

## Hale gets 40 years for plot to kill judge

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Author: Matt O'Connor, Tribune staff reporter.

White supremacist Matthew Hale was sentenced to 40 years in prison Wednesday by a federal judge who called him "extremely dangerous" and said his solicitation to murder U.S. District Judge Joan Lefkowitz was "an extreme, egregious attack against the rule of law."

Hale, his voice often cracking with emotion, maintained his innocence during a rambling, two-hour speech, accusing the government of manufacturing evidence, his former lawyer of incompetence and the news media of defaming him.

At times almost theatrical in his long monologue, Hale quoted from Thomas Jefferson, recalled how his father, a retired police officer, instilled in him a respect for the law, and ended his remarks by reciting a few lines from "The Star-Spangled Banner."

"I hope the day will come when Judge Lefkowitz knows this is a lie," said Hale, acting as his own attorney, in a court ringed with security. "This is a horrible miscarriage of justice."

But U.S. District Judge James T. Moody was unswayed and found--for the first time in Chicago's federal court--that Hale's solicitation to murder Lefkowitz was a crime of terrorism under federal sentencing guidelines.

Moody then imposed the maximum 40-year term, saying Hale's wrongdoing "undermines the judiciary's central role in our society and strikes at the very core of our system of government."

A federal jury convicted Hale last April of soliciting his security chief, secretly working undercover for the FBI, to kill Lefkowitz because she ordered his supremacist group to change its name after losing a trademark-infringement lawsuit.

Moody said Hale surrounded himself with troubled individuals to "feed his enormous ego" and manipulated them "to do his dirty work."

"Mr. Hale had absolutely no qualms about taking the life of Judge Lefkowitz and others as long as he could appear to not be involved and had credible deniability," said Moody, a Hammond jurist who presided over the trial because of the inherent conflicts of interest among Lefkowitz's colleagues in Chicago.

Hale, 33, of Downstate East Peoria, faces at least 34 years in prison before he would be eligible for release.

Lonnie Nasatir, Midwest regional director for the Anti-Defamation League, said the long sentence for the "charismatic" Hale likely represents a crushing blow for his group, now called the Creativity Movement.

The sentence devastated Hale's parents. Outside the courtroom, his mother, Evelyn Hutcherson, challenged a reporter to "actually tell what Matt said in there because Matt is the only one in that damn [court] room that spoke the truth."

"It's a very sad day for me," she said later.

At Hale's request, Moody recommended that he remain at the Metropolitan Correctional Center for six months to assist in his appeal, then be transferred to the federal prison in Pekin to be close to family.

But attorney Thomas A. Gibbons, who is assisting Hale, said he believes it's likely Hale will end up in a maximum-security prison, perhaps in Florence, Colo., because of the length of the sentence, the nature of his conviction and the fact he is incarcerated under special administrative measures usually reserved for terrorist suspects.

Gibbons said he expects a major issue in the appeal would be Moody's decision to allow some testimony at trial about the shooting spree of Hale follower Benjamin Smith in 1999. Smith targeted minorities, killing two, including former Northwestern basketball coach Ricky Byrdsong, and injuring nine others.

In his remarks, Hale claimed that on a key undercover tape in which the informant, Tony Evola, asked if he wanted to "exterminate the rat," the two were discussing a male Jewish lawyer involved in the trademark lawsuit, not Lefkow.

Hale maintained that authorities realized the problem, because four days later, Evola sent him an e-mail discussing going after the "female rat."

"The only person in my church who ever talked about violence was Tony Evola," said Hale, the self-proclaimed Pontifex Maximus of the former World Church of the Creator. "He did it so many times I got used to it."

Hale went so far as to suggest that the government's fabricated case against him may have inspired Bart Ross to kill Lefkow's husband and mother in late February. The judge had thrown out Ross' medical malpractice lawsuit last fall.

Lefkow didn't attend Wednesday's sentencing, but U.S. Atty. Patrick J. Fitzgerald later called Hale's accusation "offensive" and "stupid" and derided his claims of innocence, referring to his "crocodile tears" during his courtroom remarks.

Fitzgerald said he believes the special administrative measures should remain imposed on Hale, saying he remains a danger to solicit others to do harm.

"I think anyone who seeks to kill by using their words to encourage others poses a threat," Fitzgerald told reporters.

Hale declared--and authorities later confirmed--that the Metropolitan Correctional Center banned his parents from visiting him for one year. The ban is believed to be connected to his mother delivering a message to the media from Hale during the investigation into the murders of Lefkow's family.

Hale and his followers were the focus of investigators until Ross confessed to the murders in a suicide note.

Hale sought leniency from Moody in part because of the restricted contact he has with family and other inmates as a result of the special administrative measures. "I'd rather be in Siberia," Hale said.

He spoke of the "hell" of solitary confinement, locked up in a small cell 23 hours a day, unable to hear "a bird chirp or see the sun shine or to behold the stars or to hear voices you care about."

"They want me to die in a hole," said Hale, referring to the jailhouse nickname for solitary confinement. "How on Earth could a 40-year sentence be appropriate for this offense? Nobody was hurt."

"I should be going home today," said Hale, incarcerated since early 2003. "I should have gone home a long time ago."

Hale would have faced a maximum of 14 years in prison without Moody's finding that Hale's crime amounted to an act of terrorism, said Gibbons, Hale's standby counsel.

Authorities said Moody's ruling may be only the third time in the country that a judge boosted a sentence because of alleged terrorism ties.

In comments in court, Assistant U.S. Atty. M. David Weisman, who prosecuted Hale, said Hale qualifies as a domestic terrorist. "He is a terrorist because he speaks of violence and applauds violence against racial and religious minorities in this country," Weisman said. "More fundamentally, Matthew Hale is a terrorist because he would have retaliated against an official of our government for her conduct."

As Hale delivered his monologue, three deputy U.S. marshals stood close by and as many as a dozen others were posted elsewhere in the courtroom.

Hale denied he hated Lefkow, noting she had originally ruled in his favor in the trademark lawsuit brought by an Oregon church with a similar name. An appeals court overturned her decision.

Hale, a law school graduate who was denied a license largely because of his racist views, said he wrote the court papers that swayed Lefkow to rule in his favor. "That was one of the best days of my life," he said.

Hale contended he sent an e-mail to followers seeking Lefkow's home address only because he planned to organize a demonstration outside her home if she held him in contempt for violating the court order to change his group's name.

"There's a heck of a difference between a street demonstration and a murder," Hale said.

But in his ruling, Moody said that days earlier, Hale had issued another e-mail to followers that called Lefkow's ruling "a sick, draconian order that in effect places our church in a state of war with this federal judge."

If the church's constitutional rights were violated, "we can then treat them like the criminal dogs they are and take the law into our own hands," Hale wrote. "It will be open war on the Jews."

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U.S. District Judge James T. Moody in sentencing

Matthew Hale to 40 years in prison:

"Mr. Hale is a highly educated, intelligent individual who surrounds himself with troubled individuals who feed his enormous ego. He is also very calculating and highly

skilled in controlling and manipulating others . . . .

Mr. Hale's irrational belief that Judge Lefkow's ruling represented the use of force and that he could then declare her a criminal and ask others to murder her is not only frightening and troubling, but it undermines the judiciary's central role in our society and strikes at the very core of our system of government. It is imperative that judges be able to perform their duties without fear of reprisal from people like Mr. Hale attempting to take their lives. I consider Mr. Hale to be extremely dangerous and the offenses for which he stands convicted to be an extreme, egregious attack against the rule of law in the United States. Mr. Hale's conduct impacts the very fabric of our judicial system and the ability of judges to function in a safe environment."

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Caption: PHOTOS 3 GRAPHIC

PHOTO (color): "How on Earth could a 40-year sentence be appropriate for this offense? Nobody was hurt." -- Matthew Hale . Courtroom illustration for the Tribune by Carol Renaud. PHOTO: ( Matthew) Hale . PHOTO (color): Russell Hale (center) and Evelyn Hutcheson, parents of Matthew Hale , leave federal court Wednesday with Hale's brother, Mark. Tribune photo by Zbigniew Bzdak.

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