be complicit in the commission of crimes. It’s beyond incompetence.

King: Are you saying that the FBI is not a necessary agency?

Cherney: I’m saying it is not redeemable. We do need protection, but the FBI itself is a threat to national security: not because they’re a bunch of thugs — which they are — but because the FBI isn’t capable of solving crimes.

King: If what you say is true, it doesn’t say much for the awareness level of the American people.

Cherney: When you have this many people in a country, no one can keep up with all that’s going on, so it’s easy for an organization to do things under cover. Me, I’m a tribalist. If you live in a village of thirty people, nobody can do anything that you don’t know about. Hell, Garberville is fifteen hundred people, and even there, you pretty much know what other people are doing. But as soon as your group gets so large that you can’t know everybody in it, people can do things without your knowledge.

(end of excerpt)