MEMORANDUM FOR MICHAEL K. NALLEY, REGIONAL DIRECTOR
NORTH CENTRAL REGIONAL OFFICE

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FROM: Leslie S. Smith, Chief, Counter Terrorism Unit
SUBJECT: Communication Management Unit (CMU) Referral
MCGOWAN, Daniel, Reg. No. 63794-053

1. Rationale for Re-designation:

Inmate McGowan was originally designated to a Communications Management Unit and placed in MAR CMU on August 22, 2008. He was approved for step-down from the CMU program and released to MAR GP on October 19, 2010.

During his six month step-down from the CMU program, on January 30, 2011, inmate McGowan directed his wife, Jenny Synan, to circumvent inmate communication monitoring by having documents mailed to the institution under the guise of attorney-client privileged communication (special/legal mail). Specifically, during a telephone conversation, inmate McGowan and his wife discussed the unauthorized release of Counter Terrorism Unit reports to the public through the web site, [Redacted]. These reports, which contained the label, “Unclassified // For Official Use Only / Law Enforcement Sensitive,” were obtained without the approval of the Bureau of Prisons, contained law enforcement information relating to intelligence gathering and investigations, and were released to the public without authorization. The release of these documents, as well as documents contained on the web site from a large number of government military, law enforcement and intelligence agencies, remains under investigation by the Attorney General and Department of Justice for possible criminal prosecution.

Though Synan indicated she knew of the reports and had made inmate McGowan’s attorney’s aware as well, she specifically stated she was reluctant to mail copies of the
documents to the institution. Inmate McGowan, understanding the website leaked restricted government reports, and aware of Bureau of Prisons policies regarding inmate communications, specifically and directly instructed his wife to facilitate the attempted introduction of these documents into the institution by circumventing monitoring through the use of legal mail from an identified attorney. Inmate McGowan stated he wanted to evaluate the original reports for himself, regardless of his wife’s concerns with mailing copies to the institution, and in addition to any review conducted by his attorneys.

The attorney, identified as Rachel in the telephone conversation, has been identified as Rachael Meerpool, Attorney, from the Center for Constitutional Rights.

Further, inmate McGowan’s communication with persons in the community since his release from MAR CMU has continued to demonstrate his support for anarchist and radical environmental terrorist groups, and presented his desire to remain in an influential and leadership position among these groups.

A review of inmates is conducted regularly in order to determine whether continued CMU placement is necessary and whether the original reasons for CMU placement still exist. Inmates approved for transfer from a CMU are re-designated to a typical general population for a period of no less than 6 months, as a step-down process from the CMU.

Prior to the completion of his 6 months step-down from the CMU, Inmate McGowan has demonstrated the conditions for his original designation still exist through his espousing support for anarchist and radical environmental terrorist groups. Further, Inmate McGowan explicitly, and with knowledge and understanding, attempted to violate Bureau policies in order to circumvent communication monitoring in order to receive correspondence which he was aware was prohibited. Through specific action, Inmate McGowan attempted to facilitate the circumvention of attorney-client privileged communication in order to receive non-legal correspondence and with the knowledge such correspondence would violate prison regulations.

Inmate McGowan’s actions and behavior indicate the original rationale for CMU designation has not been mitigated, and that he continues to present a risk which requires the degree of monitoring and controls afforded at a CMU. His attempt to violate policy and circumvent communication monitoring, as well as attorney-client privileged communication, represents a program failure of the 6 month step-down from the CMU. Based on this information, it is recommended inmate McGowan be re-designated to a CMU.

Inmate McGowan’s offense conducted included membership in a group which was called, "The Family." This collection of approximately 16 persons are associated with the Earth Liberation Front (ELF) and Animal Liberation Front (ALF), groups considered by law enforcement agencies to be domestic terrorist organizations. "The Family"
committed numerous acts of arson, destruction of an energy facility, attempted arson, use of explosives and incendiary devices, interference with interstate commerce, sabotage, intimidation, and other acts of property destruction. Inmate McGowan pleaded guilty to five counts which included Conspiracy to Commit Arson; Destruction of Energy Facility, and Arson / Attempted Arson.

Inmate McGowan was an organizer of the group; wrote communiques for ALF/ELF actions; used coded communications during the commission of the offenses; participated in recruitment of others into the group; espoused his anti-government beliefs verbally and in written communications; trained others to design and construct incendiary devices and well as how to conduct arson without being caught; and demonstrated the ability to plan, organize and carry out his plans without detection.

2. Proposed Transfer Code: 324 / Program Participation

3. CIM Assignment: Separation

4. STG Assignment:

5. Release Destination: New York, Eastern

6. Medical Status: Inmate McGowan is a Care Level 1 / Care Level 1 - MH inmate. There are no medical concerns which would preclude his placement in a CMU.

7. Does Inmate Concur With Transfer: The inmate's opinion was not solicited.

8. Additional Pertinent Information: Inmate McGowan is a 36 year old, white, male. He is scheduled for release on June 5, 2013, via Good Conduct Time Release. He is an IN custody inmate with LOW security level, and a Program Participation Management Variable. His disciplinary history includes no sanctioned incident reports.