

US government makes closing arguments in frame-up of New York attorney Lynne Stewart

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The extraordinary six-month trial of Lynne Stewart, the New York criminal defense attorney accused of terrorist conspiracy in connection with her representation of Sheik Omar Abdel Rahman, moved toward its conclusion just before the New Year with the presentation of the government's summation to the jury. Abdel Rahman is the Egyptian cleric who is currently serving a life sentence in the US after his 1995 conviction on charges of conspiring to bomb various New York City landmarks.

Stewart was arrested nearly three years ago, in April 2002. She was charged with making false statements and conspiring to defraud the government. Also arrested at that time were co-defendants Ahmed Abdel Sattar, a postal worker who had served as a paralegal assisting Stewart in the 1995 trial, and Mohammed Yousry, the interpreter used by Stewart in her legal discussions with Abdel Rahman in prison. Stewart, 65, is a veteran civil liberties defense attorney who has made no secret of her radical views. She faces up to 20 years in prison.

The government's case was based on illegal spying on confidential attorney-client communications. The prosecution presented as evidence tape-recorded phone conversations and prison visits. The charge was that Stewart, who had been forced to agree to draconian rules restricting Abdel Rahman's communications with the outside world, had nevertheless relayed messages to the media from the imprisoned cleric.

The political character of the charges against Stewart was clear from the beginning. Although the heart of the government's case deals with a May 2000 meeting between Stewart and her client at the Federal Medical Center in Rochester, Minnesota, nothing was done about this until six months after the September 11 attacks.

Apparently, the Justice Department, which later declared it had been monitoring Stewart's discussions

with Abdel Rahman since 1998, decided to prosecute Stewart after the attacks in order to send an intimidating message to any attorneys who agree to represent defendants in cases alleging terrorist-related offenses.

Another line of the prosecution attack was an effort to contrast Stewart's role with that of other lawyers who had represented Sheik Abdel Rahman. Former US Attorney General Ramsey Clark, as well as Abdeen Jabara, who assisted the defense, had both refused to relay Abdel Rahman's messages, according to the government.

The trial has nonetheless exposed the trumped-up character of the government's case. Each of the defendants took the stand to deny support for terrorism or any intentional violation of legal restrictions. Stewart testified that she believed she was doing her job as defense attorney to keep the sheik's name and views before the public, and that the main aim was to facilitate a transfer to an Egyptian prison, where his language and traditions would be understood.

The government never attempted to show why, if she was part of a terrorist conspiracy, Stewart had openly spoken to the press about Abdel Rahman's views immediately after her visit to him in Minnesota in May 2000.

The vicious character of the government's prosecution in this case was on display in the lengthy summation to the jury by prosecutor Andrew Dember beginning on December 29. Dember dismissed Stewart's testimony denying support for terrorism. "She supports violence, she wants it carried out," he declared.

At another point, referring to Egyptian-born co-defendant Sattar, who became a naturalized US citizen in 1989, the prosecutor sarcastically stated that "It's hard to believe" the defendant was an American. Michael Tigar, Stewart's main attorney, complained that Dember

“smirked” at the jury in an obvious attempt to whip up prejudice.

Dember’s comments were so provocative that Judge John G. Koeltl twice informed the jury in the Federal District Court that they should be ignored. The judge rejected two motions for a mistrial, however. Such motions are very rare in the summation phase of a criminal case, after all the evidence has been presented.

Speaking outside the courthouse during a break in the prosecution summation, Stewart reiterated her position. “It sounds a little more like a screenplay than what we heard in the evidence,” she declared of Dember’s claims. She stressed that the prosecution had been unable to point to any violent acts that resulted from her efforts to represent her client.

The defense objections slowed down the prosecution summation significantly, forcing it into a third day on January 3, the opening day for the courts in 2005. The prosecution will be followed by the defense summation, after which the case will go to the jury.

The prosecution of Lynne Stewart on charges of abetting terrorism represents a fundamental attack on civil liberties. The attempt to impose a lengthy prison sentence on an outspoken and courageous lawyer is designed to intimidate other attorneys.

It immediately threatens all of those who have volunteered their services in the habeas corpus cases involving prisoners who have been held incommunicado for up to three years under conditions of abuse and torture at the US base in Guantanamo Bay, Cuba. The case is aimed at establishing police state conditions under which those caught up in an anti-immigrant dragnet, as well as those fighting these attacks, are denied an opportunity to defend themselves. Such a precedent can and will be used against all opponents of imperialist war and attacks on democratic rights.



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