

The Cruel Persecution of Lynne Stewart: Jailed for the “Crime” of Being the Lawyer of an Alleged Terrorist

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Lynne Stewart, a movement attorney who was jailed for the “crime” of being the defense lawyer for alleged terrorist Sheik Omar Abdel-Rahman, is dying in prison of stage-four cancer.

Her family and supporters, including Nobel Peace Prize winner Archbishop Desmond Tutu, are asking that she be granted compassionate release so she can live out her final days outside prison walls.

The warden of Stewart’s prison has approved her compassionate release, however the Department of Prisons has so far refused to grant it.

Her case is another example of how the “war on terror” is being used to violate basic democratic rights, in this instance the right of those accused of a crime to legal representation, as well as the attorney-client privilege.

Stewart had a long career of defending the poor and political dissidents. As well as providing legal defense for many unknown people who could not afford to hire lawyers, she took on high profile political cases.

Among those were David Gilbert, a member of the Weather Underground, and Black Panther Willie Holder.

In 1994, Stewart joined former US attorney-general Ramsey Clark as part of the legal defense team for Abdel-Rahman. He had been arrested the year before and charged with conspiracy to commit terrorist acts, not actual terrorist acts.

His real crime was being part of an armed Islamic group in Egypt that sought to overthrow dictator Hosni Mubarak, at the time a staunch US ally.

Any group that fights a US ally is slapped with the label “terrorist”. That happened with the armed wing of the African National Congress, because it fought against the US-supported white racist apartheid regime in South Africa.

Stewart came to believe the “Blind Sheik”, as the press called him, was innocent.

Abdel-Rahman was indeed blind, and suffered from other serious medical problems. After his conviction in 1995, he was sentenced to life in prison plus 65 years — a sentence

Stewart called “outlandish”. He was interred in a prison medical facility, where he has remained since.

Stewart continued to visit him in prison, and represent him regarding post-conviction issues. In 2000, Abdel-Rahman asked her to release a statement from him to the press, which she did.

At the time, this action on her part was not viewed as a crime by the US government. But that changed after the September 11, 2001 terrorist attacks.

In 2002, Bush’s attorney-general John Ashcroft announced that Stewart was being indicted on the grounds that, by releasing the statement to the public, she was materially aiding a terrorist group.

The background to this fantastic charge was new rules put in place in 1998 that severely limited Abdel-Rahamn’s ability to communicate with the outside world, even through his lawyers, under “special administrative measures”.

These included forbidding her to use her “meetings, correspondence or phone calls with Abdel-Rahman to pass messages between third parties (including but not limited to, the media) and Abdel-Rahman”.

After 9/11 the rules were made even harsher.

The government claimed that the sheik was using the press release to communicate with his group in Egypt, Al-Gama al Islamiyya, which the US arbitrarily labelled a “terrorist” group.

Actually, at the time, Abdel-Rahman backed a ceasefire between the group and the Mubarak regime. However, he left it up to the fighters on the ground to decide whether to continue the ceasefire.

This was the basis for the “materially aiding” a terrorist group charge. The charge was dismissed in 2003, but she was soon re-indicted on charges of obstructing justice and conspiracy to provide material support to terrorism.

Stewart’s trial in 2005 was a farce and travesty. The prosecution showed the jurors lurid videos of the 9/11 attacks on the World Trade Center, numerous photos of Osama bin Laden, and spun a fantastic web of Islamic terrorist conspiracy, which had nothing to do with the charges against Stewart.

The government told the jury, for example, that Abdel-Rahman was behind numerous terrorist attacks, including the killing of 62 people in 1997 in Luxor, Egypt.

In fact, the sheik publicly denounced that attack and had no connection with the group that carried it out, according to Chris Hedges, who was in Cairo as the Middle East bureau chief for the *New York Times* at the time.

And, of course, the Luxor incident had nothing to do with Stewart — the person on trial.

The prosecution in Stewart’s trial also tied Abdel-Rahman to the 1993 bombing of the World

Trade Center. Others were tried and convicted of that bombing, but not the sheik.

But the press picked this up, asserting that the “Blind Sheik” was the “mastermind” behind the bombing.

Again, such testimony against the sheik had nothing to do with Stewart.

In the anti-Muslim and war-mongering atmosphere that gripped the US population at the time, the jury convicted Stewart. The prosecution had demanded a 30-year sentence for the defendant.

The judge instead handed down a sentence of 28 months. Subsequently, the new justice department under the Obama administration appealed the sentence as “too light”.

While she was out on bail as her sentence was being appealed by the government and she appealed the verdict, Stewart developed breast cancer, and began treatment for it.

Another charge was considered by the appeals court, that of perjury. This was based on a statement Stewart made in her defence outside the courtroom exposing the farce that was her trial, another gross violation of her rights.

On November 17, 2009, the appeals court revoked her bail, ruled the 28-month sentence was too light, and the judge raised her sentence to 10 years for her “false” statements about her trial. She has served three of those years behind bars.

Her treatment for cancer was interrupted in the course of her imprisonment. It was in this period that the cancer metastasised, spreading to her lymph nodes, shoulder, bones and lungs.

After her conviction, her attorney Michael Tigar said “this case is really a threat to all the lawyers who are out there attempting to represent people that face these terrible consequences”.

It is meant to frighten lawyers away from taking on unpopular cases. Human rights group Front Line said the case “has had a chilling effect on human rights defenders who stand between government agencies and potential victims of abuses”.

Another violation came out in the course of Stewart’s trial. That was the government’s use of the Foreign Intelligence Surveillance Act to secretly wiretap and film with hidden cameras Stewart’s conversations with the sheik, a violation of attorney-client privilege.

It should be noted that the new Egyptian government is demanding the US release Abdel-Rahman.

I’ll leave the last word to Lynne Stewart herself, written in prison to a friend:

“I have been fortunate to live a charmed life — parents who loved me without qualification.

“I had children when I was young enough to grow with them. Today they are the backbone of my support and love.

“I came to politics in the early sixties and was part of a vibrant movement that tried to

empower local control of public schools to make the ultimate changes for children and break the back of racism in minority communities.

“My partner/husband Ralph Poynter was always 60 years and counting in my corner. I had a fabulous legal career — championing the political rights of the comrades of the 60s and 70s and also representing many who had no hope of a lawyer who would fight for them against the system

“I have enjoyed good friends, loved cooking, had poetry and theater for joy — but all of this good fortune has always meant only one thing to me that I have to fight, struggle to make sure everyone can have a life like mine.”

You can sign a petition for the release of Lynn Stewart [here](#). Visit [Justice for Lynn Stewart](#) for more information.

Barry Sheppard was a long-time leader of the US Socialist Workers Party and the Fourth International. He recounts his experience in the SWP in a two-volume book, The Party — the Socialist Workers Party 1960-1988, available from [Resistance Books](#). Read [more of Sheppard's articles](#).]

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