

# **Exhibit 2**



**U.S. Department of Justice**  
Federal Bureau of Prisons

Correctional Programs Division

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Counter Terrorism Unit



March 22, 2011

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

FROM: //s//  
Les Smith, Chief

SUBJECT: JAYYOUSI, Kifah, Reg. No. 39551-039

The Warden at USP Marion has submitted a recommendation to redesignate inmate Jayyousi from the Communications Management Unit program.

The CTU **does not** concur with this recommendation, and recommends inmate Jayyousi remain in the CMU program at this time.

Inmate Jayyousi was recommended and approved for placement in a CMU based on his offense of conviction for Conspiracy to Murder, Kidnap and Maim Persons in a Foreign Country; Conspiracy to Provide Material Support for Terrorism; Providing Material Support to Terrorists. He was sentenced to 152 months with 20 years supervised release.

His co-defendants include Jose Padilla, Reg. No. 20796-424, and Adham Hassoun, Reg. No. 72433-004.

The defendants in this case, along with other individuals, operated and participated in a support cell which sent money, physical assets, and mujahideen recruits to overseas conflicts for the purpose of establishing Islamic states governed by Islamic law. The support cell operated from both the East and West Coasts of the United States, and Canada. Specifically, the defendants and co-conspirators provided various forms of support to mujahideen guerilla groups and terrorist groups that were opposing, intimidating, and coercing, through the use of physical

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- FOIA Exempt -

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BOP CMU 004613

force and violence, existing governments, individuals, and institutions that did not share their view of Islam.

The defendants in this case operated and participated in a support cell which sent money, physical assets, and mujahideen recruits to overseas conflicts for the purpose of establishing Islamic states governed by Islamic law. Their acts directly supported Sheikh Omar Abdel Rahman and Abu Hamza. They solicited monetary donations to support violent jihad, ran "charity" groups and published various newsletters, dating as far back as 1993. These "charities" sought donations to support Islamic fighters in various jihad theaters overseas, and they recruited people from a local mosque to travel overseas to fight. They have extensive contacts and affiliations with known terrorist persons, organizations and groups throughout the world. They have extensive influence to radicalize and recruit others.

He is associated with the following terrorist groups / organizations: Al Qaida; Gama'a Al-Islamia; Global Relief Foundation (GRF); Holy Land Foundation (HLF); Benevolence International Foundation (BIF); American Islamic Group (AIG); American Worldwide Relief Organization (AWR).

While in THA CMU, inmate Jayyousi was the rotational Muslim prayer leader for Jumah prayer. During one such prayer, which was directly observed by staff, inmate Jayyousi made statements which were aimed at inciting and radicalizing the Muslim inmate population in THA CMU. Characteristics, behaviors and unacceptable activities which describe an individual involved in prison radicalization and recruitment were displayed by inmate Jayyousi and included: a charismatic individual, who makes highly inflammatory commentaries which elicit violence, terrorism or intimidation, and speech that disrespects or condemns other religious, ethnic, racial, or regional groups.

Inmate Jayyousi's comments encouraged activities which would lead to a group demonstration and are detrimental to the security, good order, or discipline of the institution. Specifically, inmate Jayyousi claimed the inmates were sent to CMU because they were Muslim, and not that they were criminals. Inmate Jayyousi purported that the unit was created by something evil, and not even the staff understood or accepted the purpose of the unit. Inmate Jayyousi directed the Muslim inmates to stand together in response to being sent to CMU, that Muslims should not compromise their faith by cooperating with the government and Muslims should martyr themselves to serve Allah and meet hardships in their lives. Claiming Muslim inmates in CMU are being tortured psychologically, inmate Jayyousi further purported that criminal cases against Muslim inmates were fabricated, intended to destroy good U.S. citizens and to tear them away from their families.

As a result of this incident, inmate Jayyousi was precluded from acting as the Muslim inmate prayer leader while at THA CMU, a restriction which was never lifted. In fact, inmate Jayyousi continued to espouse anti-Muslim beliefs as well as made inflammatory comments regarding the United States and other non-Muslim countries and cultures.

At the time of this recommendation from the Warden, inmate Jayyousi had only been

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- FOIA Exempt -

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BOP CMU 004614

PROTECTED - JAYYOUSI - NOT TO BE RETAINED BY PLAINTIFF

housed in MAR CMU for four months, a time period which the CTU believes was not sufficient to judge inmate Jayyousi's behavior, comments and communications. Staff reviewed inmate Jayyousi at each team meeting while at THA CMU and had decided not to recommend the inmate for transfer from a CMU due to his continued radicalized beliefs and associated comments.

Inmate Jayyousi is an IN custody inmate with LOW security level. He has the CMC assignments of Broad Publicity, Separation, and Special Supervision; and the STG assignments of: [REDACTED]

[REDACTED] He is a Care 1 / Care 1-MH inmate.

While in the CMU program at both THA CMU and MAR CMU, inmate Jayyousi has not been sanctioned for an incident report.

[REDACTED]

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- FOIA Exempt -

Sensitive But Unclassified

BOP CMU 004615

# **Exhibit 3**



**U.S. Department of Justice**  
**Federal Bureau of Prisons**

Correctional Programs Division

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Counter Terrorism Unit



March 27, 2008

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

//s//

FROM: Leslie S. Smith, Chief, Counter Terrorism Unit

SUBJECT: MAR - Communication Management Unit (CMU) Referral  
MCGOWAN, Daniel, Reg. No. 63794-053

**1. Rationale for Re-designation:**



Inmate McGowan is a member of a group which called themselves, "The Family." This group of approximately 16 persons are associated with the Earth Liberation Front (ELF) and Animal Liberation Front (ALF), groups considered domestic terrorist organizations. The group 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 plead guilty to 5 counts which included Conspiracy to Commit Arson; Destruction of Energy Facility & Arson / Attempted Arson.

Inmate McGowan's communications warrant heightened controls and review due to the fact that he 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.

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While incarcerated and through social correspondence and articles written for radical publications, inmate McGowan has attempted to unite the radical environmental and animal liberation movements. [REDACTED]

In a letter published on the Portland Independent Media, inmate McGowan described the cooperation with government authorities by his co-defendants and complained about support provided to these cooperating defendants, from the environmental community, for persons who he claimed were responsible for the, "betrayal of (their) friends and allies."

For an interview in the Earth First! Journal, inmate McGowan described "snitches," particularly his co-defendants, and made statements to discourage others from cooperating. He attempted to educate new members to the movement on what he considered errors of the past by cooperators. On direct action, inmate McGowan stated such tactics may not be the best option, but often have the most desired effect and detailed his support for such actions by members of the community. Regarding direct action, inmate McGowan stated: "We need to have serious conversations about whether militancy is truly effective in all situations. Certainly, direct action is a wonderful tool, but from my experience, it may not be the most effective one at all times or in all situations." "In some instances, direct action is the most effective tactic." "Actions that are understood by the public and seen as logical can have a positive impact on pre-existing campaigns and struggles." "Despite the fact that my particular case is over, it's imperative that we discuss tactics and strategies in a way that people can actually hear and listen to what each other is saying."

In an article for Earth First! Journal, inmate McGowan discussed the movement, tactics and cooperators as related to the so-called "Green Scare." Inmate McGowan was critical of cooperating defendants and supportive of direct action: "As things get worse in our society and as our demands for ecological sanity and compassion for animals get ignored, many people inevitably lose faith in polite ways of effecting change and choose more radical methods."

Inmate McGowan argued about whom should be considered a "political prisoner," and indicated the Earth First! Journal does not recognize enough persons within the movement with this status. Specifically, he stated, "These are people who took conscious action to better their communities or fight injustice. Many of them are serving 30+ years and are role models for me - people like David Gilbert, Marilyn Buck, Herman Bell."

In a social letter, inmate McGowan discussed bringing unity to the radical environmental movement by focusing on larger, global issues. Inmate McGowan has

been publishing his points of view on the internet in an attempt to act as a spokesman for the movement.

Below are some web sites which have published his writings.

Earth First! Journal: [www.earthfirstjournal.org](http://www.earthfirstjournal.org)

Bite Back is a web site and magazine with a secondary title of DirectAction.Info. The site describes itself as, "a 36 page magazine, full of direct action reports, prisoner news, stories and photos." The main page of the web site includes links to reports of direct action, sabotage, vandalism, liberation, prisoner support, photos and videos, from countries around the world. Purportedly "anonymous" reporting of direct actions are listed from countries such as Italy, United Kingdom, United States, Spain, France, Switzerland, Sweden, Austria, Denmark, Germany, and others:  
[www.directaction.info/index.htm](http://www.directaction.info/index.htm)

Portland Independent Media: <http://portland.indymedia.org>

Below are details of the crimes which also demonstrate the actions of inmate McGowan justify his placement in MAR CMU.

- ▶ Daniel McGowan was involved in two arsons. He assisted in setting the incendiary devices; researching targets; helping prepare communiques, and assisting in building timing devices. Case agents indicate Mr. McGowan was instrumental in starting activism against genetic engineering. The arsonists began targeting specific genetic engineering facilities after he became involved in the conspiracy. Agents believe Mr. McGowan was ready to physically harm an Oregon State University (OSU) professor involved in genetic engineering, and spoke of publicizing the address and phone number of a Lane County Judge who sentenced activist Jeffrey Leurs, for an arson Mr. Leurs committed at Romania Chevrolet in Eugene, Oregon.
- ▶ Sentenced under the terrorism guideline enhancement because the felony offenses either involved or were intended to promote a federal crime of terrorism
- ▶ Between 1996 and 2001, the group committed 16 arsons resulting in property damage in excess of \$20,000,000.00
- ▶ The conspirators shared a similar belief opposing the government's and private companies' policies regarding the harvesting of timber and animal rights; which expanded to agencies involved in genetic research
- ▶ The arsons went unsolved because the conspirators avoided detection by carefully planning and researching targets; conducting reconnaissance of targets; completing "dry runs;" wearing gloves, masks and dark clothing to disguise their appearance



during the crimes and concealing or destroying the evidence

- ▶ The arsons went unsolved because the conspirators avoided detection by attempting to conceal their true identity by using code words and numbers, code names and nicknames; and producing or obtaining false identification documents
- ▶ The conspirators, as well as others, participated in the "Book Club" which held meetings which were kept secret and members communicated through coded messaging. The purpose of the Book Club was to formalize the training of criminal participants. It has been described as an "arsonist school." It was to train more activists so that there would be a pool of arsonists to draw from for future arsons. The meetings were secretive, and all communication outside the club was made in code.
- ▶ After many of the arsons, communiques were issued, often assuming responsibility for the arson by either ELF or ALF. Often, the communiques were prepared, at least once using computers at a local library.

**2. Proposed Transfer Code:** 324 / Program Participation

**3. CIM Assignment:** [REDACTED]

**4. STG Assignment:** [REDACTED]

**5. Release Destination:** New York, Eastern

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

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

**8. Additional Pertinent Information:** Inmate McGowan is a 33 year old, white, male. He is scheduled for release on 06-05-2013 via Good Conduct Time Release. He is an IN custody inmate with LOW security level. His disciplinary history includes no sanctioned incident reports.

# **Exhibit 4**



**U.S. Department of Justice**  
**Federal Bureau of Prisons**

Correctional Programs Division

Counter Terrorism Unit



February 1, 2011


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

FROM: //s//  
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, [www.publicintelligence.net](http://www.publicintelligence.net). 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. 



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

MAR Communication Management Unit (CMU) Referral  
MCGOWAN, Daniel, Reg. No. 63794-053

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documents to the institution. Inmate McGowan, understanding the web site 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"

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MAR Communication Management Unit (CMU) Referral  
MCGOWAN, Daniel, Reg. No. 63794-053

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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:** [REDACTED]

**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.

# **Exhibit 5**



**U.S. Department of Justice**  
**Federal Bureau of Prisons**

Correctional Programs Division

Counter Terrorism Unit

March 22, 2010

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

FROM: //s//  
Les Smith, Chief

SUBJECT: McGowan, Daniel, Reg. No. 63794-053

The Warden at USP Marion has submitted a recommendation to redesignate inmate McGowan from the Communications Management Unit program.

The CTU **does not** concur with this recommendation, and requests inmate McGowan remain in the CMU program at this time.

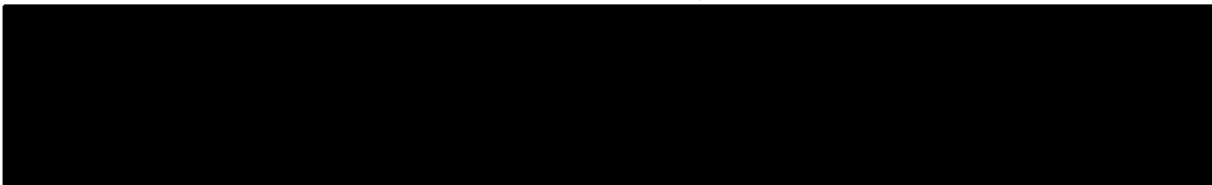

Inmate McGowan was recommended and approved for placement in a CMU due to his association with the Earth Liberation Front (ELF) and Animal Liberation Front (ALF), groups considered domestic terrorist organizations. Inmate McGowan, along with his group of co-defendants, committed numerous acts of arson, 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 plead guilty to 5 counts which included Conspiracy to Commit Arson; Destruction of Energy Facility & Arson / Attempted Arson.

Inmate McGowan's communications warranted heightened controls and review due to the fact that he 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.

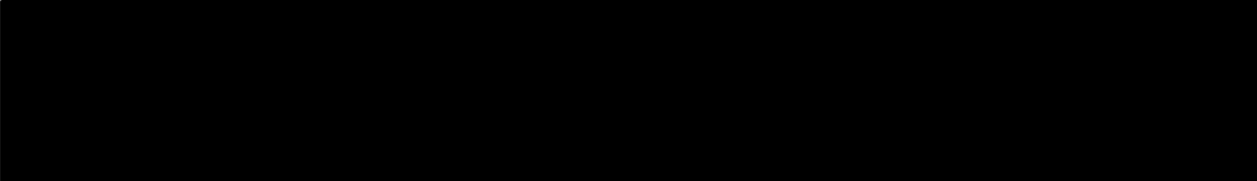
- FOIA Exempt -

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Through his communications, inmate McGowan continues to provide guidance, leadership and direction for activities, publications and movement practices in order to further the goals of radical environmental groups. Inmate McGowan receives an enormous amount of communication material each month, through social mail, e-mail, phone calls and visiting. A number of these communications have been recommended and approved for rejection based on advocating criminal activity.



Inmate McGowan is a LOW security inmate with IN custody. He is a Care Level 1 inmate.

If approved despite the objections of the CTU, is it recommended inmate McGowan be re-designated to USP Marion GP for no less than 6 months, as a step-down process from the CMU, as outlined in current CMU procedures.

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- FOIA Exempt -

Sensitive But Unclassified

COP CMU 003379