

Hale is on trial-- not hateful views - And both sides can agree to that

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As the murder-solicitation trial of white supremacist Matthew Hale opened Monday, his lawyer criticized the government case as "upside down and backwards," contending it was a government informant and not Hale who repeatedly broached the subject of killing a federal judge in Chicago.

In opening remarks to a federal jury, attorney Thomas Anthony Durkin alleged that federal informant Tony Evola, while secretly recording hundreds of conversations, had also tried to entice Hale to order violence against three others in addition to U.S. District Judge Joan Lefkow.

While maintaining Hale's purpose was clear, prosecutors insisted that he kept his directions to Evola purposely vague to provide a defense of "plausible deniability" if indeed Evola carried out Lefkow's murder.

In an apparent attempt to show Hale condoned violence, prosecutors played a tape-recording of a speech in which Hale praised follower Benjamin Smith as a martyr for "white people in America and around the world" a few weeks after Smith went on a deadly shooting rampage in 1999.

At the trial's outset, both sides agreed on one thing--the beliefs of Hale's racist World Church of the Creator are not on trial.

Durkin, Hale's lawyer, tried to distance himself from those beliefs, calling them "ugly, hateful, vile" and telling the jury--half white and half black and Hispanic--how he had outgrown the racial hatred and ignorance of his South Side Irish origins.

Hale, the self-proclaimed "Pontifex Maximus" of what is now known as the Creativity Movement, is accused of soliciting Lefkow's murder in anger over her order that Hale stop calling itself the World Church of the Creator. An Oregon-based church with a similar name had won a trademark infringement lawsuit against Hale's group.

Durkin questioned the motive as well, pointing out that Lefkow had originally ruled in Hale's favor but a federal appeals court in Chicago reversed her decision.

But in enforcing the appeals' court decision, Lefkow had ordered the World Church of the Creator to take down its Web site and remove the name from books and other materials.

In testimony Monday, Lefkow also recalled how she had initially blocked Hale from representing his church in the suit because he wasn't a licensed attorney.

Assistant U.S. Atty. M. David Weisman told jurors that Hale turned to Evola after Jon Fox, then head of the church in Illinois, had refused Hale's overture to kill Lefkow and rival lawyers in the lawsuit and burn down the Oregon church with its pastor inside.

But Durkin charged that Fox didn't come forward with the allegation until nine months after Hale's arrest. At the time of the arrest early last year, Fox had been quoted defending Hale against the murder solicitation and accusing the government of a frame-up, Durkin said.

Hale's lawyers sought to block Fox's testimony, raising questions about his mental competence. But at a closed-door hearing Monday, U.S. District Judge James Moody, presiding over the trial, cleared the way for Fox to testify as soon as Tuesday.

Much of the government's case may well rest on Evola's undercover tape-recordings. Weisman told jurors that Hale's intent with Evola was clear even though he carefully avoided being explicit in his language because the church officially opposed violence.

Weisman also cautioned jurors to listen to what Hale doesn't say--including any talk of warning Evola away from violence.

But Durkin emphasized that the only person on the tapes who talks "about killing a federal judge is Tony Evola."

The solicitation played out over 19 days in November and December 2002, Durkin said, because the FBI kept sending Evola back to Hale's East Peoria headquarters to catch him in an incriminating remark.

"I think the only person who had the intent to kill Joan Lefkow, the judge, was the government agent, and that's all make-believe," Durkin said.

James Burnett, a former assistant to Hale in the World Church of the Creator, testified that Hale defended Smith's shooting spree because the victims weren't white and said he wished more "race traitors"--a reference to whites who marry outside their race--had been killed. Smith took his own life after killing two and wounding nine in the two-state rampage.

Burnett said Hale told him the shootings would bring the church more members and greater publicity.

In the tape of his address a few weeks after the shooting spree, Hale said Smith's actions had brought the church's "message into the minds and consciousness of millions and millions of people."

The church's "flag has been sanctified with his blood," Hale said. "Like many men in history, great men in history, Ben Smith's greatness will only be realized in the future, much more than today," Hale said.

Caption: PHOTOS 2

PHOTO (color): Matthew Hale listens to opening arguments Monday in his trial on charges he plotted to kill a federal judge. Courtroom illustration for the Tribune by Cheryl Cook. PHOTO: Matthew Hale (from left), his attorney Patrick Blegen, Judge James Moody and prosecutor M. David Weisman in court Monday. Courtroom illustration for the Tribune by Cheryl Cook.

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