

Daniel McGowan, Another “War on Terrorism” Victim

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Of so-called “eco-terrorism” in his case, a term believed coined by Ron Arnold, executive director of the Center for the Defense of Free Enterprise (CDFE), a radical right wing group established on July 4, 1976 “to continue (the) Revolution of liberty, free enterprise and individual initiative....without hindrance by government.”

According to Sourcewatch:

“Arnold blurred the boundaries between nonviolent civil disobedience and more contentious tactics such as vandalism and sabotage,” (mostly rejected by environmentalists) by equating property damage to “terrorism as a societal threat.”

More recently, he linked up with self-styled “eco-terrorism” expert Barry Clausen and Nick Nichols, retired chairman of the PR firm Nichols-Dezenhall. They were instrumental in initiating the (stalled in committees) 2004 Ecoterrorism Prevention Act that led to the passage of the 2006 Animal Enterprise Terrorism Act (AETA). In broad and vague language, it criminalizes First Amendment activities advocating for animal rights like peaceful protests, leafleting, undercover investigations, whistleblowing and boycotts, and made it easier to call civil disobedience “eco-terrorism” with far stiffer penalties for comparable offenses under other laws.

In the late 1980s, Arnold also founded the so-called Wise Use movement – a pro-business funded anti-environmentalist group, mainly involved with western timber and mining issues.

In December 1991, he told New York Times reporter Tim Egan: “We want to destroy environmentalists by taking away their money and members.” Days later, to Toronto Star writer Katherine Long, he said “Our goal is to destroy, to eradicate the environmental movement. We’re mad as hell. We’re not going to take it anymore. We’re dead serious, we’re going to destroy them. We want to be able to exploit the environment for private gain....”

Environmental studies professor Bron Taylor contends that “Radical environmentalism is best understood as a new religious movement that views environmental degradation as an assault on a sacred, natural world.” Nonetheless, he concluded in a 1998 Terrorism and Political Violence journal paper that:

“there is, even after 18 years of radical environmental action, little evidence that radical environmentalists intend to maim and kill their adversaries or foster ‘terror’ among the general population.”

Fronting for corporate America, right wing groups like the Center for the Defense of Free Enterprise, Wise Use, the Competitive Enterprise Institute, and their lobbyists and PR flacks claim otherwise in their relentless war on the greens, backed by federal and state authorities calling saving the earth “eco-terrorism” and managing to get activists like Daniel McGowan sent to prison.

Some Brief Background on McGowan

Born in Queens, New York, he was active in sports in high school, then attended the State University of New York (SUNY), Buffalo where he received a BA in business administration and Southeast Asian studies. After several months in Asia, he worked in New York as a paid and volunteer for various environmental and non-profit organizations, then in 1998 relocated to the Pacific Northwest to continue his environmental and social justice work.

Back home in 2002, he worked as a web and office administrator for Rainforest Foundation US and became active in projects for rainforest preservation, national forest protection, and biodiversity.

In 2005, he entered a Tri-State College of Acupuncture graduate program to become a healing practitioner, to be able to offer it free or at low cost to make it affordable for everyone. At the same time, he worked for Womenslaw.org, a non-profit organization helping battered women through legal recourse. His activism also included support for political prisoners, human rights, social justice, and involvement in numerous local events, dedicated to helping people.

Those who know him say he’s one of “the most wonderful, expressive, caring, thoughtful and compassionate people in this world” – yet Bush prosecutors targeted, incarcerated, and made him a political prisoner through a gross miscarriage of justice.

The Support for Daniel McGowan Web Site – A Resource for Information on His Case

McGowan was victimized by “green scare,” a term likely first used in 2002, referring to legal and extralegal government actions against animal liberation and environmental activists. The Spirit of Freedom prisoner support network defines it as “tactics the government and (their enforcement agencies use) to attack ELF/ALF (Earth Liberation Front and Animal Liberation Front members) and specifically those who publicly support them.”

The term also refers to the 2005 arrests, indictments and convictions from the FBI’s Operation Backfire (OB) against alleged ELF/ALF activists – charging them with damaging property, conspiracy, arson, and using destructive devices. The FBI included these organizations among their top domestic threats, calling them “eco-terrorists.”

The 2001 USA Patriot Act created the federal crime of “domestic terrorism,” broadening the definition and applying it to US citizens as well as aliens. It let OB target McGowan on December 7, 2005 when federal agents arrested him at the WomensLaw.org office, then imprison him in the “terror wing” of lower Manhattan’s Metropolitan Correctional Center (MCC).

On the same day, New York Indymedia reported:

“Federal marshals arrested six environmental activists (today) in a series of coordinated raids in four states in apparent response to a string of arsons in Oregon and Washington

attributed to the Earth Liberation Front (ELF), including simultaneous attacks in 2001 at the University of Washington's Urban Horticulture Center and the Jefferson Poplar Farms in Clatskanie, Oregon. Daniel McGowan, 31, was arrested in New York City. Authorities also stated that there will be more arrests, with at least one indictment immediately outstanding."

McGowan was held pending his extradition to Eugene, OR for his arraignment. Without evidence, prosecutors alleged he was an ELF member, a group dedicated to saving the earth pro-actively. More recently it abandoned arson as "a dangerous and irrational strategy," and now works "within the system (to) "build consensus and public support (for) a better world and future." Its unofficial motto: "ELF Resistance Forever....Live on....No Evil."

The evening of his arrest, agents raided McGowan's apartment seizing computers, personal photographs, tax records, textbooks, school work, videotapes, DVDs and more. The next day, he appeared in US District Court for the Eastern District of New York, after which he endured a two week odyssey taking him to federal detention facilities in Oklahoma, California and Sheridan, Oregon.

After his January 25, 2006 hearing, he was released on \$1.6 million bail, spent the next seven months under house arrest, on November 9 pled guilty to minor charges, then on June 4, 2007 was sentenced (without trial) to seven years in prison – for offenses warranting no more than a fine and suspended sentence.

Charges in "United States of America v. Daniel Gerard McGowan" and Twelve Other Defendants

After initially being charged on December 19, 2005, a superseding May 18, 2006 indictment (against him and 12 others) accused them of "willfully and knowingly conspir(ing) and agree(ing) to commit the following offenses against the United States:"

Count 1

— "On or about January 2, 2001, at Glendale, Douglas County, Oregon," four of the defendants, including McGowan, "unlawfully and willfully caused and aided, abetted, counseled, commanded, induced, and procured 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 (in) Glendale, Douglas County, Oregon;"

— these same defendants "traveled in separate vehicles to a predetermined staging area....where they dressed in dark clothing and put on their radio earpieces and masks;"

— they "traveled to Superior Lumber Company building, set up lookouts, positioned the 'pick-up' vehicle, placed the time-delayed incendiary devices, and returned to the staging area;"

— there they disposed of their dark clothing; and

— McGowan and seven others "unlawfully and willfully caused and aided, abetted, counseled, commanded, induced, and procured the malicious damaging and destroying, by

means of fire and an explosive, of buildings, vehicles and other real and personal property used in interstate commerce....at Jefferson Poplar Farm (in) Clatskanie, Columbia County, Oregon.

Count 2

Said defendants, including McGowan, conspired "to commit arson and destruction of an energy facility" by the manner and means so outlined, "to influence and affect the conduct of government, commerce, private business and others in the civilian population by means of force, violence, sabotage, mass destruction, intimidation and coercion...." By so doing, they endangered "human life and property that constituted violations of the criminal laws of the United States and of individual states."

Counts 3 - 13

Excluded McGowan of charges for various other incidents.

Count 14 and 15

Pertained to the January 2001 Superior Lumber Company destruction.

Counts 16 - 52

Excluded McGowan.

Count 53

Charged him with "using and carrying a destructive device in relation to a crime of violence (pertaining to) Jefferson Poplar Farm."

Count 54

Charged him with arson at the Jefferson Poplar Farm Vehicle Shop.

Count 55

Charged him with arson at the Jefferson Poplar Farm shop and office.

Count 56

Charged him with arson of a Jefferson Poplar Farm vehicle.

Counts 57 - 65

Charged him in more detail for the vehicle arson.

Signed:

Kirk A. Engdall
Assistant United States Attorney

In total, McGowan was charged with two counts of conspiracy to commit arson, 14 counts of arson, and two counts of use or possession of a destructive device. If tried and convicted of

the latter two, he faced a minimum 30 year sentence. For all counts, he faced a mandatory life sentence – even though he neither hurt or intended to hurt any person or animal and acted only to defend the earth against real environmental terrorists against whom no charges were brought.

Given the possibility of life in prison, McGowan pled guilty to minor arson offenses against Jefferson Poplar Farm and Superior Lumber in return for the Justice Department dropping the more serious charges, including using destructive devices.

He did so on condition that he wouldn't implicate or identify anyone but himself. Three other co-defendants did the same. In his statement to the judge he "accept(ed) full responsibility for (his) actions and at the same time remain(s) true to (his) strongly held beliefs."

He said his "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." Yet he realized after participating in two actions that "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 (and expressed) great remorse....for the harm that (he) caused." He then thanked the court for letting him express his thoughts and feelings. His role was to be a lookout on one of the incidents. On the other, he helped set the fire.

His lawyers asked for a maximum 63 months imprisonment, or no more than 18 months higher than for another co-defendant. On June 4, 2007, McGowan was sentenced to seven years, and is now at the newest Communications Management Unit (CMU) at the US Penitentiary (USP), Marion, IL.

US Federal Prison Communication Management Units (CMUs)

Several times, this writer addressed the Federal Correctional Institution (FCI), Terre Haute, IN's CMU, most recently on March 18, and described it as a facility for so-called "high-security risk" Muslim and Middle Eastern prisoners in violation of federal law that prohibits severely limiting or cutting them off entirely from other inmates as well as outside contacts and communications.

US Prison Bureau regulations ban the practice, and so did the Supreme Court in *Johnson v. California* (February 2005). Nonetheless, it exists. The Bush Department of Justice established it. Obama's has done nothing to address it.

In early 2007, it was learned that FCI Terre Haute had a CMU. Now, so does US Penitentiary (USP), Marion, IL. Because they're illegal, they're kept secret so perhaps others also exist in federal and/or state facilities. And for cover, they include one or more non-Muslims like McGowan, briefly held at Terre Haute and since early February at Marion. He, like them, was investigated, arrested, prosecuted, and interned as a political prisoner. They for being Muslims at the wrong time in America. He as a victim of USA Patriot Act "justice" that established the crime of "domestic terrorism" and included "eco-terrorism" as an offense.

At Marion, like at Terre Haute, he's segregated from the general prison population and treated like a terrorist, which he is not, nor is he violent. He also comes under special rules for CMU prisoners that violate Federal Bureau of Prison regulations.

He's subjected to severe communication restrictions – with family, friends, and, at the discretion of prison authorities, other inmates, as follows:

- all communications are monitored and copied;
- outgoing and incoming mail and emails are delayed and censored;
- visitations must be approved, are non-contact only through a glass partition, and restricted to twice monthly two hour sessions compared to other prisoners getting weekly or bi-weekly all-day visitations; according to McGowan, “The most depressing part of the CMU is not being able to hug and kiss your wife” and, of course, children and other loved ones;
- other prisoners are allowed 300 phone minutes a month; CMU inmates only one 15 minute call a week on weekdays between 8AM – 2PM (when children are in school) with no exceptions made for holidays, birthdays or other special occasions;
- communications must be in English;
- prisoners sleep on thin mattresses atop concrete slabs; and
- prison officials have ad hoc authority to bend rules as they please, be more or less lenient, but generally impose added hardships or punishment for any reason or none at all;
- according to Eugene Weekly's Camilla Mortensen, McGowan was the first environmental activist in a “terrorist” unit where he was transferred for stating his beliefs at the low security FCI Sandstone, MN prison. Also for being the subject of a documentary film and appearing on a calendar featuring political prisoners; she also reported that media access to him was denied, including from the LA Times;
- CMU conditions are harsh with regard to rules and punishment imposed, food quality and amount, medical care, and the ability of prison officials to do as they please in an environment conducive to toughness; and
- according to McGowan, “I object to the way I was sent here (in the middle of the night with no notice); I object as well to the institution itself, as I find it to be either a Muslim unit and we are there to give them some credibility in denying it or it's just a plain old political prison.” Correct on both counts and the reason these units are secret and illegal.

Readers are encouraged to visit the supportdaniel.org web site for photos and more information about him, his case, and how to help. US federal and state prisons are full of inmates like him, interned for their beliefs, activism, and commitment to social justice, not their supposed crimes.

Given the severe economic crisis, its toll on growing millions, and likely civil disobedience in response, the nation has been militarized with combat troop readiness and over 800 FEMA detention camps in every state. It means defending our rights or the earth is now hazardous and a crime at a time we're all Daniel McGowans.

A Personal Note and Related Comments

In October 2008, I wrote about Seyed Mousavi: Guilty of Being Muslim in Police State America. Until late March, he was incarcerated at Terre Haute federal prison's CMU. He's

now in Marion's segregated facility along with other Muslims and McGowan. He's innocent, a "war on terror" victim, and my friend since we established regular contact and now exchange emails as prison officials allow.

Recently, a group of supporters came together in his behalf. Below are edited portions of his response:

"My dear friends and Justice Seekers

Thank you very much for coming together and supporting me and my family. This gives me hope and makes me believe the truth will come out and justice will take place.

Our message today is very clear.

The government must know:

- You reject what they did to us and our families;
- They must stop setting up plots and terrorizing people;
- They must stop framing innocent people and destroying their families;
- They must stop politicizing the justice system;
- They must stop targeting the Muslim community and its organizations, centers and Mosques;
- They must stop jailing peaceful family men for election propaganda;
- They must stop wasting your tax money by following, watching and wiretapping law-abiding people.

There is no room in this country for secret courts and secret evidence.

It's the duty of government to protect citizens and legal residents; to protect the law and Constitution; protect peoples' rights, freedoms and property.

Muslims must have the right to practice their religion freely and not live in fear.

The courts must remain independent and protect people, not be government tools; they must correct their mistakes for the sake of justice.

We must renounce war; all nations must live together in peace; America must lead by example, not force.

Again, thank you very much for your time and support. Please stay committed for freedom and justice.

May Allah bless you all."

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