

Activist Daniel McGowan: Victimized by “Green Scare”, US Injustice

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He's an environmental/animal rights activist. A previous article discussed him. He was victimized by “green scare.”

It refers to legal and extralegal government actions against animal liberation and environmental activists.

In October 2001, the USA Patriot Act created the federal crime of “domestic terrorism.” It applies to US citizens and aliens.

It was used against McGowan. It was done disgracefully. He's no terrorist. He was [unjustly charged](#) with multiple criminal counts. They included:

“unlawfully and willfully caus(ing) and aid(ing), abett(ing), counsel(ing), command(ing), induc(ing), and procur(ing) the malicious damaging and destroying, by means of fire and an explosive, of a building and other real and personal property used in interstate commerce and used in activities affecting interstate commerce, namely, a building and its contents located at Superior Lumber Company (Oregon).”

He pled guilty to minor arson charges. He did so conditionally. He wanted no one else implicated.

He said “actions were not those of (a) terrorist but of a concerned young man who was deeply troubled by the destruction of Oregon's beautiful old-growth forests and the dangers of genetically modified trees.”

He knows participating in two actions involving “burning things down (violated his) visions or belief about how to create a better world. So (he) stopped committing these crimes.”

He “never intended to hurt people.” He expressed “great remorse.” He did so “for the harm (he) caused.”

He was unjustly treated like a hardened criminal. On June 4, 2007, he got seven years hard time.

He should have gotten nothing more than a reprimand, perhaps a suspended sentence, probation, and an appropriate fine.

Not in America. Police states don't operate that way. For sure not this one. Cruel and unusual punishment is standard practice.

Last December, McGowan was freed. He was sent to a halfway house for six months. He was placed under supervisory release for three years.

He was held at Federal Correctional Institution (FCI), Terre Haute, IN. He was in its Communication Management Unit (CMU). It's for "high-security risk" prisoners.

It's mainly for Muslim political ones. Others like McGowan are sent there to make it look otherwise.

It's exceptionally harsh. Prisoner rights are denied. Inmates are separated from the general prison population. It's done punitively.

They're treated like terrorists. Their outside contacts are limited. They're closely monitored. They're treated harshly.

Cruel and unusual punishment is standard practice. Viciousness defines it. Leniency's denied.

Bureau of Prisons rules don't apply. Nor do US statutes and Supreme Court decisions. Authorities do what they please.

Prisoners have no say. They're at their mercy. They get none.

On April 4, McGowan was rearrested and jailed. Center for Constitutional Rights lawyers represented him. They said it was because of an article he wrote.

Their [statement](#) elaborated, saying:

He was "released from the Metropolitan Detention Center in Brooklyn where he was taken into custody yesterday and is back at the halfway house where he has been residing since his release from prison in December."

"Yesterday, Daniel was given an 'incident report' indicating that his Huffington Post blog post, 'Court Documents Prove I Was Sent to Communication Management Units (CMU) for My Political Speech,' violated a BOP regulation prohibiting inmates from 'publishing under a byline.' "

"The BOP regulation in question was declared unconstitutional by a federal court in 2007, and eliminated by the BOP in 2010."

"After we brought this to the BOP's attention, the incident report was expunged."

They called BOP retaliation against him "an outrage."

McGowan got CMU hard time for writing articles and letters about animal rights. His constitutional rights were violated.

On April 4, he was jailed again briefly. He was released on condition he'd sacrifice his First Amendment rights. He was told no more articles.

According to CCR, it's a "made-up rule applied only to Daniel." It's a "further attempt to chill his freedom of speech."

On June 5, he was released from halfway house confinement. He's free under supervised release. "I am out of the reach of the Bureau of Prisons," he said.

He's working as a receptionist for a law firm. He and other plaintiffs sued the federal Bureau of Prisons (Aref, et al v. Holder). They challenged CMU practices and conditions.

They're illegal. They violate BOP rules. They spurn Supreme Court decisions. They disregard common decency. It doesn't matter.

In March 2010, [their case was filed](#) in US District Court for the District of Columbia. In November 2012, they got permission to amend their complaint.

They included damages against Les Smith. He heads BOP's Counterterrorism Unit. He recommended plaintiffs be harshly treated. He wanted them held in CMU confinement.

He cited their political activism and religious beliefs. Five plaintiffs sued. So did two of their wives.

The five were classified low or medium security. Their disciplinary histories were clean. They committed no infractions.

They were treated like hardened criminals. It was vicious. It was unjustifiable. They deserved better. They were denied. They shouldn't have been imprisoned. It didn't matter. They got hard time. Police states operate that way.

Five original plaintiffs sued. They became three. It's now one. McGowan and three others were denied.

On July 15, the Center for Constitutional Rights [headlined](#) "Former Prisoner's First Amendment Claims Dismissed Under 'Second Class System of Justice.' BOP Not Liable for Retaliation Against Activist Daniel McGowan," saying:

"We are deeply disappointed by the court's dismissal of Daniel McGowan's claims against the Federal Bureau of Prisons (BOP)."

"Mr. McGowan was designated, and then re-designated, to the Communications Management Units (CMU) in blatant retaliation for his political speech and activities."

"At the CMUs, he had severely restricted access to telephone calls and social visits - including a total ban on contact visits with his loved ones."

"Once he had been released to a halfway house, the BOP once again retaliated against Mr. McGowan, unconstitutionally placing him in federal custody days after he published blog piece about the CMUs on the Huffington Post."

"While our claims challenging broad due process violations at the CMUs will proceed, Aref v. Holder also sought accountability for these acts of retaliation against protected First Amendment activity."

"Now, the court has held that, while non-prisoners may sue under these circumstances, the Prison Litigation Reform Act (PLRA) bars Mr. McGowan's damages claims because he was not subjected to physical harm."

“CCR condemns the second class system of justice created by the PLRA, which places unjust hurdles between prisoners and redress for constitutional violations. We will continue to vigorously pursue our case against the BOP.”

McGowan expressed disappointment, saying:

“That my claims can be dismissed on what amounts to a technicality is just a sad example of how badly our system of justice works.”

“The PLRA (Prison Litigation Reform Act) essentially states that prisoners cannot seek relief from the courts for emotional or mental injuries, only physical injuries. There is something very gross and unjust about that.”

“After spending 48 months in the CMU, I’m appalled that I will not get my day in court and be able to testify about what it is like to live in those conditions and the severe impact CMU designation has on one’s family and community ties.”

Justice in America denies it. Thousands of political prisoners fill its gulag. It’s by far the world’s largest.

America’s most vulnerable are victimized. Due process and judicial fairness are spurned. Habeas rights are quaint and out-of-date. Guilt by accusation is policy. Victims are imprisoned for supporting what’s right.

An earlier article called America’s gulag the shame of the nation. It’s for good reason. It’s that and much more. It violates fundamental rule of law, ethical and moral standards. They don’t apply.

Diktat power decides. Authorities make their own rules. They do so extrajudicially. It’s the American way. It’s longstanding. It’s unconscionable. It’s standard practice.

Fundamental rights are systematically denied. People are treated like yesterday’s garbage. Victims suffer horrifically.

Justice doesn’t apply. It’s a four-letter word. It’s spurned. Police states operate that way. America’s by far the worst.

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