

Hale guilty on 4 counts - Jurors say e-mail, tapes sealed verdict in plot to kill judge

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A racially diverse federal jury on Monday convicted white supremacist Matthew Hale of soliciting his security chief to kill a federal judge in anger over her order in 2002 to change the name of his group.

The security chief, Anthony Evola, turned out to be an FBI plant in Hale's World Church of the Creator who secretly tape-recorded their conversations.

The jury of six whites, five blacks and one Hispanic acquitted Hale of a second solicitation count for allegedly asking Hale follower Jon Fox to kill the same judge. Fox didn't cooperate with authorities until months later, so the jury had no tapes to corroborate his account.

Hale was also convicted of three counts of obstructing justice in part for coaching his father to lie to a grand jury investigating the 1999 deadly rampage in Illinois and Indiana of Hale follower Benjamin Smith.

Among the most damning evidence, according to one juror, was an e-mail to Evola in which Hale sought the home address of U.S. District Judge Joan Lefkow, the target of his wrath for ordering Hale's group to change its name after it lost a trademark-infringement suit to an Oregon church with a similar name.

"You think he was asking for the address to send her a birthday card?" said the juror, who, along with another juror, spoke on condition of anonymity out of concern followers of Hale might take revenge.

The verdict disappointed Hale's lawyer, Thomas Anthony Durkin, who said he believed the government "set out to get Hale the day of the Ben Smith shootings, and they've accomplished that."

U.S. Atty. Patrick J. Fitzgerald staunchly defended government tactics in the case, saying, "I think today's message is we will not wait for the trigger to be pulled."

Neither Hale, the "Pontifex Maximus" of his so-called church, nor his parents showed any reaction to the verdict. The parents left Chicago's federal courthouse without comment.

In closing arguments, the defense contended that the undercover tape recordings showed that Evola repeatedly prodded Hale for approval to kill Lefkow.

But prosecutors said Hale got his message across to Evola to carry out the murder even though he spoke cautiously to give himself "plausible deniability."

The day after receiving the e-mail seeking Lefkow's home address, Evola, a Chicago security guard, traveled to Hale's headquarters in Downstate East Peoria on FBI instructions.

"We gonna exterminate the rat?" Evola asked in reference to Lefkow.

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

"So that makes it clear," Hale added.

"Consider it done," Evola said.

"Good," Hale replied.

The two jurors said Evola's undercover recordings were critical.

Ultimately the debate came down to whether it was solicitation or entrapment on Evola's part, according to the jurors.

Hale is "a very intelligent man," one juror said. "This is a man who passed the bar exam. No one could make him say something he didn't want to. During those conversations, he never said no" to killing Lefkowitz.

"He liked to see other people do his dirty work for him," agreed the other juror. "But he never closed the door on anything."

One juror said hearing Hale speak on the undercover audiotapes about Smith's shooting rampage helped convince him that Hale was capable of commissioning a murder.

In one recording, Hale joked about how Smith's aim improved as the shooting spree went on. Prosecutors argued Hale's private remarks showed a tacit approval of violence.

"He had no remorse about the shootings," the juror said.

The two jurors said Hale was acquitted of soliciting Fox to kill the judge because Fox wasn't a credible witness and because of the lack of corroborating evidence. Fox, a leader in Hale's movement and self-avowed racist, didn't go to authorities until 10 months after the alleged solicitation.

One juror noted that Fox and James Burnett, another Hale follower who testified for the government, had "psychological issues" and that Evola had learning disabilities. "Part of it we felt was maybe [Hale] preyed on people who were weaker than him so he could wash his hands," the juror said.

The other juror said that the panel worked well with each other and the length of deliberations--nearly 2 1/2 days--was due mostly to the amount of evidence that needed to be reviewed.

"We came to our decision based on his actions, not his beliefs," the juror said.

"We were able to see past his beliefs," the other juror said.

The juror added that there were never any divisions between whites and minorities on the jury and that the group grew quite close over the two-week trial.

"We were like a family by the end of it," he said. "We were very strong."

Under federal sentencing guidelines, Hale, 32, faces as much as 17 1/2 years in prison--and possibly far more if prosecutors seek to hold Hale accountable for Smith's shooting spree, which targeted minorities, killing two, including former Northwestern basketball coach Ricky Byrdson, and wounding nine others.

Fitzgerald declined to discuss his office's sentencing strategy in the case. But in court papers before trial, prosecutors M. David Weisman and Victoria Peters said they had evidence that Hale likely knew in advance that Smith planned to go on a shooting rampage.

U.S. District Judge James Moody, who was brought in from Hammond to preside over the trial because of inherent conflicts of interest among Lefkow's colleagues on the federal bench in Chicago, did not set a date for sentencing.

The guilty verdict was hailed by Byrdsong's widow and civil-rights and Jewish groups that have closely watched Hale's white-supremacist movement.

In a statement, Sherialyn Byrdsong, who attended closing arguments last week, said she hoped the lesson from the trial would be "that peaceful co-existence" should be a universal goal.

Richard Hirschhaut, Midwest regional director for the Anti-Defamation League, applauded the jury for seeing "through Hale's deceitful efforts to use his legal knowledge to evade responsibility for his actions."

Hirschhaut and Mark Potok, a spokesman for the Southern Poverty Law Center, which has monitored hate groups since 1981, said Hale's movement, which peaked after Smith's shootings at 200 to 300 hardcore members nationally, was already in disarray after losing the trademark lawsuit.

The group fragmented further after Hale's arrest early last year for the judge's murder solicitation and incarceration under restrictive prison conditions usually reserved for terrorist suspects, they said.

"I think this conviction is the official death of this church," Potok said.

In addition, Judge Lefkow's husband, Michael, an attorney, expressed gratitude for the help of law enforcement and the support of the judge's colleagues.

"We hope Mr. Hale will repent of his advocacy of evil," he said.

Evola testified he went to authorities in 1999 after he was troubled when an acquaintance, a Hale follower, sought his assistance in distributing hate literature in a Chicago public school where Evola then worked.

While conceding it was his client spewing the racial invectives, Durkin wondered aloud how Hale's racial hatred could not have had a bearing on the verdict by the jury.

"There were tapes that were introduced that were god-awful, that would make any sensible person's blood curl," Durkin said. "I think to ask the jury to rise above that was maybe more than I gave them credit for."

Yet Durkin acknowledged he picked African-Americans for the jury because he felt they were more likely than whites to believe "the police and the government can step out of line."

Durkin blasted the government and its prosecution, saying he was "frightened by this type of case."

"I don't think you can come away with any other sense than he was prosecuted for his beliefs, and that's a very dangerous slope to do down," Durkin said.

He also ripped the Tribune for publishing a commentary by Anti-Defamation League officials during the trial that he said virtually called "for a conviction in this case." Jurors told Judge Moody they hadn't seen the op-ed piece.

Fitzgerald insisted Hale received a fair trial and pointed to the jury's lengthy deliberations and many notes seeking clarification on legal terms or transcripts of testimony.

Told by reporters of Durkin's being "frightened" by the prosecution tactics, Fitzgerald was unusually blunt in his response, saying, "Tom Durkin is frightened by every case he loses."

Fitzgerald and Thomas Kneir, special agent in charge of the FBI in Chicago, defended planting Evola in Hale's group in the months after the shooting rampage by Smith. Both disputed Hale's claim that his movement was a church.

"This is a white hate group" that "had caused violence in the past, was passing out more pamphlets regarding violence," Kneir told reporters. "The jury used their common sense in sorting through this thing and came up with the right decision."

Fitzgerald said Hale's own words on the undercover recordings were his downfall, even though Hale, trained as a lawyer, "played it quite cute."

"He's playing games on the tape," Fitzgerald said of Hale. "But he knows how to talk. He knows how to talk quite well . . . I think the message on that tape was quite clear what he wanted to have done."

Caption: PHOTOS 2

PHOTO (color): Matthew Hale appears before U.S. District Judge James Moody. AP illustration by Verna Sadock. PHOTO: Russell Hale, the father of defendant Matthew Hale, is escorted from the court Monday by Janis Roberts, attorney and wife of Hale attorney Thomas Anthony Durkin. Tribune photo by Charles Osgood.

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