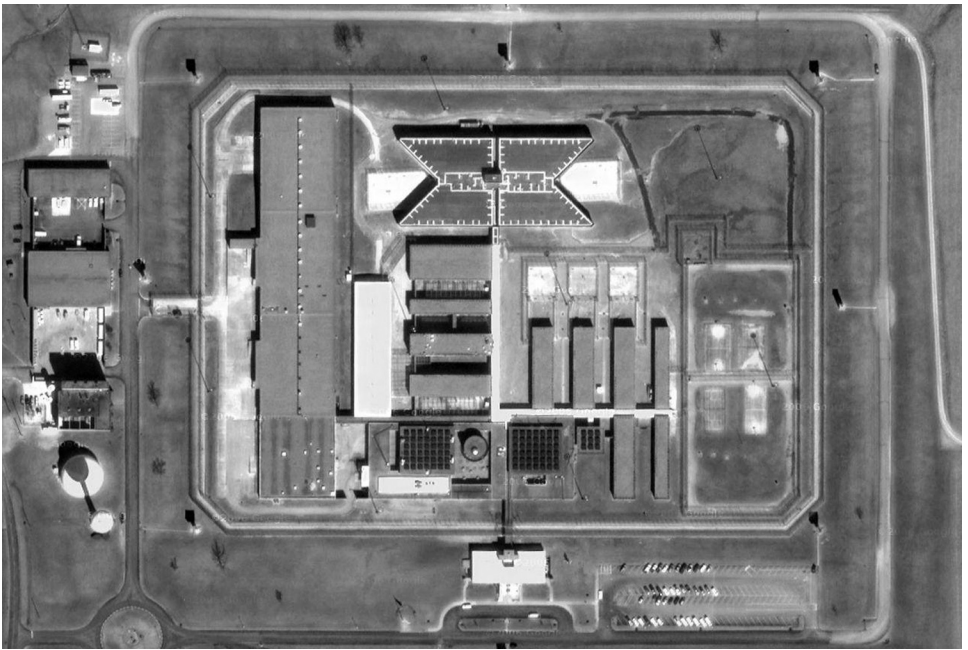


**EXPOSING “LITTLE GUANTANAMO:”
Inside the CMU**



Daniel McGowan

#63794-053

United States Penitentiary
Marion, IL - CMU

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EXPOSING “LITTLE GUANTANAMO:” Inside the CMU

As of May 2009, I have been at USP Marion’s “Communication Management Unit,” or CMU, for roughly nine months, and now is a good time to address the misconceptions (and the silence) regarding this unit. I want to offer a snapshot of my day-to-day life here as well as some analysis of what the existence of CMUs in the federal prison system implies.¹ It is my hope that this article will partially fill the void of information that exists concerning the CMU, will help dispel rumors, and will inspire you to support those of us on the inside fighting the existence of these isolation units – in the courts and in the realm of public opinion.

It is best to start from the beginning – or at least where my story and the CMU meet. My transfer here is no different from that of many of the men here who were living at Federal Correctional Institutions (normal prisons) prior to the genesis of the CMUs. On May 12, 2008, on my way back from a decent lunch, I was told to report to “R&D” (receiving and discharge). I was given two boxes and half an hour to pack up my meager possessions. After complying I was placed in the SHU (secure housing unit or “hole”) and put on a bus the next day. There was no hearing and no information given to me or my attorneys – only after a day was I told I was on my way to Marion, Illinois’ CMU.²

Hearing the term “CMU” made my knees buckle as it drummed up some memory I had of the infamous ‘control units’ at Marion (closed in 1995 and replaced by Florence ADX: the lone Federal “Supermax” prison.) Then it hit me. The lawyers, in challenging the application of the terrorist enhancement in my case made the prescient argument that if I receive the enhancement, the Bureau of Prisons (BoP) would use that to place me in the CMU at FCI Terre Haute, Indiana (at the time just 5 months old).³ In fact, on the way to FCI Sandstone in August 2007, I not only saw the CMU but met one of its residents while in transit. Let me back up and offer a brief history of the Communication Management Units.

The CMU I reside in, at USP Marion, received its first prisoner in May 2008 and when I arrived, held about 17 men, the majority of whom were Muslim. Currently, the unit has 25, with a capacity of 52 cells. In April 2009, we received seven new people, all of whom were from the CMU at FCI Terre Haute. The unit is overwhelmingly Muslim with 18 men identifying as such. Most, but not all of the prison,⁴ have so-called terrorism cases. According to a BoP spokesperson, the unit “will not be limited to inmates convicted of terrorism-related cases though all of the prisoners fit that description.”⁵ Others have prison disciplinary violations or allegations related to communication and the misuse of telephones, etc. Here, almost everyone has a terrorism related case – whether it is like my case (destruction of property characterized as ‘domestic

terrorism’) or conspiracy and ‘providing material aid’ cases.

Before the Marion CMU opened, there was the original CMU, opened in December 2006 at the former death row at FCI Terre Haute.⁶ According to early articles, the unit was intended for “second tier terrorism inmates, most of them Arab Muslims and a less restrictive version of the Supermax in Florence, Colorado.”⁷

Additionally, BoP Director Harley Lappin, in a July 2008 hearing on the 2009 BoP budget request, said this about the CMUs:

A lot of the more serious offenders, terrorists, were housed at ADX Florence. So, we are ramping up two communications management units that are less restrictive but will ensure that all mail and phone calls of the offenders are monitored on a daily basis.⁸

Terre Haute’s CMU has 36 men (27 of whom are Muslim) and is roughly comparable to Marion’s CMU.⁹ The rest of this piece focuses on the latter, in which I have resided and of which I have seen firsthand.

You may be curious about just what a CMU actually is. From my correspondence, I can tell that many correspondents do not know much about what goes on here. I hope this can clear up any misperceptions. According to the BoP,

The CMU is [sic] established to house inmates who, due to their current offense of conviction, offense conduct or other verified information, require increased monitoring of communication between inmates and persons in the community in order to protect the safety, security, and orderly operations of Bureau facilities and protect the public...The CMU is a self-contained general population housing unit.¹⁰

There are, of course, alternate views to the above definition including the belief that the CMUs are Muslim units, a political prisoner unit similar to the HSU operated by the BoP in the 80’s,¹¹ and a punishment unit.

The CMUs have an extremely high Muslim population; here at Marion, it is 65-75%. An overrepresentation of any one demographic in a prison raises constitutional issues of equal protection as well as safety issues. Nowhere in the BoP will you find any group represented in such extreme disproportion. To counter these claims, the BoP brought in a small number of non-Muslims to be used as proof that the units are not strictly Muslim (an interesting note is that some of the Muslim men here have cases unrelated to terrorism). Does the inclusion of six people that are non-Muslim really negate the claim of segregation though? What are the criteria for determining who comes to the CMU? The BoP claims there are 211 international terrorists (and 1000 domestic terrorists) in their system.¹² Yet, the CMUs have no more than 60 men at the present time. Where are the rest of these people? How does the BoP determine who of those 1200 are sent to a CMU and who to normal prisons? These are questions that need to be asked – in court and in the media.

Many of the men here (both Muslim and non) are considered political prisoners in their respective movements and have been engaged in social justice, religious organizations, charities and humanitarian efforts.¹³ Another conception of the CMU is that it is a location designed to isolate us from our movements and to act as a deterrent for others from those movements (as in ‘step outside

the line and you too will end up there').¹⁴ The intended effect of long-term housing of this kind is a profound sense of dislocation and alienation. With your mail, email, phones, and visits monitored and no human touch allowed at the visits, it is difficult to feel a connection to "the streets." There is historical evidence of the BoP utilizing political prisons – despite the fact that the Department of Justice refuses to acknowledge the concept of political prisoners in US prisons, choosing to call us "criminal" instead.

The Lexington High Security Unit (HSU) was one such example. Having opened its 16-bed facilities in 1988 and housing a number of female political prisoners,¹⁵ the HSU functioned as an isolation unit – underground, bathed in fluorescence, and limited interaction with staff. In the opinion of Dr. Richard Korn, speaking on behalf of the American Civil Liberties Union, the unit's goal was:

...to reduce prisoners to a state of submission essential for their ideological conversion. That failing, the next objective is to reduce them as efficient, self-directing antagonists. That failing, the only alternative is to destroy them by making them destroy themselves.¹⁶

After an arduous campaign by human rights advocates and supporters, the BoP capitulated, stating it would close its facility (when it did not, it was sued).¹⁷ The judge ruled that the plaintiffs were illegally designated based on their past political affiliations, statements and political beliefs.¹⁸ The unit was closed and the women were transferred to other prisons.

The correlations between the HSU and CMU are many and seem to have some of the same goals as well as methods used to designate us here. Knowing they are dealing with people committed to ideals and the movements they are a part of, we were placed here in order to weaken those connections and harm our relationships. An example is the horrendous strain that the CMU puts on our familial relations – especially our marriages. It was certainly considered by the architects of the CMU that preventing visits that allow human touch for long-term prisoners would have a disastrous impact on our relationships and would lead to weaker inmates.

Finally, the CMU can be viewed as "the stick" – a punitive unit for those who don't play ball or who continue to express political beliefs anathema to the BoP or the US government. Although I am not aware of the BoP's criteria for sending people here (due to their refusal to release specific CMU information), it is curious who is and who is not here. Out of roughly 18 codefendants in my criminal case, I am the only one at a CMU (the remainder of them are at low and medium security prisons). The same goes for a member of the SHAC7 campaign, Andrew Stepanian, one of 6 defendants in his case who was sent here for the last 6 months of his sentence.¹⁹ Other men here have codefendants at the Terre Haute CMU while others have codefendants at normal federal prisons. Despite numerous Freedom of Information Requests,²⁰ the BoP refuses to grant the documents that specify the rules governing transfer to the CMU. Remember, hardly any of the men here have received any disciplinary violations and some have been in general population over 15 years! How can someone be OK in general population for that long and then one day be seen as a communication threat?

So, I have hypothesized about the goals of the CMU. Let me discuss the many problems and injustices associated with the existence of the CMUs.

DUE PROCESS

More appropriately, a lack thereof. A term I never thought much about before my imprisonment, due process is:

...the conduct of legal proceedings according to established rules and principles for the protection and enforcement of private rights, including notice and *the right to hearing before a tribunal* [my emphasis] with the power to decide the case.²¹

I was moved from FCI Sandstone, against my will and at a moment's notice, with no hearing and thus no chance to contest the reason for my transfer. A FOIA request recently received states I was redesignated May 6th, my transfer was signed the next day and I was moved on May 13th with the reason given as "program participation".²² Since I got here, I have not had a hearing to contest the claims made in the "Notice to Inmate of Transfer to CMU,"²³ some of which were woefully inaccurate. Instead, I was told I can utilize the administrative remedy process (which I have done to no avail) and request a transfer after 18 months of "clean conduct".²⁴

The irony is that all prisoners who violate prison rules are subject to a series of disciplinary hearings in which they could offer their defense. For legal units such as Florence ADX (Supermax) or the control unit program, there exists a codified set of rules and hearings for transfer to these locations.²⁵ The BoP has deliberately ignored this process and has instead transferred us to this special, brand-new CMU without due process. My notice of transfer was given to me 12 days after I arrived!

Similar to the callous disregard for due process (and the US Constitution), there is no "step down" process for the CMU. Unlike the ones that exist at Florence ADX, control units or even the gang units, the CMU has no stages, no requisite amount of time we are to spend here before being sent back to a normal prison.²⁶

Because these preceding programs are specifically for prison misbehavior, there is a logical and orderly way to finish the program and eventually transfer. For us, the BoP has set up a paradox – if we are here for our offense conduct, which we cannot ever change, how can we reasonably leave the unit? In its "Admissions and Orientation" guide for Marion's CMU, here is what they say:

Every new commitment to the CMU will be evaluated by his unit team regarding his suitability for incarceration in this institution. If, for some reason, the inmate is deemed not acceptable for confinement in this unit, he will be processed as expeditiously as possible...²⁷

[I am still roughly 10 months from my 18-month period in which I must wait before requesting a transfer. Considering the fact that all my remedies have been denied, I am not hopeful about this.]

CMU AS SECRET

In addition to the due process and transfer issues, there is the secretive and illegal manner that the CMU was created (Note: for historical perspectives, it needs to be stated that the CMU was established roughly halfway through the second term of George W. Bush and his Attorney General Alberto Gonzales).

In April 2006, the BoP proposed a “Limited Communication for Terrorist Inmates” policy,²⁸ which suggested new restrictions for “terrorists” and “terrorism related inmates” such as:

- 1) One 6-page letter per week.
- 2) One 15-minute phone call a month.
- 3) One 1-hour visit a month.²⁹

A coalition of civil rights organizations signed a letter of protest criticizing the proposed rules and raising numerous constitutional, practical and ethical objectives.³⁰ The outcry appears to have caused the BoP to reconsider it and quietly open the CMU at FCI Terre Haute just 6 months later.³¹ Since the BoP never sought public comment on the new CMU, it certainly appears to be a violation of the Administrative Procedural Act (APA),³² an argument a federal judge in Miami raised in response to a prisoner’s legal challenge to transfer to the CMU.³³

The unit is functionally an open secret. While the BoP circumvented the standard public comment (and feedback) process, it has sought to get around this by describing the CMU as a “self-contained general population unit,”³⁴ implying that the unit is legally and penally no different than a normal unit at an FCI. There is no mention of the CMU on the BoP’s website (www.bop.gov) or USP Marion’s subpage on the same site.³⁵ You will not find extensive Congressional hearings on the subject – other than a July 2008 subcommittee hearing in which it appears that the BoP director was not fully forthcoming on the CMU³⁶. Letters here are stamped “USP Marion,” not CMU, and the unit is called “I Unit” by staff. (An interesting anecdote: while on transit in Winter 2009, I met men from the FCI here and asked them what they knew about I Unit. Without hesitation, they said, “That’s where the terrorists are.” They informed me this is what BoP Staff routinely told them).

Media queries are met with silence or vague information. Requests by the media to interview me by coming to Marion have been denied – due to it “being detrimental to the safety, security and good order of the institution.”³⁷ There still is no Program Statement on the CMU – a legal requirement, outlining the specific rules of the CMU and its designation criteria.

Because of this, and the general refusal of the BoP to hand over relevant documents through FOIA, it is impossible to determine the specific reasons why one is sent here – and thus, how to contest this process.³⁸ In effect, the CMU was created on the fly, with no eye toward legality; they are free to operate it in whatever manner they choose.

COMMUNICATION MANAGEMENT

The promotion of isolation and alienation

The most painful aspect of this unit, to me, is how the CMU restricts my contact with the world beyond these walls. It is difficult for those who have not known prison to understand what a lifeline contact with our family and friends is to us. It is our link to the world – and our future (for those of us who are fortunate enough to have release dates). Prison authorities and architects are well aware that those with strong family ties and in good communication with their loved ones are well behaved and have significantly lower rates of recidivism. The BoP, in theory, recognizes this by claiming they try to situate us within 500 miles of our homes. Mostly, this is a cruel farce for many prisoners – I have not been within 1000 miles of my family in 2 years.

The most Orwellian aspects of the CMU are in how they manage our communications:

A) Telephones: At my previous prison, I was able to use the phones for 300 minutes a month – days, nights, weekends and holidays – basically at any point I was not in my housing unit (6am-10pm). Here, we receive one 15-minute phone call a week. The call can only take place between 8am and 2:30pm, never on weekends or holidays and must be scheduled one and a half weeks in advance (we can choose a back-up number to call but if neither picks up, we don't get a call).³⁹ The call is live-monitored and recorded. Not only do we receive one fifth of the minutes granted to other federal prisoners but the call is also very trying for our families – all of whom have day jobs and many of whom have children in school. The CMU requires calls be made in English only – a difficult demand considering over half of the men here speak English as a second language (this restriction is not present at other federal prisons).

B) Visits: At FCI Sandstone, I received up to eight visiting days a month (56 hours) – contact visits in which I could embrace my wife, play cards with my nieces and share vending machine food with my visitors. These visits were my lifeline. I got about twelve of them in eight months and it aided in my adjustment to prison.

The CMU restricts our visits to one four-hour non-contact visit a month. One short visit through two inches of plate glass with cameras hanging overhead and my visitors stuffed in a four-and-a-half by three-and-a-half-foot stuffy booth – a tight squeeze for two.⁴⁰ The visits can only take place on weekdays from 8am-2pm – no more Christmas or thanksgiving visits – and worse, no physical contact. (Consider what it would be like to have no contact with your loved ones. What if you couldn't hug or kiss your lover, partner, wife, husband? What would that do to you?) I find myself riddled with guilt when I ask friends to spend \$500 to fly across the country, drive three hours (and repeat) for a four-hour non-contact visit. I'm lucky though, having people who will do this. Many of the men here can't afford it or don't want to subject their children to this reality.

C) Mail: We can only send out mail once a day and we cannot visit the mail room to send out packages. We are one-hundred-percent reliant on the one

staff person who deals with our mail to do so and sending a box home is a laborious procedure. We must leave our envelopes unsealed so that staff can read, copy, scan and send to whatever other agency studies our correspondence. A letter to NYC takes roughly seven to nine days (which should take five). Letters sent abroad, especially those not written in English, could take a month or more – a common complaint of some of my fellow prisoners.

Staff here has an interesting reading of the rules governing legal mail leading to the charge that they open our legal mail (this is the subject of an administrative remedy I filed with the BoP Central Office in Washington DC). The rule states that the lawyer's name must be clearly identified and that the envelope must say "Special Mail- Open only in the presence of inmates"⁴¹ and yet staff has opened my legal mail that said "Law Offices of Jane Doe" stating that it should have said, "Jane Doe, Attorney at Law"! The staff looks for any reason to disqualify our legal mail as protected and gather intelligence this way. In doing so, they violate the sanctity of the attorney-client confidentiality principle.

Most of my violations have been petty – a package has more than twenty pieces of paper or a friend kindly enclosed stamps. A few instances though amount to censorship and a limiting of political expression and dialogue. See Appendix B for a detailed discussion of these instances.

D) Media Contact: Although requests have been made to interview people in the CMU, none have been granted to date. This is a violation of the spirit of the BoP's own media policy.⁴² There is an imperative on the Bureau's part to control and ultimately suppress information on the CMU from making it to a mass audience.

DAILY LIFE AT THE CMU

Neither one of the two CMUs were built for long-term habitation. The Marion CMU was the site of the Secure Housing Unit (SHU), the USP that closed here in 2005. Terre Haute's CMU is in "D-wing" – the site of the former federal death row.

The CMU was seemingly converted to its current use with the addition of televisions, steel tables, and new wiring, and yet it is not suitable for long-term use due to its "open cell" design (i.e. with bars). With twenty-five prisoners, our movements are restricted to two housing ranges (hallways about one hundred by twelve feet); a recreation range where we also eat (consisting of seven cells with a computer, typewriter, barber shop, religious library, social library, art room and recreational equipment); and a small rec yard (all concrete, a lap equals one-eighteenth of a mile, four cages with two basketball hoops, one handball court, a weather awning with tables and some sit-up benches). We are lucky to be visited daily by a resident bird population of doves and black-birds, and overhead, the occasional hawk or falcon. (Ironically, as I write this, I overhear warnings from staff that if we continue to feed the birds, we will receive violations.) The appearance of the yard with its cages, concrete, and excessive barbed wire has earned it the nickname "Little Guantanamo" (of

course, a punitive unit with seventy-five percent Muslims also contributes to the name as well).

The conditions here are not dire – in fact, the horror stories I have heard over the last two years have convinced me it is far worse at many prisons and yet, I believe it is important to be descriptive and accurate – to dispel fears (about violence, for instance) but also to demonstrate just how different life is for us at the CMU.

There are many things we lack here that other prisons in the federal system have to offer:

1. A residential drug/alcohol program: Despite at least one person here having completion of it ordered by the court.
2. Enough jobs for the prisoners here: There are not nearly enough jobs for all the men here and most are extremely low paying.
3. UNICOR: This is Federal Prison Industries which has shops at many federal prisons (including this one outside the CMU). These jobs pay much more, allow men to pay their court fees, restitution and child support and, as the BoP brags, teaches people job skills.
4. Adequate educational opportunities: Until recently, we did not have GED or vocational programs. Due to inmate pressure and persistence, we now have both of those as well as a few prisoner-taught classes but no college courses at all.
5. Access to staff on a daily basis: At other federal prisons, you are able to approach staff members at lunch every day, including the Warden. Here, we get (at most) two quick walk-throughs a week, usually taking place early in the morning. You are often left waiting days to resolve a simple question.
6. Law library access: We have a very small law library here with only twenty-five percent of the books required by law. We can only request books twice weekly and those are only delivered if the other nine hundred prisoners at the adjacent Medium are not using them. We lack Federal Court and Supreme Court reports as well as books on Immigration Law (fifty percent or more of the men here face deportation). This lack of access makes for an arduous and ineffective research path.
7. Computers: We have four computers for our email system (two for reading, one for printing and one that we were told would be for legal but it still isn't working.) Unlike my previous prison, where we had forty computers with a robust computer-class program, or like other prisons that teach a vocational computer course, we have no such thing.
8. Access to general population: Being in an isolation unit makes for a situation in which we cannot have organized sports leagues and tournaments due to not having enough people at all. This may not seem crucial but sports are a very useful diversion from the stress of prison life and separation.

After reading the preceding sections, perhaps, like me, you are wondering what really is the purpose of the CMU. In short, the CMU is Florence ADX-LITE for those men whose security points are low and present no real problems to staff. From my interactions with the men here, I can say with certainty, that

people here are remarkably well-behaved and calm – many without any disciplinary violations. If these men, like myself, don't get in trouble, and have been in the system for some time, why are we here? Consider my case.

My short time in prison prior to coming to the CMU consisted of two months at MDC Brooklyn and eight months at FCI Sandstone. I had never gotten in trouble and spent my days as a clerk in psychology, working toward a Master's degree, reading, writing and exercising. My goal was to get closer to home and my loved ones. In April 2008, I filed a "hardship transfer" request due to my mother's illness and her inability to travel to Minnesota to visit me. I had my team meeting, and my security points were lowered. Weeks later, I was moved to the CMU.

The irony is that I was moved to the CMU to have my communication managed, but what changed in that one year to justify this move? If I was a danger, then why did the BoP house me in a low-security prison? The same applies to many of the men here – some have been in general population for twenty years and then suddenly a need to manage their communication is conjured up. During my pre-CMU time, I had used 3500 phone minutes and sent hundreds of letters. If there was a problem with my communication, shouldn't the BoP have raised this with me? My notice stating their rationale for placing me here attributed it to me "being a member and leader in the ELF and ALF" and "communicating in code."⁴³ But if this is true, then shouldn't I have been sent to the CMU as soon as I self-reported to prison in July 2007?

The CMUs were crafted and opened under the Bush administration as some misguided attempt to be tough on the "war on terror". This unit contains many prisoners from cases prosecuted during the hyper-paranoid and over-the-top period after 9/11 and the passage of the USA Patriot Act.⁴⁴ The number of prosecutions categorized as terrorism-related more than doubled to reach 1,200 in 2002.⁴⁵ It seemed that every other week, there was some plot uncovered by overzealous FBI agents – in Lackawanna, NY, Miami, FL, Portland, OR, and Virginia and elsewhere (never mind the illegal wiretaps and unscrupulous people used in these cases). These cases may not be headlines anymore but these men did not go away – they were sent to prison and, when it was politically advantageous for Bush, transferred to the CMUs. The non-Muslim populations of these units (although definitely picked judiciously) were sent there to dispel charges that the CMUs were exclusively Muslim units.

The codified rationale for all prisoners being transferred here are "contact with persons in community require heightened control and reviews"⁴⁶ and "your transfer to this facility for greater communication management is necessary to the safe, secure, and orderly function of Bureau institutions..." Should an increase in monitoring of communication mean a decrease in privileges? If the goal is to manage our contact with the outside world, shouldn't the BoP hire enough staff so that we can maintain the same rights and privileges as other prisoners (since the party line is that we are not here for punishment)? The reality is the conditions, segregation, lack of due process and such are punishment regardless of whether the BoP admits it or not.

FORWARD!

Where to from here, then? Does the new President or his Attorney General take issue with segregation? Will Obama view the CMU, as he did with Guantanamo Bay, as a horrible legacy of his predecessor and close it? Many people are hopeful for an outcome like that. On April 7th, 2009, Mr. Obama, while in Turkey, said, “The United States will not make war on Islam,” and that he wanted to “extend the hand of friendship to the Muslim world.”⁴⁷ While that sounds wonderful, what does that look like in concrete terms? Will he actualize that opinion by closing the CMU? Or will he marry the policy of Bush and condone a secret illegal set of political units for Muslims and activists? What of the men here? Will he transfer us back to normal prisons and review the outrageous prosecutions of many of the CMU detainees? If it can be done with (former) Senator Ted Steven’s case, it can be done here.

While lawsuits have been filed in both Illinois and Indiana federal courts, what is needed urgently is for these units to be dragged out into the open. I am asking for your help and advocacy in dealing with this injustice and the mindset that allows a CMU to exist. Please peruse the resource section at the end of this article and consider doing something. I apologize for the length of this piece – it was suggested to me (by people way smarter than myself) that it would be best to start from the beginning and offer as many details as possible. I hope I gave you a clearer idea of what’s going on here. Thank you for all your support and love – your letters are a bright candle in a sea of darkness.

In struggle, with love,

Daniel

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I read two passages below while writing this article. They fit well here:

“After climbing a great hill, one only finds more hills to climb. I have taken a moment here to rest...But I can rest only for a moment, for with freedom comes responsibilities, and I dare not linger, for my long walk is not yet ended.” – Nelson Mandela

First they came for the Jews
and I did not speak out
because I was not a Jew.
Then they came for the Communists
and I did not speak out
because I was not a Communist.
Then they came for the trade unionists
and I did not speak out
because I was not a trade unionist.
Then they came for me
and there was no one left
to speak out for me.
–Pastor Martin Niemoller

ACKNOWLEDGEMENTS

I read once, perhaps in 9th grade English, that “no man [sic] is an island.” If anything, I have learned that over the last four years! Eternal gratitude and love to my wife, partner and best friend Jenny, for everything. My family, friends and community have been there for me unfailingly – especially the NYC crew. Special thanks to Josh Raisler Cohn, Matt Strugar, Lauren Reagan, and Rachel Meeropol for their endless legal advocacy, analysis of the CMU and friendship. Of course, thank you to all the CMU prisoners for feedback and the laughs.

APPENDIXES

A: Marion CMU Demographic

Number of prisoners = 26
Organized by race/national origin
Middle Eastern-10
African-American-8
White-5
Latino-2
Native American-1
Asian American-0

B: Mail Violation Examples

In October 2008, I received a mail violation for the Jericho Movement's Freedom Times – a newspaper by and about the political prisoner support organization. At various levels, I was informed it was rejected either due to its 'divisive' nature or because it contained articles about other inmates. The BoP's faulty logic was that reading these articles would contribute to the "detriment of security, safety & good order of the institution." (original mail violation, October 2008.)

The divisiveness argument is an interesting one given that I receive (and the unit receives) what may easily be defined as 'divisive' articles in the op-ed/editorial pages of the NY Times, USA Today and Chicago Tribune. There are point-counter-point lambasting of Congress and the President and extreme conservative/religious perspectives represented in these screeds, e.g. against abortion, casting queer people as sinners, etc. But for some reason, the BoP allows these publications in and deems them relevant to a safe and acceptable dialogue.

My assumption about the articles in the Freedom Times (I still haven't seen it) is that Jericho is critical of the BoP and the prison industrial complex that exists in this country (Currently housing 2.3 million people in prisons/jails and 5 million on probation/parole, leading to the sick statistic that 1 in 31 US adults are under criminal supervision. See the Pew Center's website & reports for more info.) Also, the Jericho Movement argues forcefully yet legally that there are political prisoners in US prisons and demands their amnesty (I was granted PP status by Jericho in 2007). In denying me this newspaper, they are actually cutting me off from a base of support. In the past 8 months, I have received other articles and newspapers that contain articles by/about other prisoners but they take place in the context of safe/acceptable mainstream publications, not newspapers that criticize the BoP, prisons and that argue for the release of political prisoners.

Another example. On 4/15/09, I received a mail violation for the publication Rolling Thunder by the Crimethinc Ex-Worker's Collective. It was denied based on "violence" depicted on roughly 11 pages. It's ironic that I can receive any number of corporate newspapers detailing the riots at the April 2009 NATO protests in Strasborg, France, the G20 protest in London and police overreac-

tions and violence at last summer's DNC and RNC mobilizations. The reason is the mainstream publications are "objective," while Crimethinc's publication "encourages or promotes violence." Crimethinc is being held to an extreme level of scrutiny based on their obvious radical beliefs and unflinching support of myself and other ecological and animal rights prisoners.

The overall effect of these mail violations is a furthering of the alienation processes that the CMU engenders. On some level, I am quite clueless about what is happening in our movement(s) and on the streets, and have to rely way too much on mainstream and shallow sources of news (a point made by Rob Thaxton, ironically, in a past copy of Rolling Thunder).

RESOURCES

YOU can educate yourself on the CMU!

Articles / Media

1. "Little Guantanamo – Secret 'CMU' prisons designed to restrict communication of jailed Muslims and activists with outside world." Democracy Now, 4/17/09.
2. "Secretive US Prison Units to house Muslim, Animal Rights & Environmental Activists" by Will Potter. greenisthenewred.com, 4/14/09.
3. "Daniel McGowan – Another victim in 'War on Terror'" by Stephen Lendman. sjlendman.blogspot.com, April 2009.
4. "Guantanamo at Home – terrorist suspects are held in US prisons on dubious evidence under inhumane conditions" by Jeanne Theoharis. The Nation, 4/20/09.
5. "The View from Here" column by Carl Strock. Schenectady Daily Gazette. www.dailygazette.com
6. "Terrorist Prison – Eco-activist sent to secretive new prison" by Camilla Mortenson, Eugene Weekly, 12/04/08.
7. "Dr. Rafil A Dhafir at Terre Haute prison's new communication management unit" by Katherine Hughes. Washington Report on Middle Eastern Affairs, 6/18/07.
8. "Facility holding terrorism inmates limits communication" by Dan Eggen, Washington Post, 2/25/07.
9. "Documents show secretive US prison program isolating Muslim, Middle Eastern prisoners" by Jennifer Van Bergen. the raw story (online blog), 2/16/07.

Weblinks - Prisoners at the CMU

www.supportdaniel.org, www.supportdaniel.org/cmu (specific CMU info)

www.yassinaref.com

www.aliasad.org

www.freekhalidawan.com

hamidhayat.blogspot.com

www.dhafirtrial.net (has CMU info)

Supportive Organizations

ACLU National Prisoner Project - www.aclu.org/prisons

Civil Liberties Defense Center – www.cldc.org

Center for Constitutional Rights – www.ccrjustice.org

National Lawyers Guild – www.nlg.org

Nuclear Resister – www.nuclearresister.org

DEMAND CHANGE!

You can contact your elected officials and demand they shut the CMU down

President Barack Obama
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Attorney General Eric Holder
US Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Also, www.senate.gov and www.house.gov (type in your address to get your rep's contact)

ASK OTHER ORGANIZATIONS FOR THEIR SUPPORT!

You can contact human rights groups and urge them to address the CMU and join legal efforts to close it. Please be polite.

1. Human Rights Watch - www.hrw.org
2. Amnesty International - www.amnestyusa.org
3. Stop MAX coalition - www.afsc.org/stopmax

The following organizations signed a letter opposing the “limited communication for terrorist inmates” policy the BoP tried to pass a few years back. **Contact them** and let them know that plan was indeed put forth in the form of the CMU and urge them to address it.

1. Center for National Security Studies - www.cnss.org
2. Comité Pro Derechos Humanos de Puerto Rico - presospoliticospuertorrique-nos.org
3. DC Prisoners’ Legal Services Project - www.washlaw.org/projects/dcprisoners_rights/default.htm
4. FLA Institutional Legal Services - (352) 375-2494
5. Interfaith Prisoners of Conscience Project - (847) 328 1543
6. Legal Aid Society - www.legal-aid.org
7. Office of Public Defender-Maryland - www.opd.state.md.us
8. The Multiracial Activist - www.multiracial.com
9. National Boricua HR Network - boricuahumanrights.org
10. NW Constitutional Rights - (503) 295-6400
11. Penal Reform International - www.penalreform.org
12. People’s Law Office - www.peopleslawoffice.com
13. Prison Legal News - www.prisonlegalnews.org
14. Sylvia Rivera Law Project - www.srlp.org
15. Prisoners’ Legal Services of New York - www.plsny.org
16. Uptown People’s Law Center - (773) 769-1411

Mainstream Media

You can contact the media and request they investigate and expose the CMUs. Letters to the Editors and op-eds are good ways of doing this. Some outlets:

- The New York Times – www.nytimes.com
- LA Times - www.latimes.com
- The Washington Post - www.washingtonpost.com
- Seattle Times - seattletimes.nwsourc.com
- San Francisco Chronicle - www.sfgate.com
- The Oregonian - www.oregonlive.com/oregonian
- Indianapolis Star - www.indystar.com
- The New Yorker - www.newyorker.com

Newsweek - www.newsweek.com
CNN – www.cnn.com
BBC - www.bbc.co.uk
MSNBC - www.msnbc.msn.com
Chicago Tribune - www.chicagotribune.com
USA Today - www.usatoday.com
Houston Chronicle – www.chron.com
Boston Globe - www.boston.com/bostonglobe/
Village Voice - www.villagevoice.com
Hartford Courant - www.courant.com

Independent/Alternative Media

Pacifica Radio - www.pacifica.org
National Public Radio – www.npr.org
Counterpunch - www.counterpunch.org
Prison Legal News - www.prisonlegalnews.org
Mother Jones - www.motherjones.com
Utne Reader - www.utne.com
Z Magazine - www.zmag.org/zmag
Upping the Anti - uppingtheanti.org
The Indypendent - www.indypendent.org
Your local pirate radio station

ENDNOTES

1 As an introduction, for those unfamiliar with my case. I am serving an 84-month sentence in federal prison for arson & conspiracy for my role in 2 arsons claimed by the Earth Liberation Front (ELF) in 2001. I left the group in 2001, was indicted 12/7/05, pleaded to a non-cooperative plea agreement in 2006 & reported to prison in 7/07. I received a 'federal crime of terrorism' enhancement, 3 years of probation and 1.9 million USD in restitution. I am set for release on 6/2013.

2 On the way to the CMU, I received a grand jury subpoena from Wisconsin. I refused to answer questions at the grand jury, was held in civil contempt for 8 days and, before my appeal made it to court, was released due to an indictment having been issued. That case has since been resolved with 3 plea agreements. More info can be found at <http://www.cldc.org>

3 Memorandum in Opposition to the Application of Terrorism Enhancement. US vs. McGowan, CR 06-60124-AA. Filed May 4, 2007.

4 "Facility holding terrorism inmates limits communication" Dan Eggen, Washington Post, 2/25/07.

5 We are 'prisoners.' 'Inmate' is the authorities' word for us.

6 Eggen article.

7 Much of the early information on the CMUs was due to the writings of Dr. Rafil Dhafir and the two articles cited in the 'Resources' section by Eggen/Van Bergen.

8 Testimony of Harley G. Lappin before House Appropriations Subcommittee on Commerce Justice, Science and Related Agencies. 110th Congress. July 2008.

9 Based on observations of men who were at FCI Terre Haute.

10 Institutional Supplement # MAR-5321.07A, November 13, 2008. CMU.

11 Unpublished paper written by Josh Raisler Cohn. 2008.

12 Lappin testimony before Congressional Subcommittee.

13 These movements include environmental, animal rights, tax resisters, white separatists, Muslim charities etc.

14 In my case, I ask 'deter from what'? At the time of my arrest, I was in acupuncture school, long divorced from ELF and focused on prisoner support, environmental justice and combating domestic violence.

15 Unpublished paper by Josh Raisler Cohn, pp8.

16 Dr. Richard Korn, 'Report on the Effects of Confinement in the Lexington High Security Unit.' August 25, 1987, pp19-20.

17 Unpublished paper by Josh Raisler Cohn.

18 *ibid.*

19 See <http://www.shac7.com> for background on that case

- 20 December 18, 2008 & March 10, 2009 letters from attorneys Matthew Strugar and Lauren Regan to FOIA/Privacy Act Section of BoP Office of General Counsel.
- 21 Blacks' Law Dictionary, Third pocket edition. Bryan A. Garner (ed).2006. p228.
- 22 BoP Transfer Order for D McGowan, April 2008.
- 23 'Notice to Inmate of Transfer to Communication Management Unit' dated 9/3/08 signed by Lisa J. W. Hollingsworth and J.S. Wilson.
- 24 The '18 months of clear conduct' is standard at all federal prisons yet no one here expects to receive a transfer on that date for reasons I will explore.
- 25 Code of Federal Regulation, 2 CFR 541 and Subpart D-Control Units
- 26 *ibid*.
- 27 Admissions & Orientation Handbook, USP Marion CMU, Revised June 2008.
- 28 BoP Docket No. 1135-P RIN 1120-AB35, 71 Fed. Reg. 16520-16525 (April 3, 2006).
- 29 *ibid*.
- 30 Coalition Letter to Bureau of Prisons re: Suppression of Prisoner Contacts, June 2006.
- 31 Van Bergen article.
- 32 -Title 5 USCC 551.
- 33 Jayyousi v. Mukasey, Lappin. Case 08-21310-civ-Cooke. Southern District of Florida-Miami.
- 34 Institutional Supplement USP Marion CMU.
- 35 Although it is called 'USP Marion', the USP closed in 2005 and the prison consists of a camp and a medium (the CMU being inside the medium).
- 36 Lappin testimony to Congressional Subcommittee.
- 37 Letter to Dean Kuipers, October 2008. Signed by Warden Hollingsworth.
- 38 This occurred despite President Obama's decision to release documents through FOIA at a higher pace than his predecessor.
- 39 'Reexamine Prison Unit for Muslims' by Carl Strock, Daily Gazette. 3/15/09.
- 40 The two I refer to are not out of the 'average' in size either-one 5 ft 11, the other 5 ft 6 and both slim.
- 41 28 CFR 540.18 Special Mail
- 42 Program Statement #1480.05,9/21,2000, News Media Contacts.
- 43 from 'Notice to Inmate of Transfer to CMU'
- 44 personal observation

45 Josh Raisler Cohn unpublished article. Cited from “How many Terrorists are There. The Escalation in So-Called Terrorism Prosecution.” 16 Fed. Sent.R.38., pp.7 WL23269270 October 1, 2003.

46 from ‘Notice to Inmate of Transfer to CMU’

47 “US ‘is not and will never be at war with Islam,’ Obama says” by Richard Wolf, USA Today, 4/7/09.



DANIEL McGOWAN

About the Author

Daniel McGowan is an environmental and social justice activist from New York City, now a political prisoner held in the Marion Communication Management Unit (CMU). He is serving a seven-year sentence in federal prison for his role in two arsons claimed by the Earth Liberation Front in Oregon, 2001. The judge applied a terrorist enhancement to his sentence, because of the political nature of his case, despite the fact that nobody was harmed as a result of his actions. A proud New Yorker, Daniel was raised in Rockaway Beach, Queens, and has boasted of having lived in four out of the five boroughs of NYC. He has been active in everything from rainforest preservation to indigenous rights to political-prisoner support to military counter-recruitment. At the time of his arrest, December 7th 2005, Daniel was working at Women-sLaw.org, an organization that assists survivors of domestic violence, and was also pursuing a degree in acupuncture. Daniel is due to be released from prison on June 5th, 2013.

DANIEL'S NON-COOPERATING CO-DEFENDANTS:

Jonathan Paul #07167-085
FCI Phoenix
37910 North 45th Avenue
Phoenix, Arizona 85086

Nathan Block #36359-086
FCI Lompoc
3600 Guard Road
Lompoc, California 93436

Joyanna Zacher #36360-086
FCI Dublin
5701 8th Street - Camp Parks- Unit F
Dublin, California 94568

THE GREEN SCARE

“Green Scare” is a loose reference to the Red Scare, a term used to describe two shameful periods of U.S. history – from 1917 to 1920, and from 1947 to 1957 – when xenophobia and heightened paranoia over communist infiltration were used by the state to vilify and imprison so-called radicals, communists, and anyone else accused of being one of the “Reds.” Today, the term “Green Scare” refers to ongoing legal and extralegal actions taken by the U.S. government against the environmentalist and animal rights movements since 2002, when Congress convened hearings on “The Threat of Eco-Terrorism.” Somewhat like the Red Scare of yesteryear, today’s Green Scare uses new laws, new factions of the government, and propaganda-fueled scare tactics to repress dissent. By harshly punishing a few individuals, the federal government seeks to repress wider social movements to protect our threatened environment and all the species of which it is comprised.

HOW YOU CAN HELP!

Write letters to defendants in prison. Prison is a lonely and isolating place. A letter from you will brighten their day and let them know they have solidarity and support on the outside.

Plan an event in your city. Show a documentary or movie and host a discussion about these cases. Reach out. Raising awareness about environmental concerns remains an important task.

Donate and raise funds to help cover the stupefying legal costs incurred by government crackdowns, and to help support eco-defense prisoners during their long terms of incarceration. Plan a bake sale or music concert, organize a run or walk, or hold a rummage sale, and send the proceeds to the support groups.

Use your imagination. There is no shortage of things to be done. Be creative, stand up for your civil rights, do what you can for the Earth and fight the menace of tyranny with courage!

TO LEARN MORE ABOUT THE GREEN SCARE:

GreenistheNewRed.com

MidwestGreenScare.org

EcoPrisoners.org

ELP News: ecoprisoners.org

Civil Liberties Defense Center: www.CLDC.org

Break the Chains: www.breakthechains.info

Daniel McGowan: www.supportdaniel.org

Jonathan Paul: www.supportjonathan.org

Briana Waters: www.supportbriana.org

Jeff Luers: www.freejeffluers.org

Rod Coronado: www.supportrod.org

Eric McDavid: www.supporteric.org

Tre Arrow: www.trearrow.org

SHAC 7: www.shac7.com

above text from: http://www.eberhardtpress.org/pdf/greenscare2c_big.pdf



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