

Civil liberties lawyer Lynne Stewart wins “compassionate release” after four years in prison

Fred Mazelis
3 January 2014

Lynne Stewart, the 74-year-old veteran civil liberties lawyer serving a ten-year term on trumped up charges of aiding terrorism, was granted “compassionate release” this week and returned to her home in New York City.

Stewart, who suffers from late-stage breast cancer, was finally released from federal prison in Fort Worth, Texas on New Year’s Eve. She returned to New York on New Year’s Day, where she was met at LaGuardia Airport by a crowd of family, friends and supporters, including her husband Ralph Poynter, two daughters, and several grandchildren. She will be living with a son in Brooklyn.

Lynne Stewart is well known in legal circles as a passionate defender of civil liberties and committed advocate for her clients. The charges against her stemmed from a technical violation on her part of prohibitions on communications between prisoners and the outside world. Stewart distributed press releases from the blind Egyptian cleric Sheik Omar Abdel Rahman, who was convicted in 1995 of conspiracy to blow up several New York landmarks.

Stewart was indicted years later and did not stand trial until 2004. She was found guilty in February 2005 after a seven-month trial and jury deliberations that stretched over 13 days, in which a number of jurors reportedly held out for many days for acquittal.

The prosecution of Stewart was both a vindictive attempt to punish her for her militant advocacy and a transparent effort to intimidate other lawyers who take on the cases of unpopular clients. The government went so far in the campaign against Stewart as to lobby for a longer sentence when District Judge John G. Koeltl imposed a penalty of 28 months in prison. The Court of

Appeals upheld the verdict but sent the case back to the lower court for re-sentencing, and Koeltl later lengthened the term to 10 years.

All of this was despite the fact that Stewart had been diagnosed with breast cancer in 2005, shortly after her conviction. The breast cancer recurred in 2012 and has reportedly spread to her lungs and bones.

After the exhaustion of appeals, Stewart entered prison in November 2009. She thus served four years of her ten-year sentence. Last summer, Judge Koeltl refused to set her free on compassionate grounds because the federal Bureau of Prisons had not yet agreed to the request. Finally, Koeltl received a motion from the Bureau of Prisons this week based on a diagnosis of a terminal, incurable illness with a life expectancy of less than 18 months.

“The defendant’s terminal medical condition and very limited life expectancy constitute extraordinary and compelling reasons that warrant the requested reduction” in sentence to time served, said Koeltl’s order.

Although Stewart’s family had been hoping for favorable action, when it came it arrived on very short notice and she left the prison within a few hours. As Stewart said on her arrival in New York, she feared that the authorities would finally release her only when she had days or weeks to live, as they have with other prisoners. In the end, however, supporters of the imprisoned lawyer were able to win an earlier discharge.

Stewart’s release is a bittersweet victory under the circumstances. She was jubilant on her return to her family and appeared to be in reasonably good condition. Her family has plans for her to continue

chemotherapy for her illness at New York's Memorial-Sloan Kettering Cancer Center. Stewart, who has been disbarred as an attorney, said that she hoped to continue working on behalf of political prisoners.



To contact the WSWs and the
Socialist Equality Party visit:

wsws.org/contact