

U.S. curbs for Hale will face challenge

Chicago Tribune - March 5, 2003

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Apparently fearing Matthew Hale could incite violence among his followers, federal authorities are invoking rarely used restrictions that will inhibit the white supremacist's communications as he awaits trial for allegedly plotting to kill a federal judge in Chicago.

It was learned this week that Hale is being subjected to "special administrative measures," or SAMs. The unusual restrictions on inmates can be imposed by order of the attorney general in cases where authorities fear outside contact could result in death or serious injury to others.

Hale's lawyer, Thomas A. Durkin, said prosecutors have told him his attorney-client conversations with Hale will not be monitored, although that is a provision used in some versions of the SAM restrictions.

"We definitely intend to challenge it, and we are reviewing the limited law that is available on it," Durkin said. "We think it's unconstitutional on a variety of fronts, particularly in respect to his freedom of speech."

The restrictions, also used by U.S. Atty. Patrick Fitzgerald when he was a prosecutor in New York, prohibits Hale from communicating with others through the media, mail, telephone and visitors.

A spokesman for the U.S. Department of Justice declined to say how often SAMs are used. In an April 2002 speech, U.S. Atty. Gen. John Ashcroft said the provision to monitor attorney-client communications had, at the time, only been applied to 16 of roughly 158,000 inmates in the federal system.

The special security measures have been used against terrorists as well as leaders of street gangs. The restrictions were first authorized in 1996 after the 1993 bombing of the World Trade Center and the bombing of the federal building in Oklahoma City in 1995.

Hale, 31, leader of the World Church of the Creator, was arrested Jan. 8 in a dramatic scene inside the federal courthouse in Chicago. Prosecutors allege that starting in late November he sent messages and had conversations about the judge with his followers and specifically a trusted confidant-turned-FBI-informant.

Authorities say Hale, of Downstate East Peoria, labeled U.S. District Judge Joan Humphrey Lefkow a "corrupt judge" and "probable Jew" after she tried to enforce a higher court's ruling ordering him to destroy printed materials about his church that violated trademark laws.

Attorneys for Hale, who is being held without bond, have said their client stated at least twice that he wanted no part in the plot against Lefkow.

Hale and his attorneys learned that the special security measures were in place after Hale's parents were blocked Monday from a previously arranged meeting with their son at the Metropolitan Correctional Center in Chicago.

It is not clear why the family was turned away. The logistics of future family visits or whether those visits will be monitored is unclear.

Even before learning of the special security measures, Hale's attorneys suspected their client was being granted less access to the outside world than other inmates.

In recent court filings, Durkin questioned federal prosecutors about why Hale has had a hard time obtaining postage stamps, making telephone calls and receiving mail from the outside, including more than 60 letters from "friends, supporters and church members."

Durkin said Hale has also been prohibited from meeting with anyone other than his lawyers since his arrest. He said the SAM might prohibit him from even talking to Hale supporters about such things as Hale's legal defense fund.

Durkin questioned how a SAM could be invoked against his client, but not against Enaam Arnaout, who recently pleaded guilty to funneling money to fighters in Bosnia and Chechnya. "I find it ironic that they didn't put it in place in a case they claimed was a terrorist case," he said.

A spokesman for Fitzgerald would not comment on the need for the special measures in the Hale case.

Thomas Kroenke, a spokesman for Hale's World Church of the Creator, called the restrictions a "draconian move." He said the case against Hale is "a frame and fraud, an entrapment case by a paid FBI informant."

Edition: North Shore Final

Section: Metro

Page: 1

Index Terms: MURDER ; COURT ; OFFICIAL ; ATTEMPT ; ARREST ; CULT RIGHTS

Record Number: CTR0303050135

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