

Hale jury must judge his acts, not racist views

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In closing arguments Wednesday in a downtown courtroom, federal jurors were reminded that Matthew Hale, the white supremacist hater charged with soliciting the murder of a judge and obstructing justice, is a "jerk" who spews "filth" and "venom" that displays an utter "lack of moral basis."

It's time, they were told, "to teach him a lesson."

And that was his defense lawyer talking.

Prosecutors referred to Hale, 32, as "a zealot for hate" who believed that "terrorism is self-preservation," and whose desire for a "racial holy war" is a real thing."

Not much question there.

The slight, nerdy Hale, who sat impassively at the defense table wearing an orange jail jumper and blue slip-on sneakers, is a malignant man with a heart the size of a grape nut. His writings and rhetoric are noxious and un-American; his private glee at the deadly July 1999 bi-state shooting spree of his follower Benjamin Smith was repugnant.

It's beyond a reasonable doubt that he belongs in hell.

But does he belong in jail?

Jurors will be wrestling with that question Thursday when their deliberations begin, and it will certainly test the power of their oaths nearly to the breaking point to keep the criminal case against Matthew Hale separate from the moral case against him and the separatist cult he led.

A turn-away crowd of more than 100 spectators showed up outside the 14th-floor courtroom in the Dirksen U.S. Courthouse. Comet, a languid, bomb-sniffing yellow Lab nosed into the bags of everyone on line, and even though we all had gone through metal detectors downstairs, four security agents re-checked us before we were allowed into the seating gallery.

Sherialyn Byrdsong, the widow of one of Smith's victims--former Northwestern University basketball coach Ricky Byrdsong--attended the arguments. So did Hale's parents and scattered supporters of Hale's philosophy, one of whom was identifiable by the white-power tattoo on his neck.

Assistant U.S. Atty. Victoria Peters opened the morning by making a strong case that Hale would have been pleased if one of his supporters had killed U.S. District Judge Joan Humphrey Lefkow, against whom he apparently bore a grudge.

Hale never hatched a plan or ordered a hit--as a law-school graduate he knew enough to let his desires be known with implicit rather than explicit remarks. To give an everyday example of this kind of indirect communication, Peters described a situation in which someone says, "Are you going to eat that last piece of pie?" instead of saying, "I want that piece of pie."

I didn't sit through the six days of evidence, but I came away from the arguments skeptical that the government would have brought a case based so heavily on innuendo and such tepid encouragements as "whatever you want to do" if Hale were

not a widely reviled and odious figure whose ugly rantings directly inspired a spree killer.

Put him away to "sit and rot and get what he deserves," said lead defense attorney Thomas Anthony Durkin to the jury as he began his rebuttal argument Wednesday. "There's a part of me that would like to do that. I can't imagine there's not a part of you that wants to do that."

Durkin took pains to heap scorn on his client's bigotry before opening up his thesaurus on the government's evidence: Terrible, awful, weak, pathetic and preposterous, he said. Absurd, stupid, ridiculous and ugly.

It was in this context that he closed by asking the jurors--half of whom are white and half of whom are black or Hispanic--to teach Hale a lesson:

"It's a lesson that you learned in civics class, but that he must have missed," Durkin said. "It's that nobody is either above the law or below it. It's that even the lowest, even the most despised person in this country gets a fair trial. . . . And we will hold the government to the same standard [of proof] as we would with any other citizen."

Teach him a lesson, Durkin said: "Give him a fairer trial than he'd be willing to give a lot of people."

To rise above passion and prejudice; to be bigger than those one despises. It goes against almost every impulse.

I don't envy the jurors. No matter what their verdict, if they can be fair to this champion of unfairness, their decision will deserve our respect.

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