

Lynne F. Stewart
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Brooklyn, New York 11215

Honorable John G. Koeltl
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

September 26, 2006

Dear Judge Koeltl:

In the months since the verdict I have made a great effort, after solitary soul searching and long, intense discussions with my husband and children and long time friends and colleagues, to come to grips with my conduct that now brings me before Your Honor, to be sentenced. Hindsight and reflection, I hope, have afforded me a clarity that was not always present during my representation of Omar Abdel Rahman or even during my trial.

My only relationship to the Sheikh's case and his cause was as his lawyer. Throughout all the events, I believed I was acting as I should, as his lawyer. I violated my SAMs affirmation in that I permitted him to communicate publicly and these statements if misused may have allowed others to further their goals. These goals were not mine.

That said, I want to say as forthrightly as I can: I am not a traitor. The government's characterization of me and what occurred is inaccurate and untrue. It takes unfair advantage of the climate of urgency and hysteria that followed 9/11 and that was re-lived during the trial. I did not intentionally enter into any plot or conspiracy to aid a terrorist organization.

I inadvertently allowed those with other agendas to corrupt the most precious and

inviolable basis of our profession – the attorney-client relationship. The acts in violation of my SAMs affirmation – speaking to a reporter and allowing prohibited communications – were committed intentionally. My only motive however was to serve my client as his lawyer. What might have been legitimately tolerated in 2000 – 2001, was after 9/11, interpreted differently and considered criminal. At the time I didn't see this. I see and understand it now.

Many who have written to you on my behalf, have characterized my actions as mistakes or lapses of judgment. I would add that I was also naive in the sense that I was overly optimistic about what I could and should accomplish as the Sheik's lawyer, and I was careless. I did not appreciate that representing this convicted terrorist was still uncharted territory in the years 1997-2001. A lawyer might need to tread lightly on this ground. I was busy and absorbed in my practice. I failed to appreciate that in seeking to represent the Sheik, as I understood I ought, my actions could be misinterpreted.

I ask that you see me as I was in 1999-2001. I had many criminal cases, all serious to the clients who relied on me. They required my full attention. I saw my job as caring for the whole client – not only the legal problems but also the circumstances from which those problems stemmed, be they poverty, anger, loss of a father at an early age or misguided loyalties. I tried their cases; and I also on occasion gave them money for food or their families. I visited them in jail on holidays on which they were alone, when only a lawyer could gain entry. I sent them Christmas cards. I came to know their families. As many of their letters attest, I was able to urge them to come to terms with their actions in face of the realities in which they found themselves.

Practicing law this way takes extraordinary amounts of time and energy. I can see that I became spread too thinly, so thinly that I failed to give sufficient attention to the possible

repercussions or the gravity of my actions in how I represented Sheik Omar Abdel Rahman.

I think that Jo Ann Harris is correct when she wrote to you that the “time changed, Justice changed...,” but that I was still operating in the style of lawyering for which I was known by the government and others. To me, this was the essence of zealous advocacy. I also held the unrealistic belief that my stature in the legal community, and in particular with the prosecutors, excused me in their eyes. I was blind to the fact that by breaching the SAMs affirmation, even openly, the government could misunderstand and misinterpret my true purpose, which was to advocate for my client.

Some of the barbs of cross examination still haunt me. Why didn't I challenge the SAMs when they were imposed? Why didn't we mount a major conditions law suit and include issues regarding what his lawyers were allowed to do on his behalf? At the time of the press statement, could I have clarified my motivations and expectations and thus avoid the government's misperceptions? While there were financial and time and distance constraints on civil litigation, I was careless, secure in my belief that I was representing the Sheik in the best and most zealous way I knew how. Because I had done so for so long, I believed that the government would allow me to do what I thought appeared legally necessary.

The government disparages the idea of zealous advocacy because it has never practiced criminal defense law as I did, with heartfelt concern for my clients. I tested the limits of what the courts and law would allow for my clients because I believed I was, as criminal defense lawyers often say, “liberty's last champion.” I had acted for my clients as this kind of lawyer for my entire career. Clients were extremely grateful, as were many judges, who called upon me to represent some of the most difficult clients to come before them. When Mattias Reyes, the true

perpetrator of the attacks and rape of the Central Park jogger, wanted to come forward and confess to his crimes, he turned to me. He had learned that I was a lawyer who he could trust and who was also trusted by prosecutors and judges, and who would represent him with the integrity necessary to accomplish his purpose. This kind of lawyering is very difficult to comprehend for those who have not been in the trenches with poor and vilified defendants.

As I read the government's memorandum, I cringed at the characterization of my work as wholly lacking in the exercise of a lawyer's judgment and not within the realm of zealous advocacy. This is simply not true. As the many letters from colleagues state, perhaps better than I can, it may have been an excess of zeal that drove my actions, but it was entirely within the course of representing my client.

My greatest regret, more than any personal loss, is that my case – this prosecution – may bring new burdens to my fellow lawyers who already understand that to be intimidated by one's adversaries precludes being able to fully represent the client. Now, I fear that in addition to standing up to the power of the government, they will have to worry about whether their zealous advocacy will be misinterpreted by their adversaries.

The criminal defense bar has always had a narrow path to maneuver in making decisions for and with clients. It is fraught with peril; I fear that by allowing my actions representing the Sheik to be misunderstood, I and the government have made that path much more difficult. If it is the perception that something I have said or done has damaged the adversary system, that I demeaned rather than championed the notion of zealous advocacy, I am heartily sorry. I only hope that time and the appeal will vindicate me.

I also need and desire to clarify the intersection of my personal political beliefs with my

practices as a lawyer, because the government would have you believe that the two were intertwined. Nothing I did in representing the Sheik was the result of my leftist politics. I personally have no alliance with and do not support either virtually or actually Sheik Abdel Rahman's political agenda. My actions were not intended to foster a revolution in Egypt; they were intended only to foster the possibility that my client might one day be able to return to Egypt, even as a prisoner of the current regime or one akin to it.

I have learned from history that politics are shifting constantly and sometimes in ways we can never predict. What seemed impossible 20, 30, 40 years ago now has happened or is in the foment of coming to be. When I was first visiting clients at the MCC in the early 80's, I met a young man named Joe Doherty who was the subject of a protracted extradition as a former terrorist, to Northern Ireland. He eventually lost, was extradited to Lang Kesh prison. Today he is a free citizen working and living in his native Ireland, all a result of change in the political postures of the combatants in that country. Nelson Mandela, imprisoned and after three decades was released to become the President of his country. Unlike other lawyers who may not practice with an eye toward international upheavals and changes, my early lessons in criminal defense were replete with models like these. I am not comparing South Africa or Ireland to Egypt. The point is that just as Doherty and Mandela were ultimately freed from prison, I believed it my job to foster diplomatic as well as other legal solutions for the Sheik to ultimately be returned to his country. I believed, as did Ramsey Clark, rightly or wrongly, that it might some day be possible for a treaty or diplomatic negotiations to return the Sheik to Egypt.

The government contends that I broke the rules in a most deceitful, underhanded manner. I can only say that my life as an officer of the court, as a lawyer, belies this. I have never had any

desire to change the form of our adversary system; I've had an unblemished career as an advocate. I would eliminate the racism that exists there as well as in every other facet of our society. I would want to make certain that justice was not meted out based upon what a person could afford. However, I am a firm believer in adversarial justice, and I have spent my life in the quest to improve it. I am not an iconoclast who seeks to tear down for the sake of destruction. I have always been respectful of the sphere in which I have devoted my life's energies. A number of judges, both federal and state, would have shared with you their view of me as a practicing lawyer over the years in the courts, had the Code of Judicial Conduct not prevented them from comment. I believe they would have spoken of me as someone who operated by the rules, always, and who could be trusted. My word was my bond absolutely.

In the course of the trial I perhaps relied too greatly on what I believed were the ethics of the legal representation. The "bubble" was the inartful concept that I used to attempt to characterize what I believed was the government's posture toward my work, even under the SAMs. What I meant was that I was operating in the mind set I had developed over 30 years without any appreciation or understanding that a violation of the SAMs affirmation could be viewed as seriously as it was.

Perhaps the idea was presumptuous, but part of my overly optimistic naiveté was that it did not for a moment occur to me that I was venturing anywhere near breaking the law. That my actions would be interpreted as aiding or providing support to a dangerous or terrorist agenda was simply beyond anything I could possibly have imagined. I believed that the worst case scenario was that I would be barred from visiting my client. If that occurred, he would still be ably represented by others while I litigated this in New York.

The government wants to infer both intent and motive from the many newspaper articles that were found in my files during the search of my office. I had collected these as background for the Sheik's case and in representing other clients. I did not pay close attention to every name mentioned or the roles that the press ascribed to them. I repeat that I did not realize who Taha was until my trial. The government appreciated who Taha was in the worldwide terrorist picture; I did not.

Finally, and this was fully revealed to me in my discussions post-trial with Dr. Teich, if I have a tragic flaw it is that I care too much for my clients. I am soft hearted to the point of self-abnegation. When one reaches out to another human being, even a hated and despised defendant, the client is grateful, the lawyer is fulfilled and an emotional mutuality arises. The lawyer sees beyond the orange jumpsuit and the crime, to the defendant as a person; the heart responds. A deep human connection is established. I have always believed that when my clients are in distress, it is my duty as both a lawyer and a person to alleviate it.

When I visited the Sheik in May of 2000, he was so diminished. He appeared mentally undone and hallucinating. He had no one to speak to and no one to answer him. He could not escape into the pages of a book because of his blindness; he could not read Braille any longer because he had lost his sense of touch. I watched helplessly as his powerful intellect and fervent faith were replaced by imaginings and paranoia. Eight years of incarceration and three years under the SAMs were taking their intended toll. I found it unbearable. My training and my heart told me to stand between the Sheik and the government.

The government's contention that I don't care about the deaths of innocent civilians makes me gasp. I care too much. I do not distinguish between "us" and "them" in caring. Any

loss of life seems a throwback to Neolithic times. In May 2000, my emotional response to the Sheik's conditions, my lifelong experiences all contributed to the circumstances that led me to talk to the Reuter's reporter on his behalf. That act has now become an ever present burden of self awareness and loss, worry and my own self chastisement. The distress it has all brought to those I love most is torment to me.

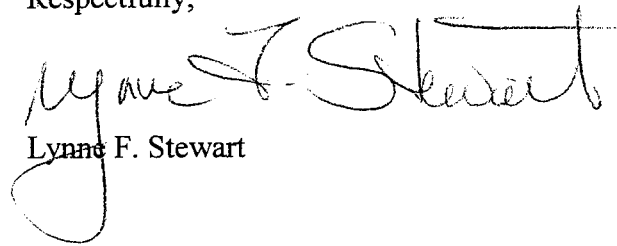
During this very difficult time I have been held in the love and concern that only a large and loving family can provide. I am not a person who acts alone or in secrecy in any part of my life. My husband, my children and grandchildren watched as I struggled toward understanding the fact and consequences of conviction; they watched and shared my fear when I was diagnosed with breast cancer; they shared with me in the effort to place this conviction, and the ensuing illness, in the context of the life in which they were raised, and which we continue to share. Those who know me best, as a mother, a family member and, a lawyer know that I am not a terrorist. As their letters attest, the mother and grandmother they know raised them but with a single mission in life – to help others. Their lives reflect this. I passed on to all of them what my father instilled in me from an early age. He wrote in my 8th grade graduation yearbook: your mission is to serve others.

The government asks you to give me 30 years in prison. I have given over 30 years service to my clients and the community. No one every loved being a lawyer, a champion for those with no power or voice, more than I did. I had no plans to ever "retire" as long as there were people who requested my services. I had no pension plan. I fully intended to go out with my boots on, yellow pad in hand. To be deprived of this, the chance to continue to work is the worst punishment I can imagine. I cannot be near any courthouse at 9 o'clock in the forenoon

and not have tears in my eyes. To have lost my career. To be looked at askance. This loss of my personhood is immeasurable to me. It is the worst sentence and it is immutable.

I am now before you for sentence. I ask for nothing more than justice, tempered with mercy.

Respectfully,

A handwritten signature in cursive script that reads "Lynne F. Stewart". The signature is written in black ink and is positioned above the printed name.

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