



Justice Talking Listening Guide

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Constitutional Connection

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

Check out JusticeLearning.org for complete explanation of each amendment.

Upcoming Tapings

June 20, 2005

5:00 PM -
Energy Policy for a Gas-Guzzling Nation

7:30 PM -
State of the Unions:
Where Does the Labor Movement Go from Here?



Attorney-Client Confidentiality: Are There Special Rules for Defending Terrorism

Attorney Lynne Stewart never thought she would find herself facing years in prison for what she considers just doing her job of zealously representing her client. But based upon wiretapped discussions with her client Sheik Omar Abdel Rahman, who was convicted of the 1993 World Trade Center bombing, the U.S. Justice Department successfully prosecuted Stewart for aiding and abetting terrorism. Is the government taking necessary measures to prevent criminal behavior or violating the Sixth Amendment right to counsel by challenging the ability of lawyers to talk confidentially with their clients?

What did they say?

Terms and words that may be used in the debate

United States v. Stewart: Lynne Stewart was convicted of aiding and abetting terrorism. She was the attorney for Sheik Omar Abdel Rahman, who was convicted of plotting to blow up several buildings in New York City in 1993. Since he was convicted, she has remained his lawyer, trying to get him better treatment and medical care. However, in February 2005 she was convicted of helping the Islamic Group by providing "material support" for terrorism by disseminating messages from Rahman, in particular by announcing he no longer supported a ceasefire with Egypt. In the case, surveillance of the conversations between Rahman and Stewart was presented.



Attorney-Client Privilege: This is a legal principle that protects the confidentiality of all communication between an attorney and his/her client. Discussions between a lawyer and client cannot be subpoenaed or used in court proceedings nor can any other person force a lawyer to divulge what went on between them. While not directly a constitutionally guaranteed right, the courts have expanded the definition over time in order to encourage open discussion with a lawyer. This principle of confidentiality is considered by lawyers an important tool to build trust with clients. In *United States v. Zolin*, the Supreme Court said "the attorney-client privilege under federal law [is] the oldest of the privileges for confidential communications known to the common law."

Prevention of Acts of Violence and Terrorism: Announced in October 2001 by the attorney general, this rule uses surveillance powers in the USA Patriot Act and the Foreign Intelligence Surveillance Act to monitor communication between attorneys and federal inmates if there is a fear that the communication may be promoting terrorism. The attorney general can order the surveillance, but must inform the inmate and attorneys.