

DECISION TRIGGERING FREE-SPEECH DEBATE - WHITE SEPARATIST DENIED LAW LICENSE

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Matthew Hale is a recent graduate of Southern Illinois Law School who recently passed the Illinois bar exam.

He also is an outspoken racist and the leader of a white separatist group based in central Illinois.

The combination is unusual enough, but it also may place Hale among a handful of people who have failed the "character and fitness review" administered to more than 3,000 applicants for law licenses in the state every year.

As a result, his admission to the state bar has been blocked by a panel appointed by the state Supreme Court and his incipient fight over the decision has begun to attract national attention.

"I'd like to represent white racist people, people who are proud of their race and fight for it," Hale said.

The majority of the inquiry panel found the prospect dangerous. "If the civilized world had no experience with Hitler, Matthew Hale might be dismissed as a harmless 'crackpot,'" members of the inquiry panel wrote in their recent decision. "However, history teaches a different lesson."

Each year, five or 10 people are denied law licenses, usually for criminal convictions or lapses such as cheating on exams or refusing to pay debts.

But the fact that Hale's denial was based on his political beliefs--rare grounds since the McCarthy era and the civil rights tumult of the 1960s--has touched off a heated debate in legal and scholarly circles. What's more, celebrity attorney Alan Dershowitz is considering defending Hale in his upcoming appeal before a Supreme Court-appointed hearing panel.

Bar admissions officials and some legal ethicists vociferously defend the high court's duty to protect the legal profession from practitioners who are unfit or who lack moral character. Someone committed to the destruction of the Bill of Rights, for example, cannot rightfully be sworn in to safeguard them, they say.

But others see the case as raising a much broader question about the 1st Amendment and free expression. If Hale had not written nor spoken publicly about his views, they argue, he would not have garnered the attention of the Supreme Court's character and fitness committee. And they note that he has never acted on his beliefs.

"Here's a man who has the most offensive, obscene, despicable views I have ever come in contact with," said Dershowitz, a Harvard Law School professor. "But he has never done anything that violates the laws or the rules of ethics. It's all about what he says, writes and how he expresses himself.

"It's hard to imagine a clearer case of free speech."

Applicants are sometimes successful in appealing decisions by the inquiry panel or by an appellate hearing panel. Of the 12 people rejected by the inquiry panel last year, for example, one was later approved by the hearing panel and subsequently approved by the Supreme Court. Six cases are pending.

Hale's case is before the hearing panel, which has not yet set a time to consider it. But in the panel's review, evidence of Hale's views will not be hard to come by.

Hale, 27, has been speaking out about his racist views ever since he was a teenager, including his 1995 unsuccessful campaign for the East Peoria City Council and in a separatist group called the World Church of the Creator.

Now, Hale airs his views at public-speaking events and in letters to the editor columns. The views of the World Church of the Creator, which he now leads, are posted on an Internet Web site. The organization, which Hale says has 7,000 members worldwide, urges the deportation of all non-whites as the solution to America's racial problems.

Three years ago, Hale says, he decided the white movement needed someone with legal expertise on its side and decided to go to law school.

Hale says he graduated from SIU in May, ranking 46th in a class of 96, passed the bar exam last summer and appeared for an interview with a local Circuit Court judge charged with judging his character and fitness.

The judge, Gregory McClintock, had questions about Hale. In late November, he appeared before McClintock and two other members of the inquiry panel who quizzed him about his beliefs.

Hale said he acknowledged his beliefs of racial separatism, but when asked if as a lawyer he would follow laws on the books about equal rights he replied, "Yes, I will follow the law as long as it's the law."

But two members of the inquiry panel still had concerns about Hale's assertions that he would follow such laws "until such time as he could have it changed by peaceful means," according to a copy of their 18-page report provided to the Tribune by Hale.

McClintock and Rock Island attorney Stuart Lefstein wrote that they believe the fundamental truths contained in the Emancipation Proclamation, the U.S. Constitution and its 14th Amendment providing equal protection for all people "must be preferred" over 1st Amendment values.

While officials of the Supreme Court and its appointed Board of Admissions to the Bar have declined to comment on Hale's case, board Chairman Richard Prendergast, a Chicago trial attorney, said: "There's an awful lot of what happens in the practice of law that depends on character and integrity." There must be, he added, "confidence that the person who is standing in court does not have such a character flaw that it's not appropriate for them to be there."

But critics of the panel's decision contend that such a standard can be dangerous, noting that over the years, character and fitness examinations often have been used to keep minorities and people with unpopular opinions out of the legal profession.

"I'm not suggesting it doesn't sometimes perform a useful purpose," said Dershowitz. "But the history raises serious questions about the power they should have over ideology."

The third member of the inquiry panel said in a dissenting opinion that Hale's ideology ought not have anything to do with the decision and that there was no record his beliefs had been translated into actual abuse.

Hale said violence is not sanctioned by his church, and that its rules declare a member can be expelled for engaging in violent or illegal acts.

"We don't seek to inflame people or agitate people," Hale said. "We seek to educate. We believe in operating within the rule of law to persuade people."

Caption: PHOTOS 2

PHOTO: White separatist Matthew Hale has been denied admission to the Illinois Bar Association. Photo for the Tribune by Kari Shuda/AP. PHOTO: Racism and the law. Matthew Hale , rejected by the bar because of his racist views, attracts national attention. (DuPage Sports Final edition, Metro DuPage section, Page 1.)

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Correction: Additional material published Feb. 10, 1999: Corrections and clarifications. A photo caption in Tuesday's Metro section incorrectly stated Matthew Hale was denied admission to the Illinois Bar Association. He was denied admission to the Illinois Bar. The Tribune regrets the error.

Index Terms: ILLINOIS ; COURT ; DECISION ; ISSUE ; DISCRIMINATION ; RIGHTS

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