

JUDGE DUMPS LAWSUIT TARGETING RACIST GUNMAN'S PARENTS

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A Cook County Circuit Court judge dismissed a lawsuit today that contended the parents of white supremacist Benjamin Nathaniel Smith are responsible for their son's actions in a July shooting spree that targeted Jews, Asians and blacks.

Judge Joseph N. Casciato said he found the allegations of negligence "legally insufficient" to place the burden of duty on Beverly and Kenneth Smith. "He (Benjamin) was an emancipated adult ... and the parents had no ability to control their son's actions on that day," he said.

Michael Bender, the attorney representing two teenagers shot at by Smith, filed the lawsuit last year. The two youths apparently were targeted in a spree that killed two people -- including former Northwestern University basketball coach Ricky Byrdsong -- and injured several others over the Fourth of July weekend. Smith killed himself as authorities tried to arrest him.

"The Smiths had not seen their son in over two months prior to the shooting," Bender said. He argued that the Smiths negligently raised their son by allowing or encouraging him to become racist, therefore closely connecting them to their son's shooting spree. Bender would not comment on whether an appeal would be filed.

"I'm happy for (the Smiths)," said attorney Ed Ruff, who represents the Smiths, who live in Northfield. "They haven't even had time to grieve and they feel awful for what happened to these families."

The suit also names two other defendants: Donald Fiessinger, who allegedly sold Benjamin Smith the illegal weapons used in the attack; and Matthew Hale, leader of the World Church of the Creator, who is accused of ordering the

attacks through his racist, anti-Semitic message.

Hale had filed a separate motion to dismiss the case against him, saying that he cannot be held liable in the Smith slayings just for expressing his views.

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