

SUPREMACIST HALE WINS COURT BATTLE - LAW ON WHICH STATE BASED CASE IS VOIDED

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A Cook County judge on Tuesday dismissed the Illinois attorney general's lawsuit against white supremacist Matthew Hale, ruling that the law governing whether Hale's World Church of the Creator must register with the state as a charity is "unconstitutionally vague."

The decision by Circuit Judge Julia Nowicki ends Atty. Gen. Jim Ryan's efforts against Hale and the World Church, which Ryan said was a charity, not a church, and therefore had to register and file an annual report with the state, disclosing its activities. The attorney general had also sought to freeze the group's assets.

In declaring the law unconstitutional, Nowicki said the statute gave the attorney general's office too much discretion while providing little guidance about which organizations should be subject to the regulation.

But legal experts and state officials noted that Nowicki's decision will have--for now, at least--little impact on the roughly 22,000 charities registered in Illinois.

"We're operating as if the law is still in place," said Dan Curry, a Ryan spokesman.

Curry said Ryan's office was "disappointed" with the decision, adding that the attorney general would pursue the matter to the Supreme Court if a motion asking the judge to reconsider her decision fails.

"We will vigorously defend the constitutionality of the statute," Curry said. "We believe we will ultimately prevail."

Legal scholars cautioned against reading too much into Tuesday's ruling, saying Nowicki's opinion may not even be binding on other Cook County courts.

"I suppose another Circuit Court judge could rule differently," said Sheldon Nahmod, a professor specializing in constitutional law at Chicago-Kent College of Law.

Neither Hale nor his lawyer was present in the courtroom when Nowicki handed down her ruling Tuesday in a 17-page decision. But both later lauded it as a stinging rebuke to Ryan.

"This witch hunt that he (Ryan) commenced in order to garner political favor for himself has been declared to be in violation of the U.S. Constitution," said Hale's attorney, Glenn Greenwald.

Hale, whose World Church gained notoriety last summer when onetime member Benjamin Smith went on a shooting spree aimed at minorities that left two dead and nine wounded, praised the decision.

"I am happy that the attorney general's political ploy has been quashed (and) that his vendetta against our church has been dismissed," Hale said.

Nowicki's opinion comes seven months after Ryan filed suit against the World Church and Hale, claiming the organization was subject to the state's charitable solicitation act.

The law, aimed at preventing unscrupulous organizations from passing themselves off as legitimate charities, requires that groups soliciting donations register with the state. The law also requires the filing of annual reports, disclosing such information as their officers and how much money is spent on administration and on charitable activities.

Though most groups that solicit donations are covered by the act, churches are exempt.

Hale has maintained that his organization is a church, but Ryan rejected that in the suit.

Ryan asserted that Hale's group operated as a charity because it called itself a "religious, not-for-profit organization," collected \$35 annual dues from members and solicited money for merchandise and books, including the "White Man's Bible" and "Nature's Eternal Religion," over its Internet site.

Although Ryan said he found Hale's teachings "personally repugnant," he was also faced with the dilemma of enforcing a state law without infringing on Hale's free speech rights.

In arguments before Nowicki last week, attorneys from Ryan's office asserted that Hale's claim that the group is a religious, non-profit organization "conjures up for many people a charitable group."

But Greenwald, Hale's attorney, countered "there isn't a danger" that someone would read a brochure about the church, which avows racist and anti-Semitic views, "and think it's a charity."

Hale and his attorney also argued that the Illinois laws defining charitable organizations are ill-defined, allowing the attorney general's office too much latitude in deciding which groups must register.

Ultimately, Nowicki agreed. Citing federal cases that reached similar conclusions, Nowicki said in her opinion Tuesday that the fuzzy definition of a charitable organization in the state law "does not sufficiently guide the attorney general in determining which organizations are subject" to the act.

The current law, Nowicki said, "provides no guidance or constraint" on the attorney general's discretion "in determining against whom he will seek to enforce compliance."

That lack of guidance, the judge wrote, "is all the more dangerous and threatening" to a group's right to free speech and "may trap the innocent because there has not been fair warning as to what is required."

Legal experts like Nahmod said the notion that laws not be unduly vague has "special bite" when it comes to the 1st Amendment issues that surfaced in cases like the Hale lawsuit.

"The rule of law requires that if we're going to be regulated, we need to know what we're required to do," Nahmod said.

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