

Judge sentences US civil liberties lawyer Lynne Stewart to 10 years

Peter Daniels
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In a new and vicious attack on Lynne Stewart, on July 15, Federal District Judge John G. Koeltl resentenced the disbarred civil liberties attorney to 10 years in prison on trumped-up charges of assisting terrorism. The charges arise out of her representation of a client in a terror-related case that dates back to 1995.

Stewart, now 70 years old, was indicted in 2002, convicted in 2005 after a seven-month trial, and originally sentenced by Judge Koeltl in 2006 to a term of 28 months in prison. Koeltl's sentencing statement four years ago amounted to a partial rebuke of the government, which had demanded a 30-year jail term for the attorney.

Her only crime was the violation of administrative guidelines that prohibited her from communicating between her client, Sheik Omar Abdul Rahman, and the outside world, a mistake of the sort that previously would have led to nothing more than a reprimand at most. Stewart, who later confessed to naiveté and misjudgment, had during her appeal of Rahman's conviction openly transmitted to the media a press statement from her client, who was convicted of seditious conspiracy in 1995.

In November 2009, a three-judge panel of the US Court of Appeals for the Second Circuit upheld the conviction of Stewart, but went further, overturning the original sentence and ordering the lower court to reconsider the punishment. The appellate decision amounted to a virtual order for a longer sentence. At the same time, the judges also revoked Stewart's bail and ordered her to report to prison.

These unprecedented steps indicated anger at the highest levels of the state apparatus and a determination to make an example of this defendant.

Judge Koeltl apparently got the message. Speaking in

the courtroom for about 45 minutes on July 15 on the facts of the case and the sentencing guidelines, he repeated his praise of Stewart's work in representing the poor and unpopular over many decades and acknowledged having received more than 400 letters supporting her. But he ruled that she had perjured herself and shown "a lack of remorse" that meant "the original sentence was not sufficient."

One of the letters sent to Judge Koeltl came from the Society of American Law Teachers, an organization of law faculty, deans and administrators with members at more than 170 law schools across the US. It pointed out what was already well known to the court, that Stewart "did not subscribe to the beliefs of her client, did not advocate terrorism, and did not engage in any action which resulted in violence."

The letter continued: "Ms. Stewart devoted her life to obtaining justice for clients often considered 'undesirable,' perhaps because of their race, socioeconomic status, or political beliefs. As law professors, we are acutely aware that the legitimacy of the criminal justice system rests on the availability of defense lawyers willing to represent unpopular clients. We are concerned that both the prosecution of Ms. Stewart and the lengthy sentence recommended by the government in this case have already had a chilling effect on lawyers who might otherwise be willing to represent those charged with terrorism-related offenses."

It is clearer than ever that this "chilling effect" was precisely the government's aim in prosecuting Stewart. The prosecution, indeed persecution, of the civil liberties lawyer for nearly a decade, has been bound up from the beginning with the government's "war on terrorism," which was launched in the immediate aftermath of the attacks of September 11, 2001.

Stewart's indictment was announced with great fanfare at a press conference held by then-Attorney General Ashcroft. The government spent millions of dollars on the seven-month trial, which ended with a conviction after 13 days of jury deliberation, and amid indications that one or more jurors had been worn down into going along with a verdict they opposed.

The purpose of this case has been to buttress the bipartisan campaign to use the fear of terrorism to attack long-established civil liberties and legal protections, including the right to a legal defense itself. Lynne Stewart became a victim of this campaign because her long record of political radicalism and outspokenness made her the object of hatred in official circles, and, in the eyes of the authorities, she was particularly vulnerable to attack.

Stewart's husband, Ralph Poynter, pointed out recently on the web site lynnestewart.org that some of the attorneys working pro bono for detainees at Guantanamo have been accused of administrative violations similar to those for which Stewart was tried. While making it clear that he completely defends these attorneys' "zealous" defense of their clients in Guantanamo, Poynter points out that, because they were employed by some of the most powerful corporate law firms in the country, they have not faced prosecution, despite attacks from the *Wall Street Journal* and others.

Stewart says she will continue to fight, telling the court that "we will continue to struggle on to take all available options to do what we need to do to change this." Stewart was diagnosed with breast cancer about five years ago, but is now reportedly cancer-free. She is over 70, however.

Outside of the courtroom, her husband described the judge's new sentence as "a death sentence." According to her daughter, Stewart "rarely goes outdoors for recreation.... The worst part of it is the deprivation of friends and family and arbitrary and capricious treatment. For example, they take her to hospital for tests only on the one day of the week she has a family visit. It has happened two or three times. Her hands and feet are shackled to and from and at the hospital."

The brutal vendetta against Lynne Stewart, begun under the Bush administration and continuing under Obama, demonstrates the bipartisan character of the attacks on civil rights and liberties. The White House

recently announced its backing for legislation that would deny Miranda rights to those accused of terrorism. It has long since discarded its pledge to close Guantanamo, unable even to make cosmetic gestures to appease the worldwide anger over the indefinite detention and torture of those imprisoned there.

The latest victimization of Stewart is not only a blatant government attempt to intimidate lawyers who choose to defend those charged as terrorists by the US government. It represents a frontal assault on the Bill of Rights and the turn, which is escalating under the Obama administration, toward methods commonly associated with a police state.



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