

Hale jury to start deliberations - Supremacist set up, defense argues

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A lawyer for white supremacist Matthew Hale, urging a federal jury not to convict him of soliciting the murder of a federal judge because of his hateful views, blasted the government case as a misguided effort to set up Hale.

In closing arguments, Thomas Anthony Durkin called the prosecution case "upside down and backwards," a reference he said to the fact that it was federal informant Anthony Evola who repeatedly prodded Hale to order the judge's killing.

"Who's soliciting whom here?" Durkin asked jurors.

But prosecutors argued that while Hale chose his words carefully to give himself "plausible deniability," he knew he had gotten his message across to Evola, his most trusted lieutenant who turned out to be an FBI plant secretly taping their conversations.

"He really is like Sgt. Schultz in 'Hogan's Heroes,'" Assistant U.S. Atty. Victoria Peters said in reference to Hale's mention of the TV character in the undercover recordings. "I know nothing. I know nothing.' He thinks if he says it enough, it's true.

"The defendant talks out of both sides of his mouth, but he knows Tony (Evola) understands what he's saying," Peters told jurors.

The racially diverse jury is scheduled to begin deliberations Thursday after U.S. District Judge James Moody instructs them on the law.

Hale, the "Pontifex Maximus" of the former World Church of the Creator, is on trial in federal court in Chicago on charges he solicited the murder of U.S. District Judge Joan Lefkow after she ordered the church to change its name after it lost a trademark-infringement lawsuit.

The closing arguments played before a packed courtroom and consumed the entire day.

The case could turn on a short exchange with Evola in December 2002 after Hale asked him to find the home addresses of Lefkow and three Chicago lawyers who represented an Oregon church with a similar name that won the lawsuit.

"Ah, when we get it," Evola said in reference to the judge's home address, "we gonna exterminate the rat?"

"Well, whatever you wanna do...basically," Hale replied.

"Ah, my position's always been that...I'm gonna fight within the law and but, ah, that information's been...provided. If you wish to, ah, do anything yourself, you can, you know?"

"OK," Evola said.

"So that makes it clear," Hale said.

"Consider it done," Evola replied.

"Good," Hale said.

Nearly two weeks later, Evola repeatedly sought help from Hale in the murder plot--money, additional manpower and an alibi--but Hale cautioned, "I can't be a party to such a thing."

Durkin told jurors that it's Evola, not Hale, who does the cajoling.

"Where on those tapes does Hale solicit this man? By negative inference, they'll tell you," Durkin said in reference to the prosecutors. "There's no such thing as plausible deniability in a solicitation case. You either solicit or you're not guilty."

But Peters and co-prosecutor M. David Weisman urged jurors to look for one time in which Hale explicitly warned Evola off the murder solicitation.

"You know [Hale] knows how to call Tony off. He did it with (Kenneth) Dippold," Peters said, referring to a previous occasion when Hale allegedly called off violence against a former church member he considered a traitor.

During closing arguments, Durkin spent a long time attacking the credibility of a former church leader, Jon Fox, who testified that Hale separately solicited him to kill the judge, the lawyers in the trademark-infringement lawsuit and the head of the Oregon church.

The defense replayed a tape of Fox defending Hale during a speech in Maine days after Hale's arrest early last year.

"If he's lying in one place, how can you trust him in another?" Durkin asked jurors.

But Weisman pointed out that Fox, a Kentucky militia member, had moved to Illinois to work more closely with Hale on church matters.

"What better target for Matt Hale to solicit than that guy?" Weisman said. "The government didn't choose that witness. The defendant chose that witness."

Prosecutors said the so-called bibles of Hale's church allowed violence if the church was under assault and Hale considered Lefkow's order an attack.

"He viewed it as an attack on his struggle to rid the country of minorities, an attack on his efforts to establish an all-white, non-Jewish country," Peters said. "As far as this defendant is concerned, this racial holy war is a real thing."

But Durkin contended that the foundation of the government's case--that Hale hated Lefkow enough to want her killed--was absurd because Lefkow at first sided with Hale but was reversed by an appeals court.

Durkin also criticized the government for arguing at length about the racist beliefs of Hale's church, saying, "That's what this case is all about in my opinion--passion and prejudice."

He cautioned jurors against ignoring what he called the government's weak case and convicting Hale "because he deserves it on a moral basis."

"But we don't do that in this country," Durkin said.

Prosecutors recalled how the undercover tapes showed Hale laughing about the 1999 shooting rampage by Hale follower Benjamin Smith in which two people were killed and nine wounded.

Despite Hale's public stance against resorting to violence, Peters said, "The real Matt Hale has an entirely different face."

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