

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

Civil Action No. 14-cv-00245-MSK-MJW

REVEREND MATT HALE,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

JAN 23 2017

JEFFREY P. COLWELL
CLERK

PLAINTIFF'S REPLY in SUPPORT of RENEWED MOTION
to REMOVE PLAINTIFF from RETALIATORY SOLITARY CONFINEMENT

Now comes Plaintiff Reverend Matt Hale, replying to the Defendant's response to his motion (Doc. 108) as follows:

The Defendant has once again abused the power and deference that the law provides it with in order to deceive this Court.

Warden Julian did indeed admit to Rev. Hale his innocence of supposedly having asked another prisoner to mail the press release to his mother. The fact that he now comes to this Court and says otherwise means nothing since he has already lied to the Court before. He has also admitted his innocence to Rev. Hale's mother during several phone conversations that the two have had about Rev. Hale's predicament, and no doubt she will be filing a declaration of her own to that effect once the Court has granted her pending motion to join this case as a co-plaintiff, which she mailed to the Court for filing on January 3rd. So, Hale maintains that the statement(s) were indeed made and that's why he filed this renewed motion. He would not have filed this renewed motion if Warden Julian hadn't admitted his innocence of the prison infraction.

Furthermore, on December 27, 2016,⁷ Hale mailed a substantial Declaration of his own for filing to the Court, the Court finally receiving it two weeks later on January 9, 2017 (Doc. 109). What is notable though is that counsel for the Defendant, even though she had received Hale's Declaration on January 3rd--

telling him that during a phone conversation the two had that day--failed to in any way inform the Court that Hale had at least tried to file a Declaration when she filed the Defendant's response to his motion (Doc. 108). In other words, even though Ms. Prose knew full well that it was Hale's intent to file a declaration, and even though she had duly received her own copy of it, she opted to remain silent on the matter, apparently hoping that his Declaration would never reach the Court at all and that Hale himself would not realize that fact. (She easily could have and in fact should have attached her own copy of it to the Defendant's response to his motion as an exhibit, responding to the contents of it if she chose, so that the Declaration could successfully be brought to the Court's attention. However, she did not do so.) If Ms. Prose had said something about Hale's Declaration in the Defendant's response to his motion, that would be one thing, but it truly seems that she has failed in her duty of candor to the Court and parties here by not making them aware that his Declaration, though submitted, had not reached the Court. Hale submits that she had a duty to inform the Court about Hale's Declaration but failed in that duty. Fortunately the Declaration finally reached and was filed with the Court all the same.

All of the above points are important because they illustrate the basic lack of candor and honesty of the Defendant, its claims about Hale and the press release, and its defense to this case.

Speaking of the press release--which the Defendant puts in quotation marks for some reason even though that is exactly what it was (Doc. 108 at 3)--the Defendant notably declined to attach to its response a copy of ~~the second DHO report~~ the second DHO report. This is a bit strange because it did attach a copy of the first DHO report to its response to Hale's initial motion (see Doc. 101-1 at 8-13). Why the different treatment of the two DHO reports? Why was a second hearing ordered at all? Hale believes that defense counsel failed to

attach the second DHO report to her filing because two of his previous press releases were made part of that second DHO report, and because those previous press releases show conclusively that there was nothing about the press release at issue here that was substantially different from the press releases that he had mailed out from Supermax before. Thus, naturally enough, defense counsel did not want the Court to see these press releases. At the time of this writing, the several previous press releases that Hale had provided to the DHO in his defense have not been returned to him even though the hearing occurred nearly three weeks ago, and thus Hale may be unable to attach them to this reply. However, Hale's mother, Evelyn Hutcheson, has them and likewise anticipates that she will file them with the Court as soon as her motion to join the case has been granted. (If Hale receives them in time to attach them as exhibits to this reply, he will certainly do so.) See Exhibits one and two attached.

Warden Julian says now that Hale "has been referred for possible designation to another institution commensurate with his safety and security needs" (Doc. 108-1 at para. 2). However, that certainly was not the case when Hale filed his motion in December, something which Defendant's counsel confirms (see Doc. 110 at 2)("Undersigned counsel is now authorized to represent that, in the first week of January 2017, Mr. Hale was designated for referral and possible transfer to a prison commensurate with his safety and security needs."). In any event, Hale has been informed that that institution is none other than Supermax from whence he came. In other words, the Defendant wants to send Hale back to Supermax because he happened to write a press release, a press release that was no different in substance from the ones which he had mailed out many times before right under the Defendant's nose and with the Defendant's blessing. Hence why, again, the Defendant chose not to make the second DHO report available to the Court, for the Court would have then seen for itself that what Hale is saying is correct. In any case, the idea that the Defendant would send a prisoner back to

a supermax prison merely because he had dared to exercise his constitutional right to communicate with the press, and his right to freedom of speech generally, is a sick and pathetic joke and indicative of the Soviet-style mentality that it possesses. It is an absolute disgrace that the B.O.P. would seek to punish a man in such a needless and heavy-handed manner for doing nothing more than protesting his innocence of having committed any crime in the first place and pointing the finger at the culprit who had caused his misery and why. It has further opened itself up to legal liability on numerous grounds but is too arrogant and stupid to realize that fact. (Notably, the ACLU and other outside counsel have already taken an interest in this matter due to its important First Amendment implications.)

If Hale is truly one of the "worst of the worst" for writing a press release, thereby requiring his captivity at Supermax prison for that, "God" help us all. The idea that Supermax is "commensurate with his safety and security needs" in light of his press release writing would be downright laughable if the Defendant were conducting some kind of vaudeville act and did not have the lives of its prisoners in its hands, but alas it is serious and is seeking to inflict pain through its actions. (The idea that the Defendant cares about Hale's "needs" is itself ridiculous.)

As far as the second DHO hearing is concerned (Doc. 108-1 at para. 6), it was riddled with clear legal and factual errors, errors even more egregious than those which occurred at the first hearing and which caused the result of that first hearing to be thrown out. (New hearings are not just provided to prisoners for nothing.) Specifically, the DHO ruled against Hale only because he supposedly had not printed out the first version of the press release, that being taken by the DHO as "evidence" that he had only printed out the second version of the press release so that he could give it to the so-called "confidential informant" to mail out to his mother. Well, the simple fact of the matter is that Hale

did print out both versions of the press release, his doing so for his own records, and he has already mailed in a copy of the first version of the press release with his appeal of the DHO's decision in order to show her clear error in this matter. So, the entire basis for the DHO's (latest) decision against Hale rests upon provably false grounds and ^{it} will almost certainly be thrown out as well. There is no doubt but that the Defendant would desperately like Hale to be guilty of the alleged infraction. However, there are still some B.O.P. employees who value truth and justice more than a successful witchhunt.

In any event, Hale does not doubt that the Defendant would rather not return him to the compound at FCI-Terre Haute from whence he was so wrongly taken nearly five months ago (Doc. 108 at 2). That is because its lying "informant" prisoners are of great use to it and it would rather that Robert Rosso not be exposed to other prisoners at FCI-Terre Haute as the lying buddy of the B.O.P. that he is. However, the solution is to remove Rosso from the compound, not Hale, as anybody with a brain and a conscience would understand. Instead, the Defendant would rather harm Hale, an innocent man, twice: first by using the liar in the first place and then by claiming that Hale can't return from whence he was taken because he was lied about! It is little wonder then why Hale has total contempt for people who would do these things and call themselves a "Justice" Department. (Notably, Hale does not like to use the term "confidential informant" and "publicly identified" Rosso (Doc. 108 at 2) because Rosso did not "inform" on Hale. Rather, Rosso lied about Hale, and much to his harm at that.)

Finally, it is simply untrue that Hale "targeted" the magistrate judge in question here in his press release "on the basis of the judge's presumed ethnicity" (Doc. 108-1 at para. 7). Rather, Hale told the truth that the judge had, while he was a prosecutor, fabricated evidence against him in his criminal case and knowingly caused an innocent man to be sent to prison for forty years.

Weisman's ancestry only provide the motive for his actions, a motive that was

explained by the press release. The idea that Hale thus "targeted" Weisman on the "basis" of his ethnicity is thus false. The news story that Hale had hoped to generate was about how Hale had been targeted, and why Weisman had framed him, not Weisman's ethnicity for its own sake. Coupled with his recent appointment to the federal magistracy, this is news, not a "threat." The Defendant apparently thinks that Hale forfeited his right to any freedom of speech concerning Weisman when Weisman successfully framed him for a crime he did not commit. Hale begs to differ with such an asinine notion. (Hale does not provide to the Court a copy of the press release email that the Defendant (intentionally) released to his mother because he is, quite frankly, afraid to let his only copy of that leave his custody for photocopying purposes and because the Defendant has refused to allow additional copies of it to reach him so that he can file it, again demonstrating the subterfuge that it has engaged in in this case. It is anticipated rather that Evelyn Hutcheson, Hale's mother, will file the press release when her motion to join the case has been granted.) In any case, what Hale had to say about his framing by Weisman was plainly within the rubric of free and rigorous debate on matters of public concern that the First Amendment was designed to protect. Discussion of matters of race and religion are not somehow excluded from First Amendment protection regardless of whether Hale is a prisoner or not, and though that contention will be tested in the courts in due time, Hale must object to the continuing defamations of his character by the Defendant and its employees in the meantime. They are the ones who are "dangerous" and have done enormous wrongs here, not Hale.

In any event, now that Warden Julian has backtracked from his admission of Hale's innocence regarding the prison infraction, Hale is well-aware of the slim likelihood that his renewed motion will be granted. He had hoped in fact that the Defendant would not oppose his motion at all in light of the statements its employees had made to him, but alas the Defendant is now in full cover-up mode

concerning this entire fiasco. Whenever the B.O.P. reveals a flicker of decency, it wastes no time whatever in putting it out. In any case, should Hale still be in the SHU several months from now, the Court will see for itself the charade that the Defendant has pulled here, should it care.

Respectfully submitted,

Rev. Matt Hale

Reverend Matt Hale, Plaintiff

January 17, 2017

Rev. Matt Hale
#15177-424
FCI-Terre Haute
P.O. Box 33
Terre Haute, IN 47808

CERTIFICATE OF SERVICE

I hereby certify that on January 18th, 2017 I served the foregoing document upon the Defendant by mailing a true and correct copy of it to Susan Prose, Asst. U.S. Attorney, 1225 17th Street, Suite 700, Denver, CO 80202 via first class mail, postage fully prepaid, who is the Defendant's counsel in this case.

Rev. Matt Hale

Reverend Matt Hale

Press Release

For Immediate Release

12/16/2013

Hale Files Misconduct Complaint Against Corrupt Federal Judges, Seeks New Appeal

Reverend Matt Hale, the former leader of the World Church of the Creator, has just filed a complaint with the Seventh Circuit Court of Appeals alleging misconduct by judges Frank Easterbrook, Richard Posner, and John Tinker in denying his habeas corpus appeal in March. A copy of this misconduct complaint follows for those receiving this press release via fax. For those receiving this press release via email, provide your fax number and a copy of the misconduct complaint will be faxed to you. Send to evelynhutcheson@sbcglobal.net.

Reverend Hale is the foremost religious prisoner of conscience in America today. From 1996 until his arrest in 2003, he led the World Church of the Creator, then the fastest growing pro-white and anti-semitic organization in America. He was America's most well-known advocate for that cause, appearing numerous times on shows such as Today, Good Morning America, CBS This Morning, and others as well as being known for his public speeches around the country. A graduate of Southern Illinois University School of Law, he was convicted in 2004 on phony charges of having solicited the murder of Chicago federal judge Joan Lefkowitz even though there is no evidence that any such solicitation occurred. He has offered to take an FBI-endorsed lie detector test to prove his innocence but Assistant United States Attorney David Bindi has recently refused that sensible attempt at achieving justice.

From his prison cell in solitary confinement at the infamous "Supermax" prison in Florence, Colorado, Reverend Hale had this to say:

" when federal judges tear up their judicial oaths and mistreat the hell out of people, they must be called into account for that and that's what my misconduct complaint does. Here, Chief Judge Easterbrook and Judges Posner and Tinker are bald-faced liars. They outright lied about my case in order to deny me rightful freedom and to cover up the actual crimes that have been committed against me, my family and my church for the past eleven years. Their hearts are as black as their robes. It is my hope that those who believe in me and my innocence will know that the fight for my vindication will never end ~~and~~ until that is attained and that the day will also come when we, together, will create a new legal system altogether where the wrongs that we have suffered will never again be possible. The victory of the Racial Loyalist cause means the end of the present corrupt order."

For further comment from Rev. Hale, write to him at Matthew F. Hale 15177-424 U.S.P.-Max. P.O. Box 8500 Florence, Colorado 81226 or call Evelyn Hutcheson at (309) 699-0785. AUSA Bindi can be reached for comment at (312) 886-7643.

Press Release
For Immediate Release

Hale Misconduct Complaint Against Corrupt Federal Judges Denied, Announces "Send a Kangaroo to the Court!" Campaign in Protest

3/10/14

Contact: Evelyn Hutcheson evelynhutcheson@sbcglobal.net

Websites: FreeMattHale.com, Creativitymovement.net

Reverend Matt Hale, political prisoner and former leader of the pro-White and anti-semitic Church of the Creator, announced today that the Judicial Council of the Seventh Circuit Court of Appeals has dismissed, without comment, his complaint alleging misconduct against Judges Frank Easterbrook, Richard Posner, and John Tinder, the judges who denied his appeal for freedom last year by blatantly lying about the facts of his case. The case numbers of the complaint are 07-13-90093 to 07-13-90095. Reverend Hale had asked for a new appeal free from such misconduct and thus the dismissal of his complaint constitutes yet another rejection of his bid for his rightful freedom.

Reverend Hale, a 1998 graduate of Southern Illinois University School of Law, was convicted in 2004 on phony charges of having solicited the murder of Chicago federal judge Joan Lefkow even though there is no evidence that any such solicitation occurred. He has offered to take a lie detector test to prove his innocence and seeks media assistance to bring this about.

The first reporter to succeed in this regard will get the scoop on the results. Reporters and Hale supporters should call Assistant U.S. Attorney David Bindi at (312) 886-7643 or email him at david.bindi@usdoj.gov and ask him why the federal government, for its part, continues to refuse to administer a lie detector test to him if it really believes that he is guilty. What is the federal government afraid of?

From his prison cell in solitary confinement at the infamous "Supermax" prison in Florence, Colorado, Reverend Hale had this to say about the dismissal of his misconduct complaint against the three judges:

"It is really not surprising when you consider the fact that the judges of the Seventh Circuit are criminals and that it is in the nature of criminals to protect their fellow criminals. My misconduct complaint showed quite plainly that Eastercrook, Poseur, and Cinder, as I call them, outright lied about the facts of my case in order to turn down my release that was required by the law and if that is not misconduct by a judge then I don't know what is. So, I am asking all of my supporters to protest this latest monstrosity by finding photos of kangaroos on the internet or in magazines and sending them to the "court." I am asking them to write in their letters, **"in protest of your misconduct regarding Matt Hale, here is a kangaroo to go along with your court"** and to tape the kangaroo on the piece of paper, nothing else. The letters should be addressed to Seventh Circuit Court of Appeals, care of Judge Frank Eastercrook, 219 S. Dearborn St. Chicago, IL. 60604."

"In this mocking, humorous way, I think we can best express our feelings towards these scoundrels and needless to say, this expression of our disgust is protected by the First Amendment to

the Constitution of the United States. I am hoping that so many kangaroos will be sent that they can cover their entire courtroom with them! I am also hoping that this kind of humorous protest will capture the public's attention to the fact that we have a federal judiciary today that is corrupt and unworthy of our respect. We must arouse the conscience of the people, and maybe that of some of the judges as well, as to the hideous wrongs that have been to me by a legal system that is supposed to dispense justice. Liars should not be judges and judges should not be liars."

* End of Press Release*

Mailed
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P.O. Box 33
Terre Haute, IN 47808

Special
Mail

Office of the Clerk
United States District Court
901-19th Street, Room 4105
Denver, CO 80294-3589

INMATE
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FEDERAL CORRECTIONAL COMPLEX
4700 BUREAU ROAD SOUTH
TERRE HAUTE, IN 47802
DATE: _____

JAN 19 2017

The enclosed letter was processed through special mail for
forwarding to you. The letter has been placed in a special
mailbox for you. If the writer raises a question or problem
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