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How judges cope with everyday threats on the job

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CHICAGO - For Judge Gayle Nachtigal, the scariest threat was the one not aimed directly at her: A man she had sentenced to prison told her he knew the names of her children - then rattled them off. "That made me more concerned than someone who just says 'I'm going to get you,'" says the circuit-court judge in Oregon.

Nickolas Murnion, a prosecutor in Garfield County, Montana, had sheriff's deputies protect him for a while when an illegal court of Montana Freemen, the antigovernment militia, promised to hang him for his "crimes" and put a \$1 million bounty on him and several court officials.

While actual assaults on judges and lawyers are quite rare, the everyday life of the men and women who work in the nation's courtrooms can be marked by a constant tension.

On the criminal side, judges face the worry that their life-changing verdicts will come back to haunt them. Across the board, cases often involve violent or unstable people, or family members caught up in emotional disputes. For those looking to vent their anger, a judge or prosecutor can be an obvious target.

Now the murders of a Chicago judge's family members have many who work in courtrooms reliving tense moments - and calling for greater efforts to ensure their safety.

"I would be surprised if a judge doing criminal cases, or family-law cases, or certain civil cases, hadn't had somebody make a threat against them," says Judge Nachtigal, president of the American Judges Association. "Are they all going to act on them? Probably not. But you do take precautions."

For the moment, of course, the anxiety about security is something of a cautionary tale. Authorities haven't determined that the slaying of the husband and mother of US District Court Judge Joan Lefkow was the result of her job, though early signs point in that direction. If that does turn out to be the case, it would be the first time a judge's family members were killed as a result of a decision he or she made - showing how rare it is.

Nonetheless, the incident is prompting something of a nationwide reassessment of how vulnerable judges are and what precautions they can take. For Nachtigal, those steps included installing a burglar alarm, keeping her address out of the phone book, and, when she received the threat about her children, talking with their principal and asking the school to refrain from giving out their names.

Often, the judges and prosecutors most at risk are those who, like Murnion and Lefkow - who presided over a copyright-infringement case against a white-supremacy group - take on cases involving nontraditional groups with nothing to lose and no "rules": terrorists, hate groups, crime rings.

"At the time I became a prosecutor I definitely did not appreciate that risk in the way I later came to understand it," says one former federal attorney who prosecuted an Albanian drug and murder-for-hire ring in the 1980s. One of the members he indicted took out a contract on his life, and for five months he and his wife lived with US marshals. Colleagues who prosecuted or presided over organized-crime cases and the first attack on the World Trade Center experienced similar threats, he says.

"I think it's an intractable problem," the former prosecutor says. "When you have groups - whether terrorists or insular nontraditional organized crime, the deterrent value is just not there."

Even after the months of round-the-clock protection were over, he took precautions he never would have anticipated: learning to use a weapon, listing his address and phone under a different name, and periodically

driving around with the marshals to make it appear he was still under their protection.

Today, when he hears about the Chicago murders, he says, "I certainly empathize in ways that very few people can."

Federal judges and prosecutors can, like that prosecutor, get protection from US marshals when a threat is deemed serious. In 2003, marshals gave protection to 20 such individuals, 12 of whom got round-the-clock details. Lefkow, who at that time had been threatened by Matthew Hale, the leader of a now-defunct white-supremacy group, was among them.

But such protection can also take its toll. Lefkow, together with the marshals guarding her, called off her detail after a matter of weeks, deciding the threat was no longer serious. And the former prosecutor speaks of the awkwardness of sharing a small apartment - with few actual partitions - with both his wife and the marshals. Murnion, the Montana attorney, says he finally wanted his life back.

"It's very intrusive," says US District Judge John Coughenour in Seattle, who has been under protection a half dozen times. "It's a terrible imposition on a family." He takes some comfort, he says, in the seriousness with which police are treating the Chicago crime. "It sends a loud and clear message that when something such as this happens, no stone will be left unturned."

Of course, most judges and lawyers never come up against organized crime or dangerous terrorists. And almost all of the threats they receive are idle ones. But all threats, they say, need to be taken seriously - Nachtigal recommends keeping a file of them and having a courthouse protocol for whom to alert. Such threats often come from far less headline-grabbing sources than hate groups or mafia: people enraged over property disputes, for instance, or distraught over messy divorce or domestic-abuse proceedings.

In one informal survey by the family law section of the American Bar Association in 1997, 60 percent of 253 respondents indicated they had been threatened by an opposing party in a case. In 1987, a Florida judge was shot and killed following an alimony hearing, and in 1983 an Illinois judge was killed in his courtroom by a man whose divorce case he was presiding over.

The fact that courtroom proceedings can cause such heightened tempers has led to a greater focus on improving safety there. All federal courthouses have metal detectors, and more and more state and local jurisdictions are stepping up protection as well. Some have panic buttons, and many have regular security from local law enforcement.

When her courthouse first installed metal detectors in the mid-1990s, says Nachtigal, they began taking a survey of the items detected and turned away. "We were amazed, here in our small county in Oregon, at the number of people bringing fairly large-sized guns and knives into the courthouse on a regular basis," she says. "There were over 300 a month."

Only three federal judges have been killed in job-related crimes - one in connection with a Columbia drug case; one by a person angry that his conviction hadn't been overturned; and one by the father of a plaintiff in a dismissed sexual-discrimination case. The US Marshals Service says they record an average of 700 inappropriate communications and threats a year against federal judicial officials - a marked increase from the 1980s, when the average was closer to 240 a year, according to one study that examined threats from 1980 to 1993.

The list lengthens when it includes state and local officials, many of whom have less protection: a Maryland judge who was severely injured by a mail bomb sent to his home, a Mississippi judge who was murdered with his wife in an apparent contract killing by a racketeering group, a Washington judge killed by a mail bomb from a man he was scheduled to sentence.

The Federal Judiciary Protection Act, passed in 2002, increased the punishment for a person convicted of assaulting a federal judge or one of their family members - with some crimes eligible for the death penalty - and even idle threats can be severely punished. Last summer, in the northern district of Georgia, a woman was sentenced to seven years in prison, in part for leaving three threatening messages for a US District Court judge in Atlanta.

"No one should be able to use the threat of violence to subvert the fairness of our justice system," says US Attorney David Nahmias of Georgia's Northern District.

It's that sense of attack on the system that most angers many Americans, and is one reason the Lefkow murders - though a horrific crime by any standard - have received such attention. "It's something we might expect to happen in Iraq," says Nachtigal. "But it's not supposed to happen in our country. When it does, there's a great feeling of violation of the system."

Some hope that the murders here will at least bring renewed attention to the safety of court officials. US District Judge Wayne Andersen, who serves in the same court as Lefkow, has called on the US attorney general's office to examine safety. "We've got to be intelligently looking at what we can do to protect the privacy of judges and judges' families," he told the Chicago Tribune, citing the ready availability of personal information online as one potential problem.

For his part, Murnion hopes that the crime will galvanize Chicagoans. "When regular citizens come together and condemn this sort of violence, that has the most effect," he says. "That's what happened here in Montana. I hope people come together in that way in Chicago."

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