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The Global Research

The FBI and the CIA Pressured US Lawyer to Betray his Arab and Muslim Clients

by Sherwood Ross
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Federal agents from the FBI and CIA/FBI Joint Terrorist Task Force tried to get a distinguished international lawyer to inform on his Arab and Muslim clients in violation of their Constitutional rights to attorney-client privilege, this reporter has learned. When the lawyer refused, he said the FBI placed him on a "terrorist watch list."

Law professor Francis Boyle gave a chilling account of how, in the summer of 2004, two agents showed up at his office (at the University of Illinois, Champaign,) "unannounced, misrepresented who they were and what they were about to my secretary, gained access to my office, interrogated me for about one hour, and repeatedly tried to get me to become their informant on my Arab and Muslim clients."

"This would have violated their (clients) Constitutional rights and my ethical obligations as an Attorney," Boyle explained. "I refused. So they put me on all of the United States government's 'terrorist watch' lists."

Boyle said his own lawyer found "there are about five or six different terrorist watch lists, and as far as he could determine, I am on all of them." Despite a legal appeal to get his name removed, Boyle said, "I will remain on all of these terrorist watch lists for the rest of my life or until the two Agencies who put me on there remove my name, which is highly unlikely."

"Whatever people might think about lawyers, we are the canary-birds of democracy. When the government goes after your lawyer soon they will be going after you," Boyle warned. "Indeed," he added, "the government goes after your lawyer in order to get to you, which is what happened to me. This is what the so-called 'war against terrorism' is really all about. It is a war against the United States Constitution."

Boyle is a leading American professor and practitioner of international law. He holds doctorates in both law (cum laude) and Political Science from Harvard and has more than two decades of experience representing pacifist anti-war resisters, suspects in the so-called "War on Terror" and foreign governments such as Bosnia and Herzegovina. He is the author of numerous books, including "Protesting Power," (Rowman & Littlefield), "Biowarfare and Terrorism," (Clarity) and "Destroying World Order" (Clarity).

Writing of the attorney-client privilege, the American Bar Association has defined it as "the right of clients to refuse to disclose confidential communications with their lawyers, or to allow their lawyers to disclose them." It further states the privilege "is viewed as fundamental to preserve the constitutionally based right to effective assistance of legal counsel, in that lawyers cannot function effectively on behalf of their clients without the ability communicate with them in confidence."

The attempt by the government to destroy the Constitutional right of privileged communication between lawyer and client began in earnest after 9/11 when the Justice Department initiated a wave of such illegal actions. According to an article in "Criminal Justice Magazine," Summer, 2002, "Immediately following the September 11 terrorist attacks, U.S. Attorney General John Ashcroft issued a controversial order that permits the government to monitor all communications between a client and an attorney when there is 'reasonable suspicion' to 'believe that a particular inmate may use communications with attorneys or their agents to further or facilitate acts of violence or terrorism.'" That order "raises a wide range of constitutional concerns under the First, Fourth, Fifth, and Fourteenth Amendments," authors Paul Rice and Benjamin Saul wrote.

As if to mock the very concept of attorney-client privilege, military interrogators at Guantanamo prison *posed* as "lawyers" to trick illegally held suspects into providing them with information, according to a report in "The Catholic Worker" newspaper.

And "Newsday," the Long Island, N.Y., daily, reported a wholesale invasion of lawyer-client privilege, as when lawyers at Guantanamo are forced to turn over their interview notes to guards, who send them on to the Pentagon facility in Virginia that is the only place lawyers can go to write their motions and where the Pentagon attempts to edit out detainees' claims of mistreatment from the public record. What's more, "Newsday" reported, "The military has set up a system that delays legal correspondence (between lawyers and prisoners) for weeks," adding that "Detainees have alleged that interrogators have tried to turn them against their lawyers."

According to "Newsday," guards and interrogators peruse prisoners' private legal papers and warn them that prisoners who have lawyers will wait longer to get out! Tom Wilner, a lawyer for 12 Kuwaiti detainees, said an interrogator asked one of his clients, "Did you know your lawyers are Jews?"

The U.S. government is "not only trying to deny counsel to the prisoners, but is actively trying to remove Guantanamo from any scrutiny, legal or otherwise" as well as "marginalizing the lawyers representing the prisoners," "The Catholic Worker" said.

Placing attorney Boyle on the Terrorist Watch List is a form of punishment that is being ever more widely applied. According to "USA Today" the list grew from 288,000 names in 2005 to 1-million in March, 2009, according to an article of March 10th of that year. "People put on the watch list...can be blocked from flying, stopped at borders or subjected to other scrutiny," reporter Peter Eisler wrote.

The attorney-client privilege is the oldest such privilege enshrined in Anglo-Saxon law and was commonly respected even under the British crown during the reign of Queen Elizabeth 1. That it is being flouted by the U.S. government today when a constitutional lawyer occupies the White House represents an incredible stain on what remains of the fabric of American democracy.