



Justice for Lynne Stewart!

WINTER 2003 NEWSLETTER

Dear Friends, Comrades and Supporters,
When a heavy burden is lifted from one's shoulders; it seems heavier when it is replaced. The Government's re-indictment on the same exact facts, had this effect on me, AT FIRST. Surrounded as I am though, with the support of all of you and my legal team, I rebounded. I always knew this struggle requires determination and I am still determined to WIN!

With the trial now scheduled for May and a new round of Constitutional motions for the court to decide before that; the next few months are extremely important both legally and for organizing. We have been able through our educational efforts – the web site, e-mail, newsletters, speaking engagements, and media appearances, to maintain our coast-to-coast momentum. However, our war chest is very low for the momentous confrontation in which we are engaged. We ask your help in this.

By this time next year, my fondest hope is a victory over the evil that exerts their powers against all of us. To that expectation from New York I wish you a happy holiday and a new year of liberty and justice for all!

Lynne Stewart

From the Lynne Stewart Defense Committee December 2003

As we approached the writing of this Newsletter in November we were gearing up for a January, 2004 trial. We were working on contacting law schools, universities, organizations and communities where Lynne Stewart has spoken over the last two years about coming to court for the trial. Our goal is to keep up a steady schedule of people coming to observe the trial. The public interest in this case and attendance at all court proceedings to date have a tremendous impact on the entire process from the emotional and intellectual support it shows Lynne to the inquiring eye of the public upon the justice department and the judiciary. Then, on November 22 we received the news of the superceding indictment against Lynne and her co-defendants. As most of you recall in July 2003 U.S. District Court Judge for the Second Circuit, John Koeltl, in a lengthy opinion, dismissed the top two "terrorist" counts of the indictment against all 3 defendants. Judge Koeltl ruled the indictment was unconstitutionally void for vagueness and "revealed a lack of prosecutorial standards."



Lynne at Stanford University

(Decision available on the website lynnestewart.org.) The government talked about appealing the court's decision and filed a "protective" notice of appeal but ultimately did not appeal Judge Koeltl's decision and order. Instead they went back to a grand jury to "fix" the indictment.

The defense expected a superceding indictment. It is not uncommon in federal cases, all the way up to trial. Because of the dismissal of the top two counts in the original indictment, it was necessary to rewrite the remaining charges, fixing language, incorrect dates and typos. And we remained vigilant, expecting that this Justice Department under Bush/Ashcroft will continue to flex their seemingly unlimited power to undermine the Constitution, to bully the judiciary, to intimidate attorneys, to frighten the public and strip us of our rights all in the name of "the war on terrorism".

Lynne Stewart's attorney, Michael Tigar, sent the indictment by fax to Lynne at the law office with a warning that new charges were added. The fax came slowly page by page. We were struck immediately that the indictment read like a lengthy propaganda piece throwing the word

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For more information, email info@lynnestewart.org or check out www.lynnestewart.org on the web!

December 2003

Michael Tigar, attorney for Lynne Stewart, on the Superceding Indictment against Lynne Stewart:

As the great Yogi Berra said, "it's déjà vu all over again." The "new" superceding indictment against Lynne Stewart, Mohammed Yousry and Ahmed Sattar is supposedly based on the same evidence as the original indictment. But the old evidence has been remolded into new charges.

This indictment is a vindictive effort to punish Lynne for having won the first round and obtained dismissal of the earlier "terrorism" charges as unconstitutional.

This indictment presents a new theory of the case, inconsistent with the old theory, by twisting the facts into new patterns. The inconsistency of these new allegations shows how desperate the government has become.

The new indictment does not "cure" the constitutional violations of the old one. The new charges are more vague than the old ones.

The new indictment is more hysterical than the old one. The government throws around the word "terrorism," without defining it, and applies it to

- Courageous legal defense of the accused and imprisoned, and
- Constitutionally-protected political activity designed to oppose the actions of repressive governments

The new indictment makes it clearer than before that the government has decided to single out Lynne Stewart in an effort to scare lawyers and political activists.

We will file our pretrial motions in this case January 23, 2004. In our motions, we will set out all the many legal theories on which this case should be dismissed.

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terrorism around numerous times and taking almost 20 pages before the actual counts of the indictment began. Even stranger was that the majority of the first 20 pages was spent on the alleged history and beliefs of Sheik Abdel Rahman who is not named as an indicted defendant in the indictment. In a vindictive effort to inflame and poison objectivity, the government relies on the specter of terrorism in the absence of any wrong doing on Lynne's part. When the actual counts are listed – Lynne is charged with providing "personnel" to a terrorist organization. And who is the personnel? Her client, Sheik Abdel Rahman. She is now charged with providing her client as "personnel to materially aid a terrorist organization."

Just as the new indictment was brought an editor of a progressive newspaper received a letter by Federal Express, dated Nov. 14, from James B. Comey, then U.S. Attorney for Manhattan (and since promoted to deputy attorney general). The letter said that the U.S. government is seeking the editor's "voluntary cooperation" in turning over the complete text of an interview with Stewart as well as testimony and "unpublished outtakes, notes, or tapes from the same interview..." The letter states: "If you do not comply voluntarily, this Office may seek approval from the Attorney General for the issuance of a subpoena to compel you to produce the materials and to testify."

On the advice of his attorney, the editor is not cooperating with the request at this time, and does not wish to acknowledge whether any materials exist other than the published text. He has had his attorney reply to the U.S. Attorney's office with a letter to this effect.

The message, the threat, the strong reminder of this indictment is the reason so many of you have rallied to Lynne's defense since her arrest on April 9, 2002. This indictment is an attack on attorneys duty to defend, an attack on the public's right to have attorneys to defend them in the face of the almighty power of the state. The indictment of Lynne Stewart is an attack on an attorney who has always defended her clients vigorously to the best of her considerable abilities. Lynne Stewart has also been a life long progressive activist in the struggle for justice and self determination in this country and throughout the world. Lynne Stewart is a woman who has stood tall in a world of men. Is this why she is singled out, made an example of, considered an easy mark? Very likely, and this is also certainly part of the agenda of the Bush/Ashcroft regime and what it wants to do to and is doing to America.

Those of us who struggle for freedom and justice know that our fight is never easy. The Lynne Stewart Defense Committee remains strongly committed to fight for the vindication of Lynne Stewart and equally committed to fight for the right of the people who need strong defenders. Please continue to show your support and help our fight to grow. Contribute to our education and outreach and organizing efforts in any way you can, financially by sending a donation to the Lynne Stewart Defense Committee, 351 Broadway, 3rd Fl, New York, NY 10013. If you want to send a tax deductible contribution you may do so by making your check payable to the National Lawyers Guild Foundation (make sure to put Lynne Stewart Defense Committee on the memo line) and mail to us at the above address. You can also contribute by inviting Lynne Stewart to speak, by hosting fund raising events, by organizing against the attack on civil liberties in your own community and against the USA Patriot Act – by refusing to be intimidated and silenced. On to 2004! Justice for Lynne Stewart is Justice for us all.

Lynne Stewart's speech at the Closing of the National Lawyers Guild Convention 2003 can be read on our website and the NLG website.