

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,

Photo: Greg King

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.

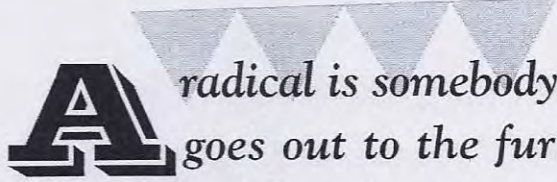
Contrary to FBI claims that Bari and Cherney were transporting explosives "in the back seat" to be used in toppling power lines, the bomb was actually a sophisticated antipersonnel device wrapped in nails, rigged with a timer and motion detector, and placed under the driver's seat of Bari's Subaru. While 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.

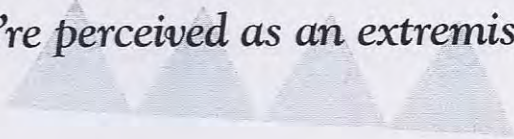
King: This place is pretty far from Manhattan, where you spent your first twenty-nine years. How did you end up here?

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."

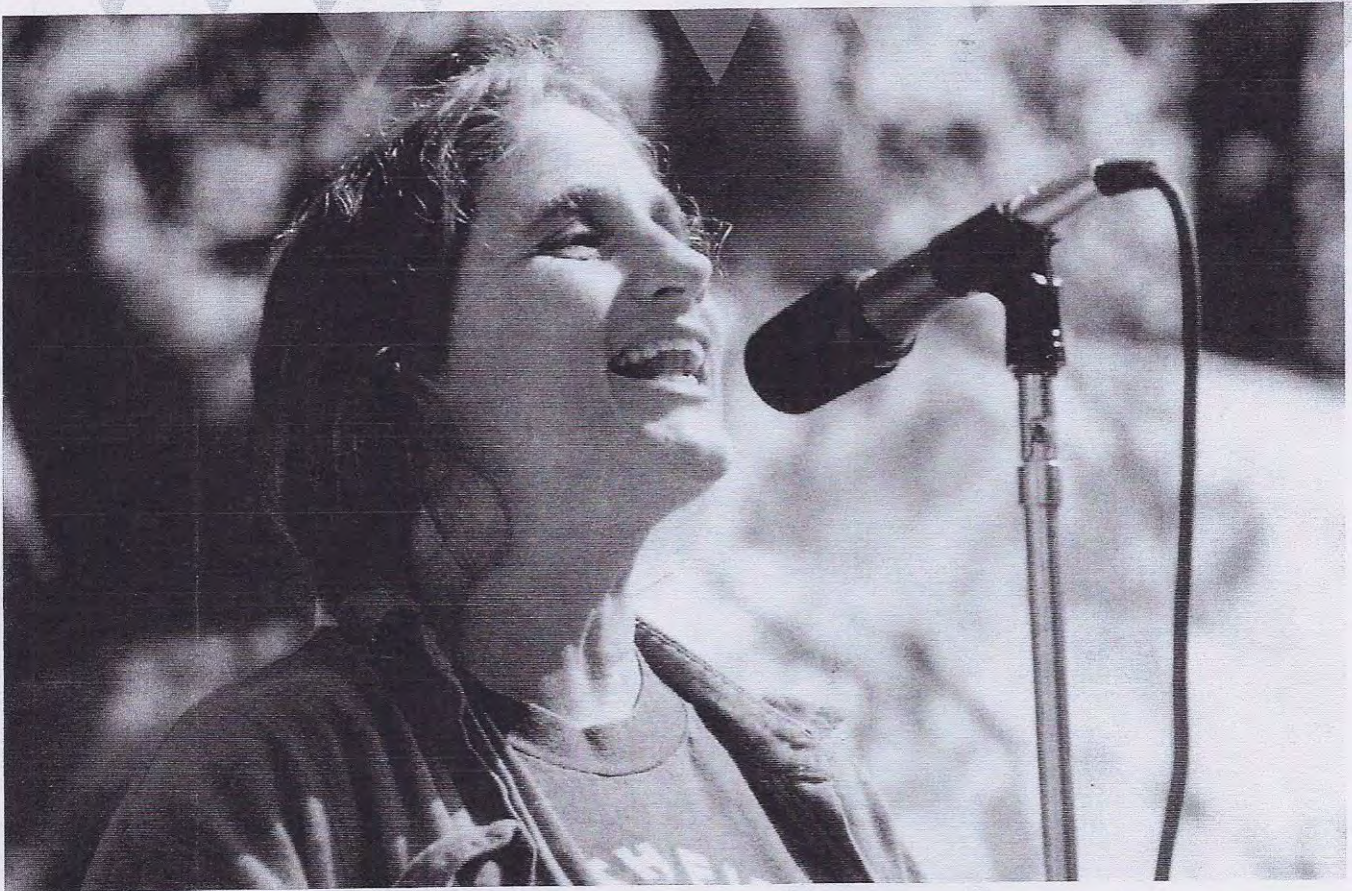
That's what Patrick Leahy's committee was uncovering before September 11: that the FBI was in bed with the Mob and other crime figures. We learned that an FBI security analyst in Las Vegas sold information on protected informants to the Mob for twenty-five thousand dollars. The FBI has put people in 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. When you get to the level of a country of 275 million people, or even an agency with tens of thousands of people in it, human beings get information overload pretty



Earth First! activist Judi Bari at a rally to save Headwaters Forest; San Francisco, 1995

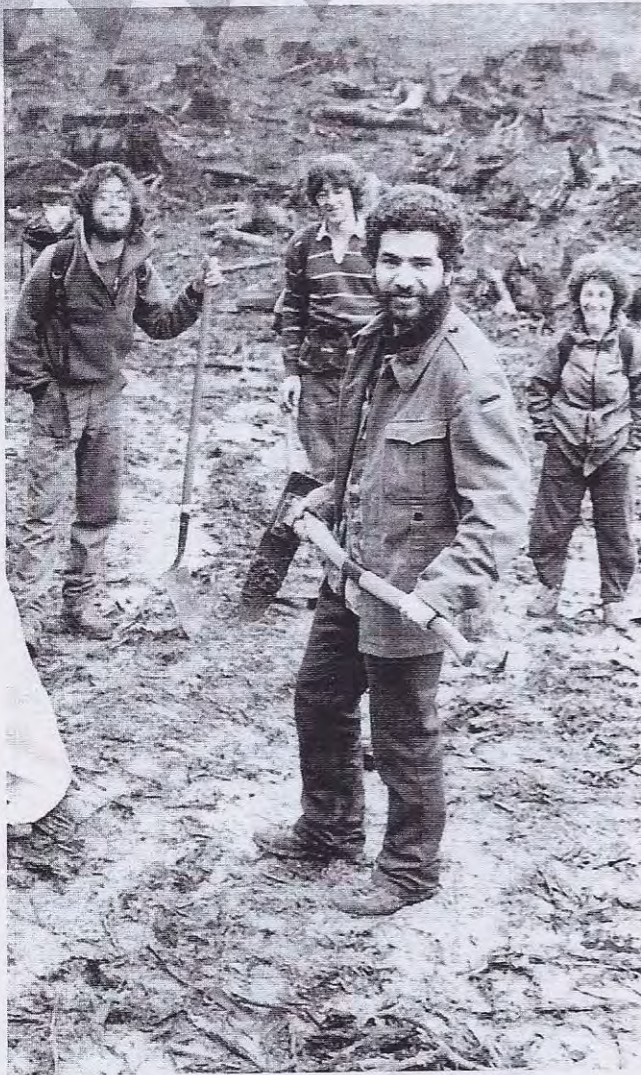
quickly, because, as primates, we are pretty much designed to eat bananas and bang drums around the campfire. We're not genetically designed even to conceive of 275 million people.

I would even go so far as to question how much of a blessing the printed word is. What the printed word does is take knowledge and make it into a possession, a physical entity you can hold in your hand. You take whatever you think is the truth, and you write it down, and there it stays — “the dead word,” some have called it. Which is where we get the Bible from, the Koran, the Old Testament, and everything else. In the old days, religions and spiritual traditions changed as society changed. They were designed to factor in the climate, the animal life, and the seasonal changes, which are totally different at the North Pole than they are at the equator. But once you begin containing religion in a book, you get a worldwide institution based on what some desert dwellers thought

in 3000 B.C.E., or the year 1. It's got nothing to do with the bunch grass around us, or the turkey vultures, or the seasons here, the way the rain falls or doesn't fall.

So the religious texts, just like magazine articles, are the opinion or the perception of one person, instead of the collective consciousness of a whole tribe. Change and dynamics are inherent in a pagan culture, where traditions are passed along orally, with subtle but important changes from generation to generation. But in a culture with the written word, one person can write something down, and for the next millennium, millions of people will follow what that one person wrote, instead of everybody forming a culture collectively and dynamically over time.

Say a reporter uncovers a story and writes it down and doesn't get it right; that's still the story that gets out. Those of us who've lived the news and have watched our stories reported



Cherney and fellow Earth First! activists replanting trees in a clear-cut in Headwaters Forest, 1988.

over and over know that 99 percent of articles don't capture the spirit, much less the *truth* of the event. They even get the quotes wrong. I'll give a one-hour interview to a reporter, and the next day I'll see half of one sentence of what I said. And that's the standard level of inclusion. So how can a person's spirit and intention ever manifest itself in the news?

King: The widely held perception in the media is that Earth First! is a fringe group with no real effectiveness. Is that true?

Cherney: One problem in the activist community is that we have no way to measure the effectiveness of our actions. A lot of that is due to the fact that our work is complicated and subjective. For example, did Earth First! save Headwaters Forest, or did Senator Dianne Feinstein save Headwaters Forest? Obviously, the politicians and the corporate executives will say that Congress saved Headwaters, because it passed the law that allowed Headwaters to be saved. So the people who started the campaign that led to the creation and pas-

sage of the bill are wantonly tossed onto the dung heap of history, much the same way that the American socialists and Communists were discarded after Social Security and unemployment insurance became part of the mainstream. Take the good ideas from the radicals and then whisk them into the garbage.

King: How do you define "radical"?

Cherney: 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. If an ant wants to move an elephant, he has to move as far out onto the seesaw as possible. Then, through the laws of physics, he can move the great weight. That's what activists do, only in a more psychological fashion. You go as far out there as you can in order to move society. The problem is that, once you're out there, you're perceived as an extremist and society is unwilling to embrace you.

King: What would happen if the mainstream did embrace the radicals? Would the radicals then change?

Cherney: We're always going to have problems, because the world is not a perfect place, so we'll always have radicals who are trying to get at the root of the problem. Even if tomorrow everybody concurred that humanity has fouled its nest, the next challenge would be restoring and rehabilitating our damaged habitat, and that would take hundreds of years. And of course there would be battles over how to do that: Do you just slap conifers on the hillsides and hope they will grow? Do you allow the hardwoods to come up? Who gets paid for all this? *How* is it going to be paid for?

We've got a lot of work ahead of us. We have created so many problems for ourselves on this planet that, sadly, we're not going to be living in close harmony with nature anytime soon. But if we want to survive, we need to come to grips with our relationship to nature and start to address the ailments that are making the world less livable.

King: How did we develop this psychotic approach to living on the planet?

Cherney: As far as I can discern, the basic problem that humanity faces is a pathological fear of death. The ultimate purpose of everything we've done to damage the planet has been to make ourselves safer and more comfortable. Keep the grizzly bears away. Keep the cold weather away. I diagnose this as an inflamed survival instinct; it makes us believe we need to do more to survive than is actually necessary.

King: We see this in advertising, where something is described as a "need" when it's obviously a "want."

Cherney: Our job as activists is to guide humanity back to its connection to the earth, and to itself, and to all the species and ecosystems of the planet. If we really understood that we depend on the forest for our immediate survival, then we wouldn't destroy it. But people don't see this, because the damage occurs so slowly.

What's happening now, though, is that the destruction is speeding up. As it gets faster, we have an opportunity to show people how immediate the dangers really are. It's time for humanity to go into disaster mode. When there's a flood

or an earthquake — or an attack on the World Trade Center — people immediately start helping each other. Well, the planet is being destroyed as certainly and as deliberately as the World Trade Center towers were toppled. We need to fall into that disaster mode in which we forget about our differences and pitch in to help rescue the world.

King: If what you're saying is true, then one could characterize the industrialized world as suicidal, particularly the government and corporate decision makers who allow such massive environmental destruction to continue. How did it come to this?

Cherney: We're on a trajectory that started tens of thousands of years ago. I'm not an anthropologist, but I'm familiar with a body of thought that speaks to this. Modern human beings emerged around the equatorial belt of Africa, and our technology developed slowly. First we harnessed fire, which enhanced our ability to feed ourselves and keep warm. Then we began moving outward from our native habitat into the colder climes, where we developed agriculture and became sedentary instead of nomadic. Eventually we would build fortresses and cities, creating a dichotomy between the city dwellers and the nomadic tribes. From then on, the two were constantly at odds with each other. Amid this conflict, the mother, once honored as the source of all life, gave way to the father as the "soldier-protector" of life, relegating the female to second-class, subservient status.

Now we are facing a critical test. We've been given the power of creation, the godlike ability to build cities, to forge metals, to alter entire landscapes and even the climate, to become a geological force on the planet. The question is: will we utilize that power for the good of the planet, or to destroy it? I think we can turn things around, and that our quest is a spiritual one. I'm not talking about religion. I'm not talking about God. I'm talking about the human spirit. Which direction will our spirit go? Right now it's heading in the wrong direction: warfare of men against women, of humans against the earth, of one people against another. It's no surprise that activists fight among themselves; they're really just reflecting the colossal battle being fought all over the world.

But as long as there's life, there's a chance for us to pull out of this downward spiral. It's necessary to educate ourselves as to what needs to be done and to gently but firmly snap ourselves out of the trance that we are in.

King: What you're offering up here is a more deeply philosophical and spiritual approach to environmental activism than most Americans might expect from an activist the police once accused of bombing himself. Is there room for violence in your approach? Would Earth First! ever bomb anything if the target or issue seemed appropriate?

Cherney: First of all, violence against living beings is the hallmark of the culture we are trying to transcend. In the entire twenty-two-year history of Earth First! no human being has ever been injured by one of our members. We are, by nature and tradition, a nonviolent movement.

Earth First! has, however, advocated "monkeywrenching," or trying to disrupt the workings of the corporate industrial

machine, a concept that emanated from Edward Abbey's book *The Monkeywrench Gang*, which a lot of people think of as the spiritual source of the Earth First! movement. Over the years, Earth First! has touted monkeywrenching as a viable tactic for protecting the environment and a means of displaying our overt disdain for technology. Of course, by saying that technology is not benign, but rather a part of the problem, we were insulting the very concepts that drive Western civilization, and we made a lot of enemies, fast. But we did so knowingly.

The fact is, Earth First! has rarely done any monkeywrenching. Most of the monkeywrenching I'm aware of has been done by groups using names other than Earth First! Are these people Earth First! members? Well, we don't know unless they're caught. In the case of the Arizona Five [activists arrested by the FBI in 1989 for planning to topple power lines],

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only three of them were actively engaged in monkeywrenching, and only one of those three was an Earth First! member. The other two were antinuclear activists who specifically avoided being associated with the Earth First! movement. Earth First! founder Dave Foreman was also arrested, but he didn't do anything.

King: Foreman wrote *Ecodefense: A Field Guide to Monkeywrenching*, which provides just about every conceivable recipe imaginable for destroying heavy machinery, spiking trees, desurveying roads, saving animals from hunters, and so on. In the words of FBI spy Michael Fain — who actually devised the power-line action — Foreman was an ideological rather than a criminal target, "the guy we need to pop to send a message." Foreman was basically arrested for writing a book.

Cherney: I would say that writing articles and books about monkeywrenching is itself a form of monkeywrenching, because you can monkeywrench a thought as much as you can monkeywrench a piece of machinery. Just putting out a book on monkeywrenching — or providing a forum for discussing monkeywrenching tactics, as *Earth First! Journal* does — causes the federal government and the corporations

to say, "Whoa! What's going on here? Who are these people?" Earth First! owes its reputation as much to what its members have written as to any actual acts of sabotage that have taken place, which are very few and far between.

King: No use of bombs?

Cherney: Earth First! has never used explosives, has never used guns, has never used knives, has never used fists. We've barely even given anybody the finger.

King: You say that the FBI has been dogging Earth First! since 1982. How do you know this?

Cherney: Susan Zakin, author of *Coyotes and Town Dogs*, an early attempted history of Earth First!, made the first Freedom of Information Act request for FBI records on Earth First!, and PBS-TV producer Steve Talbot uncovered some of the early FBI documents on us. The paperwork shows that, from 1982 to 1987, the FBI was very interested in Earth First!, but as far

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as we can tell, they had not yet launched a major campaign to destroy us. That started in earnest in 1988.

I think part of what precipitated the FBI's campaign against Earth First! was the fall of communism and the disabling of the American Indian Movement and the Black Panthers. By 1989 the FBI was looking for new enemies.

King: Did you have any firsthand experience with the FBI prior to the bombing?

Cherney: I'd long been aware of the FBI's scrutiny of us — from the arrest of the Arizona Five and the arrest of seven people in Montana for tree spiking, all of whom were proven innocent when they found the real tree spiker three years later. But the first time I ever talked to an FBI agent was shortly before the bombing. I contacted Agent Stan Walker in Humboldt County about the ongoing disinformation campaign against us, which painted us as a violent movement. Specifically, I called him after a local logging family received a bomb threat at their house. The family blamed us, and I told Walker we weren't involved.

King: Do you think that was a bit naive on your part?

Cherney: Not at all. I knew exactly what I was doing.

There was so much disinformation going around that I felt compelled to leave a paper trail. Somebody was trying to set us up for something. Not only that, 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.

I also called John Campbell, the president of Pacific Lumber Company, after fake Earth First! press releases were distributed. I asked if he would go on television with me and hold a press conference to get to the truth, and he refused. But I'm glad I called him. I live by something you said to me a long time ago: It's always good to talk. By talking to people, you humanize yourself; you take away some of their ability to demonize you.

King: Why was the Oakland Police Department investigating Earth First!?

Cherney: When we took the deposition of Intelligence Officer Kevin Griswald, he said that the OPD maintained files on more than three hundred activist groups, including Earth First! — which is interesting, because Earth First! has had virtually no activity, in its entire history, in the city of Oakland. But Griswald testified that the OPD had been monitoring Earth First! since around 1988.

When the Golden Gate Bridge action occurred on April 24, 1990 — one month to the day before the bombing — Griswald traveled from Oakland to search our cars in Marin County. Now, what was an Oakland police officer doing in Marin County? It turned out that Griswald had a very close relationship with the FBI. In fact, the Oakland Police Department and the FBI have a long history of working together that dates back to the days when the Black Panthers had a strong presence in Oakland.

In his deposition, Griswald testified that he'd been given a tip about the bombing. Special Agent Phil Sena testified that he had informed Griswald a month before that there could be some kind of action, maybe even a bombing, in Santa Cruz. (Again, why tell the Oakland Police Department and not the Santa Cruz Sheriff's Department?)

Now, multiple agents and Oakland police officers have testified that the FBI had advance knowledge of the bombing. And only the bomber, or possibly an accomplice, could have given them that knowledge. If their sworn testimony is true, that means that the FBI was using a hit man as its source of information, which, as we know from all the news reports over the last several years, is the way the FBI operates.

King: The events of September 11 changed the dynamics of your lawsuit against the FBI. Most immediately, the trial, originally scheduled for early October, was postponed until April 8, 2002. Then there was the temporary elevation of the FBI's stature in the public mind. FBI agents were the heroes who would fight the terrorists and keep us safe. And right-wingers like Alaska's Republican Congressman Don Young advised the government to start rounding up "eco-terrorists," too.

Cherney: First of all, I think it was firemen and policemen, not the FBI, who became working-class heroes. The

FBI, on the other hand, has consistently been seen in a bad light since September 11. Questions continue to arise as to how our national-security apparatus allowed this to happen, especially since we had the “twentieth hijacker” in custody in the Midwest at the time. The FBI disgraced itself further when it didn’t even bother to test the anthrax sent to Tom Brokaw for a full seven days. Which just goes to show that, no matter how high-profile the case, the FBI manages to bungle it. There are legions of books written by former agents that document how corrupt, incompetent, and criminal the FBI is.

King: Yet it has been thrown \$40 billion by the U.S. Congress. The money is technically for the new Office of Homeland Security, which coordinates intelligence agencies, but a colossal portion of it was allocated to the FBI and its overall operations. What does all this new money and power handed to the FBI mean to activists, or even to the average American progressive? Do they need to watch their backs, or is that paranoid?

Cherney: You know, four-fifths of the FBI’s power lies in bullying and intimidation. If the FBI walks into an art gallery and says, “You have un-American art hanging on your wall,” the owner’s going to think, *Oh my God, the FBI’s after me. I ought to take this off my wall.* The average person is not aware of the FBI’s history of using intimidation tactics. The first piece of advice I would give to anybody who’s been visited by the FBI is not to take them too seriously, because they’ll get most of what they want — which is to silence dissident voices in America — through sheer intimidation. People scare easily because we have a lot to lose in this country. We have houses, we have cars, we have jobs — and they *will* call your employer. But I think the ability to laugh in authority’s face is an important tool, and the American public needs to learn how to use it.

Now, in the rare case where the FBI rifles through your home, which they can do now without the usual kind of warrant, and without even telling you they did it — in other words, black-bag jobs have been rendered legal by the anti-terrorism bill — in these cases you need to get a lawyer and sue them immediately, because once you sue them, you have the power of discovery and the power of subpoena.

King: Filing a lawsuit against the FBI is easier said than done. Yours went on for twelve years.

Cherney: Yes, but the process was in some ways more important than the end result, because for as long as Earth First! was suing the FBI, the FBI’s attacks on Earth First! were greatly diminished. When you shine the light of day on the FBI, they tend to retreat back into the shadows. They don’t like the public to know what they’re doing.

King: Nonetheless, it’s difficult for the average American, especially someone trying to make a living and support a family, to keep up the fight against such a formidable adversary.

Cherney: That’s correct, but democracy is more than just a matter of voting on election day. Democracy is a day-to-day, moment-to-moment ritual. To have self-government, you have to be involved all the time, or else you’re not actively governing. This is a quandary that the American public faces.

Our government is so monolithic and so corrupt that most people don’t want to get involved. And the government uses that reluctance against us, to suppress and deprive us of our liberties, perhaps until it becomes too late to regain them. Part of what we’re doing at Earth First! is working through the media — as frustrating as that can be at times — to inform people of what rights they have, what rights they’re losing, and how to stand up to the intimidation tactics used by the government and corporations. Suing the FBI in federal court is a herculean task, but also a grand way to take on a large chunk of the industrial beast.

King: The media so often slam you, or at least misunderstand you, and yet you still have to deal with them if you want to get your message out. Is there any other way?

Cherney: Well, I subscribe to the notion that we can make a difference through the press. We can actually trick the media into getting our message out; we just have to use our wits. But most people don’t have the stomach to see their words twisted, to see peace turned into hate. You have to have the type of personality that is able to take that kind of abuse.

King: Were there times when you had doubts about the case, maybe wanted to settle or just give up?

Cherney: Sure, there were times when I said, “Gee, I wish this thing were over with.” We went through two years of settlement conferences. We weren’t looking to settle, but the courts like you to settle, so they *order* you into settlement conferences. We didn’t settle, of course, but it was actually a good exercise for us. We got to sit down and map out our demands. The one thing you can get from a settlement that you can’t get from a jury is fulfillment of demands other than money. We demanded an investigation of the bombing; an investigation of the investigators; an apology; and the disbanding of the Oakland Police Department’s Intelligence Unit, which spies on activist groups in the city of Oakland. When we made our demands, the Department of Justice lawyer, Joe Sher, looked at us and said, “You’re asking for unconditional surrender.” And we said, “Uh-huh. That’s right.” As my lawyer said, the toughest thing for them to give you is not the money.

King: It’s the apology.

Cherney: That’s right. It’s the last thing you’re going to get. They’d rather give you \$100 million than say they’re sorry.

King: How has this process affected your energy for activism?

Cherney: I still have a very positive attitude about the activism I’m involved in. I’m an optimist. I’ve had so many positive experiences in this work that I feel I’m on the right path. Every day I wake up not with an agenda, but with an open mind as to what is the right thing to do next. I’m on a spiritual mission, because the best way to approach any problem is not to get mired in the material, but rather to approach it from a spiritual place. I’m on a mission to help humanity reconnect with the earth. I can’t say whether I am right or wrong. History will be the judge of that. But I will do the best I can. ■