

Hale wife may be put on stand - Defense asserts couple's conversations are confidential

Chicago Tribune - October 15, 2003

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After white supremacist Matthew Hale was arrested in January on charges of soliciting the murder of a judge, federal authorities revealed that Hale's trusted security chief had been working undercover for the FBI for 3 1/2 years.

Now the government might call Hale's wife as a witness at his upcoming trial, Hale's lawyers disclosed Tuesday in a court filing.

The attorneys, Thomas Anthony Durkin and Patrick Blegen, are seeking to block the wife's testimony by asserting the couple's private conversations are confidential.

"Among other things, Hale's wife has informed the government of confidential communications made by Hale during the course of their marriage," the defense filing said.

Hale's lawyers argued that the marital communications privilege precludes his wife from testifying about private conversations the two shared.

Hale is scheduled to go on trial Nov. 3 in federal court in Chicago on charges he solicited the murder of U.S. District Judge Joan Humphrey Lefkowitz after she enforced a court order that Hale's group, World Church of the Creator, change its name after losing a trademark infringement lawsuit. The group is now known as the Creativity Movement.

Hale, of Downstate East Peoria, has been in custody since federal agents arrested him in January moments after he walked into the Dirksen Federal Courthouse for a hearing on the lawsuit.

The bulk of the government's case against Hale rests on undercover recordings made by the head of the White Berets, Hale's security detail, who was an FBI plant days after Ben Smith, a Hale follower, went on a 1999 shooting rampage that killed two and injured nine.

In a recent filing, Hale's lawyers contended the tape-recordings show that the informant, "continually prodded, cajoled, argued and otherwise attempted to convince Hale to commit crimes, against Judge Lefkowitz and others."

In Tuesday's filing, Hale's lawyers also sought to block prosecutors from putting on evidence at trial that attempts to link Hale to Smith or the shooting spree.

Prosecutors want to present evidence that they say shows Hale likely knew in advance that Smith planned to go on a shooting rampage targeting minorities.

But Hale's lawyers argued such evidence would cause "overwhelming prejudice" against Hale, "inflammate the jury's passion" against him and "amount to little more than a smear campaign."

Edition: South-Southwest Final

Section: Metro

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Index Terms: FEDERAL ; COURT ; ATTEMPT ; MURDER

Record Number: CTR0310150351

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