

Lynne Stewart's Crime of Courage, Honor and Resisting Tyranny

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Years from now, Lynne F. Stewart's name will be spoken of with even greater reverence than it is today. On October 17, this courageous and redoubtable soft-spoken civil rights defense lawyer was vindicated in the same Foley Square New York federal courtroom where Julius and Ethel Rosenberg were unjustly framed, convicted and sentenced to death in April, 1951 in an act of state-sponsored vengeance for the crime of conspiracy to violate the Espionage Act. It was done in that earlier age of hysteria in the name of national security against an invented threat of that era that didn't exist.

On October 17, Lynne Stewart faced the possibility of 30 years in prison because of a modern-day state-sponsored campaign of intimidation using her trial to set a precedent allowing the government the right to deny those it accuses of "terrorism" their right of due process represented by competent counsel. A decisive Justice Department victory would have effectively destroyed the fundamental right under Section 1 of the 14th Amendment in the Constitution that guarantees all US citizens are not deprived of their right of "life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." It would also have been a renunciation of the landmark unanimous 1963 Supreme Court decision in *Gideon v. Wainwright* that affirmed the Sixth Amendment right of a defendant "in all criminal prosecutions....(to) the right to a speedy and public trial, by an impartial jury....to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense."

Lynne Stewart was charged under the 1996 Antiterrorism Act with four counts of aiding and abetting a terrorist organization. She was unjustly accused of providing material support for terrorism and violating Special Administrative Measures (SAMS) imposed by the US Bureau of Prisons, which included a gag order on Sheik Abdel Rahman whom she represented in his 1995 trial. At the request of former US Attorney-General Ramsey Clark, she was serving as a member of the court-appointed defense team for Sheik Rahman, known as the blind (Egyptian Muslim) Sheik. He was convicted in 2005 and is now serving a life sentence for "Seditious Conspiracy" in connection with the 1993 World Trade Center bombing. Because he was a Muslim and accused of being a "radical" cleric, he was practically radioactive and not the kind of client most defense attorneys have the courage to accept in this era of anti-Muslim hysteria. Rahman was connected with the Islamic Group, an organization on the State Department's terrorist list that this country accuses of supporting militant Islam and advocating replacing Middle East secular governments with an Islamic caliphate.

Lynne Stewart has never been one to back off or shun controversy. She spent 30 years as a civil rights attorney acting as a courageous champion for the rights of the poor, underprivileged and others in society who are never afforded due process unless they're

lucky enough to have an advocate like her. Where others fear to tread, she was willing to defend such controversial figures as David Gilbert of the Weather Underground, Richard Williams of the United Freedom Front, Sekou Odinga and Nasser Ahmed of the Black Liberation Army and many others like them. She always understood the personal risk to herself and knows the state uses every underhanded trick it can to convict these kinds of defendants wanting to lock them away for long prison terms even if they're innocent.

The Rahman case was so high-profile, it made Stewart herself a target, and her ordeal began on April 9, 2002 when FBI agents came to her Brooklyn home, handcuffed and arrested her. They also searched her Manhattan office and removed boxes of papers and files on all her cases. It was the beginning of a long struggle that included Stewart's battle with breast cancer. It played out in the Foley Square courtroom resulting in her conviction on all four counts of her indictment on February 10, 2005. Stewart's trial was a gross miscarriage of justice in a proceeding with echoes of the worst of McCarthyist tactics. Inflammatory terrorist images were displayed in the courtroom to incite the jurors, and prosecutors demonized Stewart as a traitor condemning her for her "radical" political views which have always embraced the letter and spirit of justice for all under the rule of law. Still, prosecutors falsely accused her of making statements that violence is sometimes justified to overthrow oppressive governments and that she advocated regime change in Egypt under President (and de facto dictator and close US ally) Hosni Mubarak.

Also, a few days before the verdict, prosecutors ignored the physical threat of the fascist Jewish Defense Organization putting up flyers near the courthouse with Stewart's home address calling for her to be driven out of the city. It was all part of a government-orchestrated witch-hunt process inside and outside the courtroom to use the Stewart case as an act of intimidation to scare off other defense attorneys with the clear threat that they, too, will become targets if they dare defend anyone charged with "terrorism" (guilty or innocent) that prosecutors want to convict. Just after the verdict, Georgetown University professor of law, author and civil rights advocate David Cole said: "This (verdict) will have a chilling effect on lawyers who might represent an unpopular client." National Lawyers Guild President Michael Avery added: "The US Department of Justice was resolute from day one in making a symbol out of Lynne Stewart in support of its campaign to deny people charged with crimes of effective legal representation." Avery courageously urged National Lawyers Guild members to "proudly represent clients who are openly critical of government policies (and added) We will also continue to stand by Lynne Stewart."

October 17 was Stewart's date to be sentenced. The Justice Department hoped it would get the harsh 30 years it asked for to set the precedent it wanted. Judge John G. Koeltl had other ideas and refused to comply. Instead, he vindicated Stewart in the sentence he gave her, effectively rebuking Justice Department prosecutors and handing them a major defeat. The government wanted the 67-year-old Stewart put away for what would have been a life or even a death sentence. Her cancer is in remission, but she still remains in fragile health following her illness and major surgery. Judge Koeltl took everything into account and sentenced her to 28 months, allowing her to remain free pending her appeal to a higher court which he acknowledged might overturn the case that he clearly implied was a gross miscarriage of justice for a woman of such noble stature in her long career fighting for justice.

The judge noted her past in issuing sentence saying: "She has represented the poor, the disadvantaged and the unpopular (and she had) enormous skill and dedication (earning little

money for doing it). It is no exaggeration to say that Ms. Stewart performed a public service not only to her clients but to the nation.” Judge Koeltl cited the many hundreds of letters of support Stewart got from law professors, former prosecutors, retired judges and former clients. One or more of them came from Ramsey Clark, a man of such enormous stature and eminence himself, he can’t be ignored.

Lynne Stewart left the courtroom on October 17 a proud and vindicated woman who spent a lifetime advocating for society’s most disadvantaged. She now has a chance to overturn a malicious and wrongful conviction that represents an appalling miscarriage of justice. She may even be able to regain her license to practice law that she lost through disbarment after being convicted. If she does, it will be a further stunning rebuke to a rogue administration and a major victory for the rule of law. It will also prove Lynne Stewart is only guilty of being a courageous advocate for justice and those in society least able to achieve it. Everyone of conscience supports her and hopes for the day she’ll be fully exonerated and able to resume the vital work she spent so many years doing admirably and honorably and that so many of society’s most disadvantaged need her for.

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