

Civil liberties attorney Lynne Stewart ordered to prison

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A three-judge panel of a US federal appeals court has upheld the conviction of outspoken civil liberties lawyer Lynne Stewart, convicted in 2005 of assisting terrorism by transmitting the contents of a press statement by her client, the blind Egyptian cleric Sheik Omar Abdel Rahman, in 2000. Also convicted at that time were Ahmed Abdel Sattar, who is presently serving a 24-year term for assisting the cleric, and Mohamed Yousry, a translator who was sentenced originally to 20 months.

The appellate court also ordered the revocation of Stewart's bond, and she surrendered to prison authorities on November 19 to begin serving a 28-month sentence.

The latest decision was not unexpected considering the present political and civil liberties climate. An additional ominous note was injected, however, by the judges from the Second Circuit of the US Court of Appeals; they ordered the trial judge, John Koeltl of the Federal District Court, to hold another hearing on December 2 to consider resentencing Stewart to a longer term on the grounds that she had lied at the trial.

Koeltl had shocked the authorities in October 2006 when he sentenced Stewart to a term less than 10 percent as long as the 30 years called for the prosecution. At the time, Koeltl, in part voicing a broad and widespread sympathy for Stewart, especially in New York, called her "a dedicated public servant who had, throughout her career, represented the poor, the disadvantaged and the unpopular."

This positive evaluation undoubtedly angered federal prosecutors. The latest decision comes about as close as the appellate judges legally can to demanding a longer sentence. It forces Koeltl to increase the sentence for the 70-year-old Stewart, who was treated for breast cancer in the period between her conviction and

sentencing, or to explain why he will not. Judge Robert Sack, who wrote the appellate decision, said Koeltl should have determined whether Stewart lied in court. "We think that whether Stewart lied under oath at her trial is directly relevant to whether her sentence was appropriate," he wrote.

A further indication of the mood of the higher court judges was the partial dissent of Judge John M. Walker, who called the sentence "breathtakingly low." Walker was not satisfied with the majority decision merely sending the case back for resentencing, claiming that it "trivializes Stewart's extremely serious conduct with a 'slap on the wrist.'"

Stewart denounced the appellate decision, pointing in particular to the recent decision to try some of the Guantanamo defendants at criminal trials in New York. She said that the timing of the decision in her case, "coming as it does on the eve of the arrival of the tortured men from offshore prison in Guantanamo," was intended to intimidate lawyers who would be defending these men.

"If you're going to lawyer for these people, you'd better toe very close to the line that the government has set out," said Ms. Stewart. Otherwise, she added, you "will end up like Lynne Stewart. ... This is a case that is bigger than just me personally." Stewart's attorney, Joshua Dratel, said that an appeal to the Supreme Court was possible.

The National Lawyers Guild, of which Lynne Stewart is a member, issued a statement as she reported to jail. "The National Lawyers Guild issues its continued support of longtime member and former veteran civil rights attorney Lynne Stewart," it stated. NLG President David Gespass was quoted as saying, "We are proud that Lynne has been, is and continues to be a member of the National Lawyers Guild. Her long

history of vigorous advocacy on behalf of the most unpopular of clients is an example to all of us and reflects a commitment to justice and due process that is too often only given lip service by the bar.”

Stewart was first indicted in 2002, at which time then Attorney General John Ashcroft held a press conference to trumpet his attack on civil liberties. Now a Democrat is in the White House and the Attorney General is Eric Holder, but the vindictive attack on Stewart, part of the bipartisan assault on civil liberties and democratic rights, continues.



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