

In the United States District Court
For the District of Colorado

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

Reverend Matt Hale,
Plaintiff,

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 26 2017

JEFFREY P. COLWELL
CLERK

v.

Federal Bureau of Prisons,
Defendant.

Reply in Support of Plaintiff's Motion
to Reconsider Order Denying Motions to
Join Suit (Doc. 162)

Plaintiff Reverend Matt Hale replies
to the Defendant's response to his motion
to reconsider (Doc. 172), stating as follows:

The short answer to the Defendant's
rather long filing is that it is unlawful

and repugnant to the Constitution of the United States in the first place for an agency of the federal government to designate a church and a religion as a "security threat group." The federal government is not allowed to destroy the religious freedom of its citizens by proclaiming their churches and religions "security threat groups." Thus all of the Defendant's discussion and its employee's (attached) declaration concerning how Rev. Hale's church and religion is deemed an "STG" only reinforces the fact that the Defendant has engaged in illegal conduct in his regard. Were the Defendant to prohibit a Christian from discussing Christ in his correspondence, or a Jew from discussing the Torah, or a Muslim from mentioning the Prophet Muhammed's name, can there really be any doubt that there would be legal hell to pay? That the Defendant and its employees continue to be oblivious to

the illegal nature of their conduct with regard to their treatment of Rev. Hale only goes to show that they are indeed "moral pygmies" as he stated in his recent open letter to Defendant's counsel (page 7).

Otherwise, Rev. Hale replies to the Defendant's filing as follows:

1) None of the case law cited by the Defendant on pages 1-2 is applicable here because it involves review on appeal. We are still in the district court here where there has been an intervening change in the circumstances, thus justifying reconsideration.

2) Counsel for Defendant outright lies to the Court when she says on page 2 that William White is part of Rev. Hale's church, as the Defendant's own employee has admitted under oath at deposition that

that is not so (Deposition of Christopher Synsvoll at ?) (~~Defendant failed to provide Hale with transcript in time for this filing.~~)
Furthermore, Benjamin Smith was not a "follower" of Rev. Hale since he had quit the church before he committed his alleged crimes (Deposition of Keith Evans at 27:4-6 and 41:13-25).

Thus the Defendant's own employees have admitted that White and Smith are not w/dt the counsel for Defendant claims they are in her filing.

3) Even though Rev. Hale has already decisively demonstrated to the Court in a prior filing that the entire basis for his transfer back to ADX is a complete and utter fraud (see Doc. 150 at 3-5), the Defendant sadly persists in trying to deceive this Court with the false notion that he was seeking to harm somebody with a press release (Doc. 172 at 3-4). Again, the reality of the matter is that the "comeuppance" which Rev. Hale had in

mind for the man who fabricated evidence against him at his trial was a misconduct complaint against him and a lawsuit, not violence! The fact that the Defendant continues to delete the sentence immediately following "concealment" from Rev. Hale's words from its filings just goes to show how disingenuous it really is in this case. (Why did Lt. Kelley leave out the sentence immediately following the word "concealment" from her declaration, para. 18, for example? There can be only one answer: to deceive this Court.)

4) Even if it were true that Rev. Hale had done something wrong in writing the press release in question — which he didn't — the Defendant has utterly failed to connect his words in that regard with his church and religion in order to justify any sort of "crackdown" on his correspondence regarding same. The press release had to do with his protestations of innocence, not

anything to do with his church or religion in themselves. Indeed, the press release says almost nothing about his church and religion within the entire document. Therefore the Defendant is incorrect in its claim that the "inconsistent" application of its supposed rules led to Rev. Hale's press release being sent out (Doc. 172 at 4); Rev. Hale would have written and sent out the press release regardless. Quite simply, the Defendant has failed to tie his negative words about the man who had framed him for a crime he did not commit with either his church or religion or his expressions thereof; the unsolicited words addressed to Hale by supposed "followers" are irrelevant. Hale's grievance with the man who framed him is obviously personal, not ideological. Thus the new bog that the Defendant has imposed upon his religious communications cannot even remotely be justified. His religious speech has nothing to do with why he wrote the

press release.

5) As for Lt. Kelley's claim that Rev. Hale "has received fifty-two pieces of non-legal mail from correspondents outside the prison" since his April 7th return to ADX (Doc. 172-1 at para. 30), that is so blatantly false that Rev. Hale can only assume (and hope) that it is some kind of bizarre typographical error on her part and not the out and out perjury that it probably is. In point of fact, Rev. Hale has received one piece of non-legal mail under the terms of this new mail ban as of today's date (June 12th). On June 5th, Lt. Kelley did (finally) come to his cell and explain the exact nature of the new mail ban, informing him for the first time that he can receive and send mail so long as his church, religion, and ministry are entirely censored both on the envelope and within the letter (Doc. 172-1 at para. 28).

He did not tell her that being a minister is a "rank" (Id at para. 26-27). It is not. He presumes at this point that he really can send out and receive mail as Lt. Kelley says but he does not know ~~as~~ as of yet for sure.

6) Another example of the basic and intrinsic dishonesty of the Defendant and its employees can be seen by the way it implies that it was Rev. Hale who used the phrase "Jew judge" in reference to the judge whose murder he supposedly solicited (see Doc. 172-1 at para. 7). In point of fact, it was the highly-paid government informant whom Hale supposedly solicited who used the phrase, not Hale, and Hale never referred to the judge as a "Jew" at all (also see Id at para. 16; there was no "presumed Jewishness" of the judge except by the informant.) Again, only the informant referenced the judge's supposed

Jewishness and yet the Defendant lies and says that it was Hale!

7) In any case, Rev. Hale "made no direct threat to the judge, nor did he specifically direct any individual to take action" (Id at para. 7) because he is, in fact, INNOCENT of any murder solicitation in the first place. The Defendant seeks to mistreat Hale during his imprisonment when he shouldn't be imprisoned at all. Rev. Hale can understand why Lt. Kelley has difficulty articulating exactly how he is guilty of a murder solicitation. That's because he is not guilty, plain and simple.

8) As for the factors involved in deciding whether permissive intervention is appropriate (Doc. 172 at 5-6), the claims of the Movants are actually easy to discern: they want unencumbered correspondence with Rev. Hale. Furthermore, the Court can always

query the Movants as to how much they truly wish to become involved in this case and make rulings on discovery accordingly.

(Rev. Hale himself does not presently know.)

It may well be that the Movants' inclusion as plaintiffs would not prejudice Defendant much or at all, nor delay the case likewise.

It is hard to say at this juncture. It may well be that some of the Movants would like to be plaintiffs in name only while others would like to actually conduct their own cases at trial. Certainly it would be up to each Movant to prosecute his or her own case should they be made plaintiffs.

9) Since the designation of a church and religion as a "security threat group" is unlawful on its face, the laundry list of purported crimes committed by purported Creators (adherents of the Creativity religion), which Lt. Kelley cites in an effort to prejudice this Court against Rev. Hale, is not worth the ink expended upon the sheet

of paper (Doc. 172-1 at para. 9-11).
Furthermore, it is undeniable that adherents of other churches and religions have committed same or similar crimes without those churches and religions being held responsible. Christians, for example, have ~~been~~ blown up abortion clinics and murdered abortion doctors and Muslims murder people on a regular basis without either religion being designated a "security threat group." Lastly, Rev. Hale disputes that the alleged crimes cited were in fact committed by Creators, and the Defendant's employees offered no evidence whatever during the course of discovery that any Creators have in fact committed the crimes claimed. In any case, religious believers are treated as individuals in this country, not "groups" which can legally be persecuted by the federal government. Whether some Creators have committed some crimes in the past is legally irrelevant as to whether Rev. Hale's First Amendment rights have been

violated in this case. One of the Defendant's employees testified at deposition, in fact, that he is not aware of any other religion being classified as a "security threat group" by the B.O.P.. Deposition of Anthony Garrow at 180: 4-17 (Defendant failed to "de-confidentialize" page and give to Hale in time for this filing). (That status has been lifted, however.)

10) Lt. Kelley further misrepresents the nature of Rev. Hale's inquiries about the Defendant's supposed "expert" witness (Doc. 172 at para. 15-16), who happens to be employed by the Jewish Anti-Denatation League. Rev. Hale obviously has a right to investigate witnesses, including for reasons of bias, and he never acted improperly towards the supposed "expert" in any sense, manner, or form. Lt. Kelley also misleads the Court when she claims that the press release was "to be disseminated" to Rev. Hale's "followers" via "white supremacist websites" as if Rev. Hale

had directed anything along those lines. (Doc. 172-1 at para. 18). He did not. Finally, it is untrue that Rev. Hale's supporters have a "propensity to act" in an illegal or violent way (Id at para. 16) as Lt. Kelley implies. Indeed, Lt. Kelley herself has already committed more unlawful acts in Rev. Hale's regard the past two months than the vast majority of creators of whom he is aware within the decades of their own lives. Not only is her perjury unlawful of course but so is the blatant religious discrimination meted out to Rev. Hale on the basis of his church and faith, unlawfully called a "security threat group."

Conclusion

It is Rev. Hale who is the law-abiding person at ADX. In the drive to prevent crime, the Defendant and its employees have become criminals themselves.

If Hale presents himself as a victim to the outside world, that is because he is.

Respectfully submitted,

Rev. Matt Hale

June 13, 2017

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Certificate of Service

I hereby certify that a true and correct copy of the foregoing Reply in Support was duly mailed to Susan Prose, counsel for the Defendant, on June 22, 2017 at 1801 California St., Suite 1600, Denver, CO 80202.

Rev. Matt Hale

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JUN 22 2017

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