

Judge backs Hale restrictions - Access to defense attorney, mail to remain limited

Chicago Tribune - March 13, 2003

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White supremacist Matthew Hale will continue to have his communications with outsiders severely curtailed after a judge Wednesday refused to lift rarely invoked government restrictions.

Hale, 31, leader of the World Church of the Creator, is being held at the Metropolitan Correctional Center under "special administrative measures" as he awaits trial for allegedly plotting to kill a federal judge in Chicago.

The restrictions, which Hale's attorney said could include the placement of a microphone in Hale's cell, were ordered by U.S. Atty. Gen. John Ashcroft on March 3 on the apparent theory that Hale could incite violence among his followers.

Except for a few whispers in a courtroom Wednesday, Hale hasn't spoken with his attorneys since the restrictions were put in place.

That's partly because Hale's attorney has refused to sign a document that would place restrictions on him that the government believes would prevent him from purposefully or accidentally passing along messages from Hale to the outside world.

"I don't think I should be ordered to sign a document that gives them criminal power over me," attorney Thomas A. Durkin said at an emergency hearing Wednesday in U.S. District Court in Chicago.

Drawing a small grin from Hale a few feet away, Durkin later gave a hypothetical example of what he believes could happen to him if he were to "lose my marbles and join [Hale's] cause" to take over the government or some other illegal action.

"How do I zealously defend Hale if the government can have an easier way to bag me?" Durkin asked.

Later, Durkin said he wouldn't talk with Hale until he's sure his conversations aren't being recorded. He said the restrictions place unconstitutional limits on his right to free speech, as well as on Hale's.

The lack of communication between Hale and his attorneys is partly by choice, according to prosecutors.

"It's their own doing that has created this alleged denial of counsel," Assistant U.S. Atty. David Weisman said.

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

Weisman said Hale would be allowed to communicate with his lawyers once they sign the document that affirms their intention to abide by the restrictions.

The specifics of the SAM covering Hale are under court seal and not public. Similar restrictions have been placed on terrorism suspects.

Durkin said the restrictions include prohibiting Hale from talking to other inmates, taping of his conversations with attorneys and the bugging of his cell.

Officials with the U.S. Department of Justice have said they will notify attorneys if their conversations will be monitored within the jail and that no information that is protected by attorney-client privilege will be used for prosecution.

Durkin said he plans to ask Judge James Moody of the U.S. District Court in Hammond to force the government to stop its efforts to require his signature before he can meet with Hale.

Moody, who is not available to hear the matter until after March 19, was assigned the case because all the federal judges in Chicago know Hale's alleged target.

Hale, of East Peoria, was arrested Jan. 8 inside the federal courthouse in Chicago as he arrived for a contempt-of-court hearing.

Since then, Hale has been held without bond on charges that he solicited one of his followers to kill U.S. District Judge Joan Humphrey Lefkow, whom Hale had labeled 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.

Hale's attorneys have said their client stated at least twice that he wanted no part in the plot against Lefkow.

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.

U.S. District Judge James Zagel declined to grant Durkin's motion to have the restrictions lifted. He said there would be "no irreparable harm or significant damage...that would occur if the affirmation were signed."

The judge pointed out that such restrictions have long been used against organized crime figures to keep them from continuing their crime operations while serving prison sentences. But he said use of the restrictions is relatively new prior to a trial and do raise "obvious constitutional problems."

Caption: PHOTO

PHOTO (color): A U.S. District judge on Wednesday refused to lift limits on Matt Hale's access to mail, phones and his lawyer.

Edition: South-Southwest Final

Section: Metro

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

Record Number: CTR0303130257

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