

**IN THE LINE OF FIRE:  
A TRIBUTE AND DISCUSSION  
ABOUT THE ASSASSINATIONS OF  
JUDGE JOHN H. WOOD JR.,  
RICHARD J. DARONCO, AND  
ROBERT S. VANCE**

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I. INTRODUCTION

*“Since 1949, in the United States, there have been three known assassinations of federal judges . . . .”*<sup>1</sup>

Each day, there are literally thousands of judges issuing thousands of rulings that affect thousands of lives. Typically, those rulings impact people, businesses, organizations, cities, towns, states, and even the federal government itself. Judges can also be affected by their rulings. The impact of the rulings could run the gambit from praise and admiration to threats and even death. In fact, since 1949, three federal judges have been assassinated.<sup>2</sup> This Article will serve as a tribute to those judges—Judge John H. Wood, Jr. (“Judge Wood”), Judge Richard J. Daronco (“Judge Daronco”), and Judge Robert S. Vance (“Judge Vance”). In addition to serving as a tribute to these judges, this Article will also serve as a reminder about the dangers inherent in the judicial profession.

Part I will provide brief biographies of Judge Wood, Judge Daronco, and Judge Vance. In addition, this section will also discuss the facts underlying their assassinations. Part II will then provide the reasons why judges become targets of violence. Part III identifies two consequences arising from the assassinations, and the Conclusion will provide a summation of the main points of the Article.

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1. Vossekuil, Borum, Fein, & Feddy, *Preventing Targeted Violence Against Judicial Officials and Courts*, 576 ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, 78, 79 (2001).

2. Vossekuil, *supra* note 1.

## A. THE JUDGES

1. *United States District Court Judge John Howland Wood, Jr.*  
(March 31, 1916 to May 29, 1979)

## a. The Person: A Mini Biography

"[Judge] Wood, known as 'Maximum John' for the sentences he gave in drug cases, was the first federal judge to be killed this century."<sup>3</sup>

Judge Wood was born in Rockport, Texas on March 31, 1916.<sup>4</sup> Following his graduation from high school, Judge Wood attended St. Mary's University.<sup>5</sup> In 1935, after graduating from St. Mary's, he then enrolled in the University of Texas School of Law.<sup>6</sup>

In 1938, Judge Wood graduated from law school, passed the bar examination, and entered into private practice in San Antonio.<sup>7</sup> While in private practice, he also served in the United States Navy.<sup>8</sup> Judge Wood continued to work in private practice until his nomination to the federal bench on October 7, 1970.<sup>9</sup> He was confirmed on November 25, 1970.<sup>10</sup> Soon after his confirmation, Judge Wood received his commission.<sup>11</sup>

While on the federal bench, Judge Wood was very conservative in his approach to sentencing.<sup>12</sup> This was especially true in narcotic cases.<sup>13</sup> For instance, "[i]n the first drug case he heard, [Judge] Wood sentenced the defendant to 45 years in prison," based on three counts of possessing heroin for the maximum sentence of 15 years each.<sup>14</sup> His conservative sentencing remained consistent until his death. In fact, "of the last 90 drug-related cases [Judge] Wood handled before

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3. David Seden, *1979 Killing Called 'Attack on System': 'Traumatic' Murder of Judge Recalled*, L.A. TIMES, June 11, 1989, available at [http://articles.latimes.com/1989-06-11/news/mn-3094\\_1\\_district-judge-john-wood-charles-harrelson-el-paso](http://articles.latimes.com/1989-06-11/news/mn-3094_1_district-judge-john-wood-charles-harrelson-el-paso).

4. *History of the Federal Judiciary*, FEDERAL JUDICIAL CENTER, <http://www.fjc.gov/servlet/nGetInfo?jid=2639&cid=161&ctype=dc&instate=tx> (last visited Feb. 9, 2015) [hereinafter FEDERAL JUDICIAL CENTER I].

5. FEDERAL JUDICIAL CENTER I, *supra* note 4. St. Mary's University is located in San Antonio, Texas.

6. *Id.*

7. *See id.*

8. *See id.* From 1944 to 1945, Judge Wood was a Navy ensign. He then served as a Naval Reserve lieutenant from 1945 to 1954.

9. *See id.* He was nominated by President Richard M. Nixon.

10. *Id.*

11. *Id.* The commission was received on December 1, 1970.

12. *See* Joseph A. Reaves, *Texas-size Murder Trial in 'Maximum' Judge Case*, CHI. TRIB., Oct. 10, 1982.

13. *See id.*

14. *See id.*

his death . . . 72% of the defendants received maximum sentences. None received probation.”<sup>15</sup>

b. The Assassination: Tuesday, May 29, 1979

On the morning of Tuesday, May 29, 1979, Judge Wood was scheduled to preside over a drug case involving a reputed gambler and drug dealer named Jamiel Alexander Chagra (“Jamiel”).<sup>16</sup> This specific morning, Judge Wood had begun to enter his automobile when he was struck in the back by a single “dumdum bullet fired . . . from a six millimeter rifle capable of extremely high velocity.”<sup>17</sup> The judge died instantly.<sup>18</sup> The shooting, which took place outside Judge Wood’s townhouse in northern San Antonio, occurred just seconds prior to his commute to the United States District Court for the Western District of Texas.<sup>19</sup>

Judge Wood was sixty-three years old when he was assassinated.<sup>20</sup> He had been on the bench for only eight years.<sup>21</sup>

Immediately, the murder received a significant amount of press and notoriety in not only San Antonio, but also the rest of the nation.<sup>22</sup> In fact, the Federal Bureau of Investigations (“FBI”) inquiry into the assassination was described as “the most extensive FBI investigation since the assassination of former President John F. Kennedy.”<sup>23</sup> One FBI agent, who was closely associated with the investigation, even described Judge Wood’s assassination as the “crime of the century.”<sup>24</sup>

After a few years into the investigation, the FBI began to focus their attention on Charles Voyde Harrelson (“Charles”).<sup>25</sup> Appar-

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15. *Id.*

16. Sedeno, *supra* note 3. In February 1979, Jamiel has been indicted for “continuous criminal enterprises.” “Specifically, [Jamiel] was accused of conspiring to import 80,000 pounds of marijuana and 20 pounds of cocaine.” Reaves, *supra* note 12. In addition to being a narcotics dealer, Jamiel was also a big time gambler. It is believed that he won \$100,000 playing one game of blackjack. *Id.*

17. *United States v. Harrelson (Harrelson II)*, 754 F.2d 1153, 1158 (5th Cir. 1985).

18. *Harrelson II*, 754 F.2d at 1158.

19. *Id.*

20. FEDERAL JUDICIAL CENTER I, *supra* note 4.

21. *Id.*

22. *United States v. Chagra (Chagra I)*, 701 F.2d 354, 356 (5th Cir. 1983).

23. *Chagra I*, 701 F.2d at 356.

24. *Id.* “By the time of the first indictments in April, 1982, the FBI had conducted more than 30,000 interviews, collected more than 500,000 pieces of information and spent nearly \$5 million. Trials and appeals pushed the tab to more than \$11 million.” Sedeno, *supra* note 3. The Chicago Tribune even referred to Judge Wood’s assassination as “the biggest news in San Antonio since the Alamo.” Reaves, *supra* note 12.

25. *Harrelson II*, 754 F.2d at 1158. Charles was the father of the popular actor Woodrow Tracy Harrelson (“Woody”). Woody Harrelson has starred in an array of movies including *White Men Can’t Jump* (1992), *The People vs. Larry Flynt* (1996), *Zombieland* (2009), and *The Hunger Games* (2012).

ently, several “[w]itnesses placed . . . Charles Harrelson at the townhouse complex” the morning of Judge Wood’s death.<sup>26</sup> Eventually, the FBI determined Charles had been hired by Jamiel to assassinate Judge Wood, because Jamiel was afraid of being convicted and receiving a stiff prison sentence from the hardline judge.<sup>27</sup> Additionally, Jamiel also believed Judge Wood had a general bias towards him.<sup>28</sup> “On April 2, 1979, Jamiel’s . . . brother and attorney, Joe, asked [Judge] Wood to excuse himself from J[amiel]’s upcoming trial.”<sup>29</sup> However, Judge Wood denied the request and scheduled the trial for May 29, 1979.<sup>30</sup>

In addition, during their investigation, the FBI determined there were several other individuals involved in Judge Wood’s assassination.<sup>31</sup> Specifically, the FBI’s focus began to center on Elizabeth Nichols Chagra (“Elizabeth”), who was Jamiel’s wife, and Jo Ann Harrelson (“Jo Ann”), the wife of Charles.<sup>32</sup> The FBI also began investigating Joseph.<sup>33</sup>

“From October 1980 until January 1981, Jamiel was placed under court-ordered electronic surveillance while imprisoned at the United States Penitentiary in Leavenworth, Kansas.”<sup>34</sup> This court ordered surveillance allowed the Government to record his conversations in prison.<sup>35</sup> Typically, the recordings were of conversations between either Jamiel and Elizabeth or Jamiel and Joseph.<sup>36</sup> Several of these recorded conversations not only proved detrimental to the Chagra brothers, but also resulted in helping the Government bolster its cases against them.<sup>37</sup> For instance, during a conversation on January 20, 1981, “Joseph told Jamiel that Charles Harrelson identified [] [] [Jo Ann] as the person who acquired the rifle used in the murder.”<sup>38</sup> In

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26. *Id.*

27. *Id.* The continuous criminal enterprises charge “carrie[d] a maximum sentence of life in prison without parole.” Reaves, *supra* note 12.

28. Lawrence Van Gelder, *Joseph Chagra, 50, Lawyer Linked to Assassination, Dies*, N.Y. TIMES, Dec. 15, 1996, available at <http://www.nytimes.com/1996/12/15/us/joseph-chagra-50-lawyer-linked-to-assassination-dies.html>.

29. Reaves, *supra* note 12. Jamiel’s brother’s full name was Joseph Salim Chagra (“Joseph”). He was a practicing attorney in El Paso, Texas.

30. Van Gelder, *supra* note 28. Jamiel was subsequently sentenced to thirty years imprisonment for that case. Reaves, *supra* note 12.

31. *United States v. Harrelson (Harrelson I)*, 705 F.2d 733, 735 (5th Cir. 1983).

32. *Harrelson I*, 705 F.2d at 735.

33. *Id.*

34. *United States v. Chagra (Chagra II)*, 754 F.2d 1181, 1182 (5th Cir. 1985).

35. *See Chagra II*, 754 F.2d at 1182.

36. *Id.*

37. *Id.*

38. *Harrelson I*, 705 F.2d at 735.

this same conversation, Joseph also admitted to having a map with the location of the rifle used to assassinate Judge Wood.<sup>39</sup>

Based on the information obtained from the conversation on January 20, 1981, an FBI agent applied for and received a search warrant for Joseph's residence.<sup>40</sup> A subsequent search of the home resulted in FBI agents locating the map. According to the map, the murder weapon was located in a section of Forney, Texas.<sup>41</sup>

Police searched this area of Forney, but they did not recover the murder weapon. Luckily, two Forney residents, who had heard about the FBI's search for the weapon, provided agents with "a rifle stock they had found."<sup>42</sup> Located within the stock was the weapon used to assassinate Judge Wood, which was traced back to Jo Ann.<sup>43</sup>

Jo Ann was subpoenaed to testify before a grand jury; however, instead of testifying, she invoked her Fifth Amendment privilege against self-incrimination. Once invoking this privilege, the Government granted her use immunity, after which, Jo Ann testified "on several occasions during the summer of 1981."<sup>44</sup>

### c. Aftermath

On September 1, 1981, following the summer she testified, Jo Ann was indicted for "knowingly making a false and fictitious statement."<sup>45</sup> This charge was based on the Government's belief that Jo Ann lied to purchase the "Weatherby Model Mark V, .240 calibre rifle" used to assassinate Judge Wood.<sup>46</sup> The Government further alleged that when Jo Ann bought the firearm "she used an alias, Fay L. King, and also falsified her address, birthdate, and driver's license number."<sup>47</sup> Jo Ann was convicted and sentenced to twenty years imprisonment.<sup>48</sup> In 1997, she was released from prison.<sup>49</sup>

On April 15, 1982, the remaining suspects were indicted by a federal grand jury.<sup>50</sup> Joseph was indicted for conspiring to commit first degree murder of a federal judge, first degree murder, conspiracy to

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39. *Id.*

40. *Id.*

41. *Id.*

42. *See id.*

43. *Id.*

44. *Id.*

45. *United States v. Harrelson (Harrelson I)*, 705 F.2d 733, 735 (5th Cir. 1983).

46. *Harrelson I*, 705 F.2d at 735.

47. *United States v. Harrelson (Harrelson III)*, 754 F.2d 1182, 1183 (5th Cir. 1985).

48. *Harrelson III*, 754 F.2d at 1183.

49. David McLemore, *Shocking case ends in stealth*, DALLAS MORNING NEWS, Jan. 10, 2004, available at <http://www.freerepublic.com/focus/f-news/1055687/posts>.

50. *United States v. Chagra (Chagra I)*, 957 F.2d 192, 193 (5th Cir. 1992).

obstruct justice, and conspiracy to possess marijuana.<sup>51</sup> He pled guilty to conspiring to kill Judge Wood and was sentenced to ten years imprisonment.<sup>52</sup> Joseph “spent nearly six years in federal prison before being paroled in March, 1988.”<sup>53</sup> In 1996, he died after being involved in an automobile accident.<sup>54</sup>

Interestingly, Joseph agreed to testify against Jo Ann, Charles, and Elizabeth, but refused to testify against his brother.<sup>55</sup> Joseph’s testimony not only implicated his sister-in-law and Charles, but also Jo Ann’s daughter, Teresa Starr (“Teresa”).<sup>56</sup> He alleged Teresa was the person who transferred the \$250,000 “blood money” from Elizabeth to Charles.<sup>57</sup>

Elizabeth was initially indicted for conspiring to commit first-degree murder of a federal judge.<sup>58</sup> She was convicted and sentenced to thirty years imprisonment.<sup>59</sup> This sentence was reversed; however, she “was indicted in a superseding indictment for conspiracy to commit second degree (unpremeditated) murder.”<sup>60</sup> Again, she was convicted and sentenced to thirty years imprisonment.<sup>61</sup> “In 1997 she died in prison of ovarian cancer.”<sup>62</sup>

Charles was indicted for conspiring to commit first-degree murder of a federal judge, first-degree murder, and obstruction of justice.<sup>63</sup> He was convicted and received two life imprisonment sentences.<sup>64</sup>

Jamiel was indicted for conspiring to commit first-degree murder of a federal judge, first-degree murder, conspiracy to obstruct justice, and conspiracy to possess marijuana.<sup>65</sup> He was acquitted of the conspiracy to commit first-degree murder and first-degree murder charges.<sup>66</sup> However, Jamiel was convicted of the conspiracy to obstruct justice and conspiracy to possess marijuana charges and sen-

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51. *Chagra I*, 957 F.2d at 193; *Harrelson II*, 754 F.2d at 1158.

52. Van Gelder, *supra* note 28; Sedeno, *supra* note 3.

53. Sedeno, *supra* note 3.

54. Jake Rollow, *Charles Harrelson dead*, EL PASO TIMES, Mar. 21, 2007.

55. *Harrelson II*, 754 F.2d at 1158.

56. *Id.* Like Joseph, Teresa also testified on behalf of the Government. *Id.*

57. *Id.*

58. *Chagra I*, 957 F.2d at 193.

59. *Id.*

60. *Id.* at 194.

61. *Id.* Elizabeth significantly helped the Government’s case against her. For instance, three weeks before her trial was to begin, Elizabeth mailed a letter to Judge Wood’s widow. In this letter, Elizabeth not only apologized for the murder of Judge Wood, but also admitted to transporting the \$250,000 “blood money” used to pay Charles. Reaves, *supra* note 12.

62. Rollow, *supra* note 54.

63. *Harrelson II*, 754 F.2d at 1158.

64. McLemore, *supra* note 49.

65. *Chagra I*, 957 F.2d at 193; *Harrelson II*, 754 F.2d at 1158.

66. *Harrelson II*, 754 F.2d at 1159.

tenced to fifteen years imprisonment.<sup>67</sup> Also, Jamiel later admitted “to masterminding a plot to kill an assistant U.S. attorney.”<sup>68</sup> He was sentenced to life imprisonment for his role in that plot.<sup>69</sup> Jamiel was paroled in 2003 and “vanished into an undisclosed location, apparently as part of the federal witness-protection program.”<sup>70</sup>

2. *United States District Court Judge Richard Joseph Daronco*  
(August 1, 1931 to May 21, 1988)

a. The Person: A Mini Biography

“He was a family man . . . He was a churchgoer. He was always out working on his house.”<sup>71</sup>

“He was a kindly good-natured man, not a person who would be likely to cause animosity . . . .”<sup>72</sup>

Judge Daronco was born on August 1, 1931.<sup>73</sup> His father was an Italian immigrant that settled in the town of Pelham, New York.<sup>74</sup> Judge Daronco spent a substantial majority of his childhood in Pelham until he attended high school at the New York Military Academy in Cornwall, New York.<sup>75</sup> Following his graduation from the academy, Judge Daronco attended Providence College in Providence, Rhode Island.<sup>76</sup> In 1953, after completing his studies at Providence College, Judge Daronco was accepted to the Albany Law School. In 1956, he graduated from law school.<sup>77</sup>

Judge Daronco had a storied legal career prior to his elevation to the federal bench.<sup>78</sup> For example, after graduating law school, he began a two-year enrollment in the United States Army. Upon dis-

67. *Id.*; see also James C. McKinley Jr., *Jamiel A. Chagra, 63, Drug Kingpin, Dies*, N.Y. TIMES, Jul. 29, 2008.

68. Seden, *supra* note 3.

69. *Id.*

70. McLemore, *supra* note 49. Jamiel was in witness protection, because he helped the Government prosecute other cases while he was in prison. *Id.*

71. Robert McFadden, *Federal Judge Slain by a Gunman in Westchester*, N.Y. TIMES, May 22, 1988, available at <http://www.nytimes.com/1988/05/22/nyregion/federal-judge-slain-by-a-gunman-in-westchester.html>. [hereinafter *McFadden I*]. This statement was made by Judge Daronco’s neighbor, William Hynes. *Id.*

72. *Id.* This statement was made by Charles L. Briant Jr., Chief Judge for the Southern District of New York. *Id.*

73. *History of the Federal Judiciary*, FEDERAL JUDICIAL CENTER, <http://www.fjc.gov/servlet/nGetInfo?jid=560&cid=999&ctype=na&instate=na> (last visited Feb. 9, 2015) [hereinafter *FEDERAL JUDICIAL CENTER I*].

74. *McFadden I*, *supra* note 71.

75. *Id.*

76. *Id.*

77. FEDERAL JUDICIAL CENTER II, *supra* note 73.

78. See *id.* (while in the Army, Judge Daronco served as a private).

charge, he began to work in private practice.<sup>79</sup> First, from 1958 to 1959, Judge Daronco worked for a law office in New York City. Then, from 1959 to 1971, he worked for a different law office that was located in White Plains, New York.<sup>80</sup>

In 1971, Judge Daronco began his judicial career by becoming a judge on the Westchester County Family Court. He served in this position until 1974 when he became a judge on the Westchester County Court, where he served until 1979.<sup>81</sup>

In 1979, he became a justice on the New York State Supreme Court.<sup>82</sup> While serving as a justice on that court, Judge Daronco was given an immense amount of responsibility. For instance, in 1983, he was appointed "Deputy Chief Administrative Judge of the Courts outside New York City."<sup>83</sup> This position required him to be "responsible for the administration of 450 upstate courts, the assignments of judges and a \$185 million budget."<sup>84</sup> More impressively, during the same year Judge Daronco became the Deputy Chief, he also began working as an adjunct professor at Pace University School of Law and Fordham University School of Law.<sup>85</sup> He worked at both universities from 1983 to 1988.<sup>86</sup>

On February 2, 1987, while Judge Daronco was still a justice on the New York State Supreme Court, President Ronald Reagan nominated him to the federal bench. A few months later, on May 7, 1987, he was confirmed and commissioned.<sup>87</sup> After receiving his commission, Judge Daronco was assigned to the United States District Court for the Southern District of New York.<sup>88</sup>

Soon after this assignment, Judge Daronco became acquainted with both Carolee Koster ("Carolee") and her father Charles Koster ("Charles").

#### b. Carolee Koster versus Chase Manhattan Bank and Allan Ross

The circumstances underlying Judge Daronco's assassination began several years prior to his appointment to the federal bench. In October 1973, Carolee began her career with Chase Manhattan Bank ("Chase").<sup>89</sup> During her tenure at Chase, she served in several differ-

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79. *Id.*

80. *Id.*

81. *Id.*

82. *See id.*

83. *McFadden I*, *supra* note 71.

84. *Id.*

85. FEDERAL JUDICIAL CENTER II, *supra* note 73.

86. *Id.*

87. *Id.*

88. *Id.*

89. *Koster v. Chase Manhattan Bank*, 687 F. Supp. 848, 850 (S.D.N.Y. 1988).

ent capacities. For example, in 1973, when Carolee was initially hired, she was the Evening Coordinator of the Learning Center. Subsequently, she became a training analyst. In 1975, Carolee was promoted to a senior training analyst. In 1978, she was promoted to Second Vice-President.<sup>90</sup> In her capacity as Second Vice-President, Carolee was supervised by Allan Ross ("Ross").<sup>91</sup> He became her direct supervisor in January 1979.<sup>92</sup>

In February 1979, just one month after becoming her supervisor, both Ross and Carolee engaged in a consensual sexual affair.<sup>93</sup> This affair lasted until August 1979.<sup>94</sup>

During that same month, Carolee was appointed to Vice-President, level 11.<sup>95</sup> She continued to work in this position until "late March or early April 1980 [when][she] was offered but refused a position in which she was to report to Neil Owen, a Vice-President, level 11, within C.H.R."<sup>96</sup> Based on her refusal to accept this new position, Carolee was notified her employment with Chase would end on July 31, 1980.<sup>97</sup> She filed her salary discrimination and sexual harassment lawsuit the following year.<sup>98</sup>

Carolee became extremely obsessed with her lawsuit. One of her former attorneys, Marshall E. Lippman ("Lippman"), even noted that she developed "almost a vendetta against both the bank and Mr. Ross . . ."<sup>99</sup> Lippman, who was one of at least two attorneys who had handled Carolee's claim, also recognized that Carolee's obsession be-

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90. *Koster*, 687 F. Supp. at 850-51.

91. *See id.* at 851 ("In November 1978, [Carolee's] unit was transferred and became one of defendant Ross' supervisory responsibilities. At that time, [Carolee] was assigned to a task force headed by defendant Ross.")

92. *See id.* ("In early 1979, [Carolee] was appointed Manager of Human Resources Staffing and Development, although no corporate title change occurred at that time. [Carolee] assumed responsibility for staffing Human Resources positions at the Assistant Treasurer and Second Vice-President levels. Additionally, she assisted defendant Ross in staffing Human Resources positions at the Vice-President level.")

93. *Id.* at 857.

94. *Id.*

95. *Id.* at 851.

96. *Id.* C.H.R. is short for "Corporate Human Resources Department." *Id.*

97. *Id.*

98. *Id.* at 849. The lawsuit named both her employer, Chase, as well as her former supervisor, Ross as defendants. In this suit, Carolee alleged that: 1) she was "discriminatorily denied salary increases throughout her employment at Chase;" 2) "Chase denied her a transfer to another department within the Bank but allowed similarly situated males to transfer;" 3) Ross aided in her being denied salary increases and a transfer to another Bank department; and 4) Ross became abusive and demeaning towards her following the end of their affair. Those allegations of abusive and demeaning actions occurred at their workplace. *Id.* at 850. Judge Daronco was still a justice on the New York State Supreme Court when Carolee filed her suit. *Id.*

99. John Doyle, *7-year-old Case Led to Judge's Murder*, AP NEWS ARCHIVE, May 23, 1986, available at <http://www.apnewsarchive.com/1988/7-Year-old-Case-Led-to-Judge-s-Murder/id-77dd248b175681892af20a8d2d2818e7>.

gan to affect his representation of her.<sup>100</sup> For example, she would “communicat[e] directly with the judge and other parties in the lawsuit, which ‘made [his] job difficult to impossible.’”<sup>101</sup> These actions were also partially to blame for Lippman’s withdrawal as Carolee’s attorney.<sup>102</sup>

Carolee’s obsession spread to Charles. In fact, Charles, a retired New York City police officer who had previously worked as a security guard at Chase, used a substantial portion of his life savings to help his daughter pursue the lawsuit.<sup>103</sup> The amount of money Charles contributed towards the lawsuit did not appear to affect Carolee, as she turned down settlement offers both before and after her trial began.<sup>104</sup> It is rumored that at least one settlement offer was for \$300,000.<sup>105</sup>

Staff at the Southern District courthouse was also familiar with the Koster family. The lawsuit, which had lingered in the court system for several years, had gone through numerous delays and judges.<sup>106</sup> In fact, Judge Daronco was the third district court judge to preside over it.<sup>107</sup>

“On March 23, 1988, a 10-day bench trial commenced during which 16 witnesses, including [Carolee] and defendant Ross, testified.”<sup>108</sup> Carolee represented herself.<sup>109</sup>

During the trial, Charles openly expressed disapproval of Judge Daronco’s handling of the case.<sup>110</sup> His actions became so distracting that Judge Daronco made him leave the courtroom.<sup>111</sup> Charles even got into an argument with Judge Daronco’s staff, because of his disapproval of the Judge Daronco’s rulings.<sup>112</sup>

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100. *Id.*

101. *Id.*

102. *Id.*

103. Robert McFadden, *Slain Judge Ruled Against His Killer’s Daughter*, N.Y. TIMES, May 23, 1988, available at <http://www.nytimes.com/1988/05/23/nyregion/slain-judge-ruled-against-his-killer-s-daughter.html?pagewanted=all> [hereinafter *McFadden II*].

104. Doyle, *supra* note 99.

105. *Id.* Today, the \$300,000 settlement would be \$600,344.89 when adjusted for inflation. Carolee had sought \$2.5 million when she filed suit. Valerie Burton, *Moore Twp. Man Shot Judge Was Upset With Dismissal Of Daughter’s Case*, THE MORNING CALL, May 23, 1988, available at [http://articles.mcall.com/1988-05-23/news/2629160\\_1\\_daronco-s-wife-federal-judge-chase-manhattan-bank](http://articles.mcall.com/1988-05-23/news/2629160_1_daronco-s-wife-federal-judge-chase-manhattan-bank).

106. *See id.* (describing the changes of judges and Koster’s attorneys, amounting to multiple delays).

107. *Id.*

108. *Koster*, 687 F. Supp. at 849; McFadden, *supra* note 122 (“The nonjury trial lasted 10 days, spread over two months . . .”).

109. *McFadden II*, *supra* note 103.

110. *Id.* For example, he would “ma[k]e noises and faces . . .”*Id.*

111. *Id.*

112. *Id.*

On May 19, 1988, just two days prior to his assassination, Judge Daronco issued his decision.<sup>113</sup> In the decision, which dismissed all of Carolee's claims, Judge Daronco made several rulings. He found that: 1) Ross did not make the decision to terminate Carolee; 2) Ross did not interfere with Carolee's inability to be transferred to another department in Chase; and 3) Ross did not interfere with Carolee's salary increases.<sup>114</sup> The ruling greatly upset Charles.<sup>115</sup>

c. The Assassination: Saturday, May 21, 1988 (2:10 pm)

On Saturday, May 21, 1988, at around 2:10 p.m., Judge Daronco was gardening outside his Pelham home.<sup>116</sup> While Judge Daronco was gardening, Charles burst through one of the home's hedges and fired several shots at the judge.<sup>117</sup> The shots immediately drew attention. Judge Daronco's wife, daughter, and family friend actually observed him being attacked.<sup>118</sup>

Even though Judge Daronco had been shot, he was able to "[stagger] toward the kitchen door . . . in an effort to get away . . ." <sup>119</sup> One neighbor even recalled hearing the judge yell, "I need help, I need help[!]" <sup>120</sup>

Judge Daronco successfully retreated to the kitchen door, which was eight to ten feet away from where he was initially ambushed.<sup>121</sup> He was then able to make it through his home's foyer and to the study, where he "collapsed behind a door and died, apparently from the wounds he had suffered outside."<sup>122</sup> Meanwhile, Charles followed Judge Daronco inside the home, where he committed suicide by shooting himself in the head.<sup>123</sup> Witnesses believe this was the only shot fired inside the judge's home.<sup>124</sup>

113. *Koster*, 687 F. Supp. at 848.

114. *Id.* at 856-58.

115. See *McFadden II*, *supra* note 103. (stating that a copy of the judge's ruling was found in Charles Koster's home).

116. *Burton*, *supra* note 105.

117. *Id.* Charles used a .38-caliber Smith & Wesson revolver to shoot Judge Daronco. *Id.*

118. New York Times Service, *New York Judge Slain in His Home*, CHI. TRIBUNE, May 23, 1988, available at [http://articles.chicagotribune.com/1988-05-23/news/8801010576\\_1\\_assailant-judge-richard-daronco-shot-several-times](http://articles.chicagotribune.com/1988-05-23/news/8801010576_1_assailant-judge-richard-daronco-shot-several-times). The article notes that the family "looked on with horror." *Id.*

119. *Burton*, *supra* note 105.

120. *McFadden II*, *supra* note 122. This neighbor did not see Judge Daronco's being shot. *Id.*

121. *Burton*, *supra* note 105.

122. *McFadden I*, *supra* note 72.

123. *Burton*, *supra* note 105.

124. New York Times News Service, *supra* note 118.

During the commotion, Judge Daronco's wife, Joan, ran into the street "and shouted to a neighbor to call an ambulance."<sup>125</sup> Police arrived and located Judge Daronco behind the study door.<sup>126</sup> Charles was found dead and "sprawled on a staircase next to the study door."<sup>127</sup>

Judge Daronco, who was only fifty-six years old, had been on the federal bench for just over a year when he was murdered.<sup>128</sup>

#### d. Aftermath

Sadly, several individuals close to Judge Daronco were not surprised by the murder.<sup>129</sup> One of his law clerks, Karen Stefflire, immediately thought the murder was due to Carolee's claim.<sup>130</sup> She stated, "I knew it was related to this case. It was just a feeling I had."<sup>131</sup>

Interestingly, other members of the judge's staff had expressed concern for his safety. The concerns became so serious that they even encouraged Judge Daronco to remove his name from the telephone directory.<sup>132</sup> However, Judge Daronco "shrugged it off, saying, 'It's fate. You can't really hide. If they really want you, they'll find you.'"<sup>133</sup>

As for Carolee, she expressed regret for not taking the settlement. She stated, "I refused, but today I'm sorry I didn't say yes."<sup>134</sup>

125. Burton, *supra* note 105.

126. *McFadden I*, *supra* note 72.

127. *Id.*

128. See New York Times Service, *supra* note 118 (noting that Judge Daronco was born August 1, 1931, and died May 21, 1988 and was the father of five adult children when he died).

129. Doyle, *supra* note 99.

130. *Id.*

131. *Id.*

132. *Id.*

133. Judge Daronco even routinely took public transportation from his Pelham home to the Southern District of New York courthouse. *Id.*

134. *Id.* Even though Carolee expressed some sympathy about the judge's murder, she attempted to justify her father's actions. She said, "I'm sorry about what happened, but I believe he thought he was doing something out of love, too." *Id.* Charles' wife, Mary, also attempted to justify her husband's actions. Burton, *supra* note 105. She stated that one reason her husband committed these acts was because he was upset with the "seven-year sexual harassment and discrimination case that their daughter, Carolee, filed against Chase Manhattan Bank of New York." *Id.* Mary even said, "I feel that Chase is responsible for what happened to my husband." *Id.*

3. *United States Court of Appeals for the Eleventh Circuit Judge Robert Smith Vance (May 10, 1931 to December 16, 1989)*

a. The Person: A Mini Biography

*“He stood up against racism when very few white men in this state were willing to do so. And he stood up for consumers against powerful corporate interests when, quite frankly, virtually no one in the nation did so. [sic]”*<sup>135</sup>

*“Judge Vance had a very sharp legal mind . . . . He was one of the leading judges in the country.”*<sup>136</sup>

*“Outside my parents, no single individual influenced my life more than Bob Vance. He taught me the importance of research, writing, preparation, being strong in the pursuit of your goals, but being circumspect in the process. I have always considered Bob Vance to be my mentor. [sic]”*<sup>137</sup>

Judge Vance was born on May 10, 1931, in Talladega County, Alabama.<sup>138</sup> “In 1939 the Vance family moved to the Woodlawn area of Birmingham . . . .”<sup>139</sup> While in Birmingham, Judge Vance attended and graduated from Woodlawn High School, during which he was chosen to be a congressional page for the United States House of Representatives.<sup>140</sup>

Following high school, Judge Vance attended the University of Alabama in Tuscaloosa, graduating with his bachelor’s degree in 1950.<sup>141</sup> Judge Vance went on to enroll in the University of Alabama School of Law, where he ran for student-government president and won.<sup>142</sup>

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135. *2006 Lawyers’ Hall of Fame*, ALABAMA STATE BAR, <https://www.alabar.org/membership/alabama-lawyers-hall-of-fame/2006-lawyers-hall-of-fame/> (last visited Feb. 15, 2015).

136. The Associated Press, *Letter Bomb Kills U.S. Appeals Judge*, N.Y. TIMES, Dec. 17, 1989, available at <http://www.nytimes.com/1989/12/17/us/letter-bomb-kills-us-appeals-judge.html>. This statement was made by Governor H. Guy Hunt, who served as governor of Alabama from January 19, 1987 to April 22, 1993.

137. ALABAMA STATE BAR, *supra* note 135.

138. *Id.*

139. *Id.*

140. *Id.*

141. *History of the Federal Judiciary*, FEDERAL JUDICIAL CENTER, <http://www.fjc.gov/servlet/nGetInfo?jid=2452&cid=999&ctype=na&instate=na> (last visited Feb. 9, 2015) [hereinafter FEDERAL JUDICIAL CENTER III].

142. ALABAMA STATE BAR, *supra* note 135.

Judge Vance graduated from law school in 1952 and began to work at the Pentagon.<sup>143</sup> While at the Pentagon, he served as a first lieutenant in the United States Army's JAG Corps from 1952 to 1954.<sup>144</sup> In 1953, during his employment with the Pentagon, Judge Vance married his wife Helen Rainey ("Helen").<sup>145</sup> About a year later, "[Judge Vance] and Helen returned to live in Montgomery . . . where [he] served as a law clerk to Justice James Mayfield of the Supreme Court of Alabama."<sup>146</sup> Following the completion of his clerkship, Judge Vance became an attorney with the United States Department of Labor.<sup>147</sup> In 1956, he entered private practice in Birmingham.<sup>148</sup>

While in private practice, Judge Vance was heavily involved in the Alabama State Democratic Party.<sup>149</sup> Indeed, Judge Vance served as both "chairman and member of the State Democratic Executive Committee" from 1966 to 1977.<sup>150</sup> He used both positions to improve race relations within the Alabama State Democratic Party.<sup>151</sup> For example, "[i]n 1970, he oversaw both the enlargement and redistricting of the executive committee of the Democratic Party, an overhaul that gave greater representation to black and urban areas."<sup>152</sup> In addition, Judge Vance "spearheaded the efforts to racially integrate the Democratic Party leadership in Alabama . . . ."<sup>153</sup>

Besides being a practicing attorney and political leader, Judge Vance also lectured at Samford University's Cumberland School of Law from 1967 to 1969.<sup>154</sup>

Interestingly, during the 1970's, Judge Vance also served as chairman of the National Organization of State Party Chairmen.<sup>155</sup> "It was the tapping of that organization's telephone lines in the Watergate Hotel in the early 1970's that ignited the scandal that ultimately toppled the Presidency of Richard M. Nixon."<sup>156</sup>

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143. *Id.*

144. FEDERAL JUDICIAL CENTER III, *supra* note 141. Judge Vance also served as a U.S. Army Reserve lieutenant colonel. *Id.*

145. ALABAMA STATE BAR, *supra* note 135.

146. *Id.*

147. *Id.* During this same period, Judge Vance also obtained his LLM from the George Washington University Law School. FEDERAL JUDICIAL CENTER III, *supra* note 141.

148. FEDERAL JUDICIAL CENTER III, *supra* note 141.

149. ALABAMA STATE BAR, *supra* note 135.

150. *Id.*

151. *Id.*

152. Associated Press, *supra* note 136.

153. ALABAMA STATE BAR III, *supra* note 135.

154. FEDERAL JUDICIAL CENTER III, *supra* note 141.

155. Associated Press, *supra* note 136.

156. *Id.*

In November 1977, President Jimmy Carter nominated Judge Vance to the United States Court of Appeals for the Fifth Circuit.<sup>157</sup> He was confirmed and received his commission the following month.<sup>158</sup> On October 1, 1981, Judge Vance was reassigned to the United States Court of Appeals for the Eleventh Circuit.<sup>159</sup>

b. The Assassination: Saturday, December 16, 1989 (3:00 pm)

On Thursday, December 14, 1989, Walter Leroy Moody, Jr. (“Moody”) mailed a pipe bomb package to Judge Vance’s Mountain Brook, Alabama home.<sup>160</sup> On Saturday, December 16, 1989, Helen received Moody’s bomb, which had the return address of another judge.<sup>161</sup> It was opened by the judge later that day.<sup>162</sup>

Upon opening the package, it immediately exploded “almost instantly” killing Judge Vance.<sup>163</sup> Helen, who was seated at the kitchen table when the package was opened, was severely injured and admitted to a local hospital.<sup>164</sup> She survived the attack.<sup>165</sup>

When Judge Vance was assassinated he was only fifty-eight years old.<sup>166</sup> He had also only been on the bench for twelve years.<sup>167</sup> To date, Judge Vance is the first and only federal appellate judge assassinated while in office.<sup>168</sup>

c. Aftermath

The effects of the bombing were eerily present at Judge Vance’s funeral. Not only did federal agents and police have a heavy presence at the funeral, but there were also bomb-sniffing dogs that canvassed the funeral area prior to the service.<sup>169</sup> Funeral goers were even pro-

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157. FEDERAL JUDICIAL CENTER III, *supra* note 141.

158. *Id.*

159. *Id.*

160. *United States v. Moody*, 977 F.2d 1425, 1428 (11th Cir. 1992).

161. Kent Faulk, *Helen Vance, Wife of Slain Federal Judge, Dies*, BIRMINGHAM NEWS, Oct. 10, 2010, available at [http://blog.al.com/spotnews/2010/10/helen\\_vance\\_wife\\_of\\_slain\\_fede.html](http://blog.al.com/spotnews/2010/10/helen_vance_wife_of_slain_fede.html). The package’s return address listed the name of Judge Lewis Morgan, who was a friend of Judge Vance. *Moody*, 977 F.2d at 1428.

162. Faulk, *supra* note 161.

163. *Moody*, 977 F.2d at 1428.

164. Larry Green, *Judge is Eulogized for Reasoned Rulings*, L.A. TIMES, Dec. 21, 1989, available at [http://articles.latimes.com/1989-12-21/news/mn-1015\\_1\\_federal-judge](http://articles.latimes.com/1989-12-21/news/mn-1015_1_federal-judge).

165. *See id.*

166. *See* FEDERAL JUDICIAL CENTER III, *supra* note 141 (stating Judge Vance was born May 10, 1931, and died on December 16, 1989). Judge Vance was the father of two grown sons when he was killed. Associated Press, *supra* note 136.

167. *See* Associated Press, *supra* note 136 (stating that Judge Vance was on the federal bench from December 15, 1977, until December 16, 1989).

168. *Id.*

169. Green, *supra* note 164.

hibited "from bringing packages into the neighborhood and flowers into the church."<sup>170</sup> Mrs. Vance, who had not yet recovered from her injuries, watched the funeral from her hospital bed.<sup>171</sup>

The FBI eventually traced the bomb to Moody, who had been harboring an extreme hatred toward the Eleventh Circuit Court of Appeals.<sup>172</sup>

d. The 1972 Conviction

In May 1972, Moody's wife was severely injured after one of his bombs exploded in their Macon, Georgia home.<sup>173</sup> Moody intended to send the bomb to a car salesman that had repossessed his car.<sup>174</sup> Moody was convicted of possessing this bomb and sentenced to three years in prison.<sup>175</sup> "[He] eventually became obsessed with overturning his 1972 conviction."<sup>176</sup> However, all Moody's attempts were unsuccessful.<sup>177</sup> Thus, after the denial of one of his appeals, "Moody began to prepare to do battle with the Eleventh Circuit Court of Appeals."<sup>178</sup>

Initially, Moody's weapon of battle consisted of a tear-gas bomb, which was mailed to the NAACP Regional Office in Atlanta.<sup>179</sup> This bomb exploded "on August 21, 1989 and engulfed NAACP employees in clouds of choking gas."<sup>180</sup>

Later that fall, Moody's bomb making escalated into more deadly and explosive devices.<sup>181</sup> In fact, "[he] constructed four powerful package bombs," the first of which was mailed to Judge Vance on December 14, 1989.<sup>182</sup>

170. *Id.*

171. *Id.*

172. *See Moody*, 977 F.2d at 1428-29 (stating that on August 21, 1989, Moody sent out a "Declaration of War" to the Eleventh Circuit and several television stations nationwide).

173. *United States v. Moody*, 977 F.2d 1425, 1428 (11th Cir. 1992).

174. *Moody*, 977 F.2d at 1428.

175. *Id.*

176. *Id.*

177. *Id.* The United States Court of Appeals for the Eleventh Circuit noted that "Moody petitioned for a Writ of Error Coram Nobis, seeking to overturn his 1972 conviction. A district court denied his petition and then this court, by a panel of Judges Kravitch, Morgan and Cox, affirmed the denial in June 1989. This court denied rehearing en banc in August 1989." *Id.*

178. *Id.*

179. *Id.*

180. *Id.*

181. *See id.*

182. *Id.* In the following days, Moody mailed packages to the Jacksonville Branch Office of the NAACP, a Georgia civil rights attorney named Robert E. Robinson, and the Eleventh Circuit Court of Appeals' Clerk's Office. *Id.* The bomb sent to Attorney Robinson exploded on December 18, 1989. *Id.* at 1428-29. He died as a result of the explosion. *Id.* at 1429. The bomb sent to the Clerk's Office was intercepted by an astute security

After the bombing, the FBI was able to determine that the bomb recovered at Moody's residence was the "only one pipe bomb in all its records [that] matched the characteristics of the four mail bombs . . . ."<sup>183</sup> Thus, based on the FBI's investigation, Moody was indicted for the murder of Judge Vance.<sup>184</sup> After a nearly four-week trial, he was found guilty and sentenced to life imprisonment.<sup>185</sup>

## II. WHY ARE JUDGES TARGETS OF VIOLENCE?

There are at least four explanations for why judges become targets of violence.<sup>186</sup> First, judges often "represent, even personify, a system of justice."<sup>187</sup> The manner in which judges enter, conduct, and leave their courtrooms exemplifies this representation.<sup>188</sup> For example, "[judges] personify the system and its power. They demand deference in how they are addressed and approached. Everyone stands when the judge enters or leaves the courtroom. Judges sit above everyone else and are always dressed in a distinctive robe."<sup>189</sup> Here, all three judges were murdered solely due to their positions as judges. Judge Daronco was murdered because Charles did not like the way he handled Carolee's lawsuit and his subsequent decision dismissing it.<sup>190</sup> Similarly, Judge Vance was murdered, because of a ruling issued by the Eleventh Circuit Court of Appeals.<sup>191</sup> Judge Wood was murdered, because Jamiel was afraid of receiving a long prison sentence in his narcotic case.<sup>192</sup>

Second, the judges and their assassins are personally acquainted with each other through their interactions in court.<sup>193</sup> For instance, prior to his murder, Judge Wood had several dealings with Jamiel. One specific interaction even resulted in Jamiel trying, although un-

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officer. *Id.* The remaining bomb was not opened, because "employees at the Jacksonville NAACP . . . had heard about the other bombings." *Id.*

183. *See id.* at 1429 (noting that the government went on to determine that the bomb recovered from Moody's home in 1972 had the same characteristics as the four mail bombs "that contained end plates secured by threaded rods or bolts in a box designed for mailing").

184. *Id.* at 1428.

185. *See id.* at 1428-29 (finding Moody guilty of over 71 charges, resulting imprisonment for seven life sentences plus four hundred years).

186. Frederick S. Calhoun, *Violence Toward Judicial Officials*, 576 ANNALS AM. ACAD. POL. & SOC. SCI., Jul. 2001, 54, 58. "The systemic nature of violence toward the courts results in four interesting and distinguishing elements that separate judicial violence from other public-figure violence." *Id.*

187. Calhoun, *supra* note 186.

188. *Id.* at 61.

189. *Id.*

190. *See McFadden II*, *supra* note 103.

191. *United States v. Moody*, 977 F.2d 1425, 1428 (11th Cir. 1992).

192. *United States v. Harrelson (Harrelson II)*, 754 F.2d 1153, 1158 (5th Cir. 1985).

193. Calhoun, *supra* note 186.

successfully, to get Judge Wood removed from his case.<sup>194</sup> Judge Daronco's interactions with Charles resulted in Charles being removed from the judge's courtroom.<sup>195</sup> Interestingly, Judge Vance was neither personally acquainted with Moody nor had any involvement with Moody's case.<sup>196</sup> In fact, "he was neither the trial judge nor on the appellate panel that affirmed Moody's conviction."<sup>197</sup>

Third, the judge often "lives in the same community as those who come before the court."<sup>198</sup> In these cases, all three judges were murdered at their homes, which were within the community of the people they served. For example, Judge Daronco was ambushed while tending to the garden of his home.<sup>199</sup> Judge Wood was shot while entering his car that was parked outside his townhouse.<sup>200</sup> Lastly, Judge Vance was killed by a bomb that exploded in his home.<sup>201</sup>

Fourth, the judge is often viewed as acting independently; thus, their murders could be viewed as a direct remedy to the pain or potential pain a judge has caused or could cause. It is very easy for assassins to direct their rage and frustration against an individual judge because that judge generally acts alone when conducting hearings or trials. This independence is further seen, following the conclusion of the hearings or trials, when the judge issues his or her binding orders and rulings. The magnitude of the judge's decision is immediately apparent since an adversely affected party generally cannot obtain immediate recourse from the judge's order or ruling.

### III. CONSEQUENCES OF THE VIOLENCE

There have been at least two positive consequences arising from the assassinations of Judge Wood, Judge Daronco, and Judge Vance. First, their murders brought a significant amount of attention to the issue of judicial security. More specifically, their deaths showed the nation that judges are subject to the same threats of violence as politicians. Similarly, their deaths showed that judges, in some circumstances, should be entitled to the same security protections afforded to politicians and other dignitaries.

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194. See Van Gelder, *supra* note 28.

195. *McFadden II*, *supra* note 103.

196. Judge Frederic Block, *Risk and Reward: Inside the Life of a Federal Judge*, HUFFINGTON POST, Nov. 28, 2012, available at [http://www.huffingtonpost.com/judge-frederic-block/federal-judge-risk\\_b\\_2204817.html](http://www.huffingtonpost.com/judge-frederic-block/federal-judge-risk_b_2204817.html).

197. *Id.*

198. Calhoun, *supra* note 186.

199. Burton, *supra* note 105.

200. *Harrelson II*, 754 F.2d at 1158.

201. *Moody*, 977 F.2d at 1428.

Second, in confluence with bringing attention to judicial security, the assassinations also brought attention to the lack of research concerning this issue. In fact, prior to any of these assassinations, there was no significant body of research on judicial security. It was not until 1998 that the first in-depth study concerning the security risks of federal judges was completed.<sup>202</sup> About two years later, the first in-depth study concerning the safety of state judges was completed.<sup>203</sup>

#### A. CURRENT RESEARCH ON JUDICIAL SECURITY

##### 1. *Hunters and Howlers: Threats and Violence Against Federal Judicial Officials in the United States (1998)*

In 1998, Frederick S. Calhoun (“Calhoun”) published *Hunters and Howlers: Threats and Violence Against Federal Judicial Officials in the United States*.<sup>204</sup> In this study, Calhoun found there were 3,096 instances of “inappropriate communications, threats, and attacks involving federal judicial officials from October 1, 1980 to September 30, 1993.”<sup>205</sup> Overall, he determined there was “an average of two hundred and thirty-eight inappropriate communications/threats and assaults per year.”<sup>206</sup>

Calhoun further analyzed those 3,096 instances of inappropriate communications, threats, and attacks. He found “[j]ust under 8% of the reports involved inappropriate communications (242 incidents) that appeared to be linked to later, more serious actions.”<sup>207</sup> This 8% figure was more thoroughly discussed. More specifically, Calhoun determined that “4% (118) involved incidents in which court officials were attacked or involved attacks against others . . . .”<sup>208</sup> Likewise, the remaining 4% (124) of instances “involved incidents in which other court officials were in danger of being harmed by persons who threatened or attempted to take inappropriate action.”<sup>209</sup>

The U.S. Marshals Service conducted a follow-up study, which focused on the time period between 1997 and 1998, and determined that inappropriate communications with federal judges remained problem-

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202. Calhoun, *supra* note 186, at 66.

203. Weiner et al., *Safe and Secure: Protecting Judicial Officials*, 36 COURT REVIEW 26, 27 (2000).

204. Calhoun, *supra* note 186, at 66.

205. Weiner et al, *supra* note 203, at 27 (citing Frederick S. Calhoun, *Hunters and Howlers: Threats and Violence Against Federal Judicial Officials in the United States*, 1789-1993 (U.S. Marshals Service, 1998)).

206. Stephen Kelson, *An Increasingly Violent Profession*, 14 UTAH BAR J. 8, 8 (2001).

207. Weiner et al, *supra* note 203, at 27. Thus, in 92% of those 3,096 instances, federal officials were not at risk of any future threats. *Id.*

208. *Id.*

209. *Id.*

atic.<sup>210</sup> For example, during this two-year period, the number of documented instances of inappropriate communications/threats and assaults was nearly 700.<sup>211</sup> In 1997, there were 334 judges who reported instances of inappropriate communications/threats and assaults.<sup>212</sup> In 1998, this number increased, with 345 judges reporting instances of inappropriate communications/threats and assaults.<sup>213</sup> Thus, “[i]n both 1997 and 1998, fully one in five federal judges received an inappropriate communication that raised concern about the potential for an inappropriate approach or attack.”<sup>214</sup>

## 2. *Safe and Secure: Protecting Judicial Officials (2000)*

Following “the 1999 mid-annual meeting of the Pennsylvania Conference of State Trial Judges,” the Court Administrator for Pennsylvania commissioned a survey on judicial security “covering 1,112 of the state’s judges, which included all judges in the state who come in direct contact with defendants and litigants.”<sup>215</sup> In this study, the authors analyzed and discussed various types of threats state judges faced from their interactions with defendants and litigants. Specifically, they examined threats that were “inappropriate (odd, ominous, troubling) communications, explicit threats, inappropriate approaches (e.g., followed, face-to-face confrontation or attempts), and physical assaults inside and outside the court-house . . .”<sup>216</sup> The authors’ analysis primarily consisted of their interpretations of two separate tables that were made following the survey.

The first table (“Table 1”) provided the percentages of state judges who “reported receiving an ‘inappropriate communication,’ a ‘threatening communication,’ an ‘inappropriate approach,’ a ‘physical assault,’ or ‘any threatening action’ (i.e., any one or more of the types already listed).”<sup>217</sup> In addition, Table 1 also identified those percentages based on the judges’ judicial level.<sup>218</sup>

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210. *See id.* (providing that for each year of the study there was a high level of documented inappropriate communications).

211. *Id.*

212. *Id.*

213. *Id.*

214. *Id.* “It is difficult to imagine that this level of concern did not have a disruptive impact on judicial functioning.” *Id.*

215. *Id.*

216. *Id.*

217. *Id.* This section will analyze the threatening action aspect of Table 1.

218. *Id.* at 28. The different judicial levels included: 1) Judges of the Courts of General Jurisdiction; 2) Senior Judges of the Courts of General Jurisdiction; 3) Judges of Limited Jurisdiction Courts; and 4) Senior Judges of Limited Jurisdiction Courts. *Id.*

Overall, 51.8% (533) of judges admitted to receiving some type of threatening action.<sup>219</sup> “As would be expected, judges of limited jurisdiction courts . . . experienced more incidents than judges of general jurisdiction, and judges on active assignment had more problems than senior judges.”<sup>220</sup> More specifically, 60.4% (320) of Judges of Limited Jurisdiction Courts admitted to receiving some form of threatening action.<sup>221</sup> Judges of the Courts of General Jurisdiction had the second highest percentage, 51.8% (184), of judges that received some form of threatening action.<sup>222</sup> The percentage of threatening action committed upon senior judges was lower. They found that 20% (15) of Senior Judges of the Courts of General Jurisdiction and 20.3% (14) of Senior Judges of Limited Jurisdiction Courts reported receiving threatening action.<sup>223</sup>

The second table (“Table 2”) identified the “Number of Judges Experiencing One or More Incidents and the Number of Judges Reporting Incidents to Law Enforcement.”<sup>224</sup> This table also provided the percentages of incidents that occurred inside the courthouse and those that occurred outside the courthouse. “Of those [440] judges receiving inappropriate communications, 85% [375] reported at least one incident that had taken place inside the courthouse, while 27% [117] reported at least one incident that had occurred outside the courthouse.”<sup>225</sup>

Two hundred and thirty-eight (238) judges reported receiving some form of threatening communication.<sup>226</sup> One hundred and seventy-five (175), or 73.5%, of those same judges reported those threatening communications occurred inside the courthouse.<sup>227</sup> In contrast, 28.2% (67) of judges reported the threatening communications were outside the courthouse.<sup>228</sup>

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219. *Id.* “Note: Each respondent may report multiple incidents; thus, percentages sum to more than 100 as several judges reported incidents in both locales.” *Id.*

220. *Id.* Judges of Limited Jurisdiction Courts had more direct and personal interactions with defendants. These judges included district justices, Philadelphia Municipal Court judges, Philadelphia Traffic Court judges, and judges of the Pittsburgh Magistrates Court. *Id.*

221. *Id.*

222. *Id.*

223. *Id.*

224. *Id.*

225. *Id.* “Note: Each respondent may report multiple incidents; thus, percentages sum to more than 100 as several judges reported incidents in both locales.” *Id.* Judges notified law enforcement officials in 43.9% (193) of those incidents of inappropriate communications. *Id.*

226. *Id.*

227. *Id.*

228. *Id.* Judges notified law enforcement officials in 60.5% (144) of the incidents of threatening communications. *Id.*

Most shockingly, twelve (12) judges reported being physically assaulted.<sup>229</sup> Twelve (12) or 100% of those judges reported the attacks occurred inside the courthouse.<sup>230</sup> Two (2), or 16.7%, of judges reported the physical attacks occurred outside the courthouse.<sup>231</sup>

Lastly, 268 judges reported being subjected to some form of inappropriate approaches.<sup>232</sup> Of those 268 judges, 72.0% (193) stated these inappropriate approaches occurred in the courthouse and 44.4% (119) of the judges stated the inappropriate approaches occurred outside the courthouse.<sup>233</sup>

#### IV. CONCLUSION

Regardless of the circumstances underlying the assassinations of Judge Wood, Judge Daronco, and Judge Vance, their deaths have had at least two positive consequences. First, our nation began to focus on the importance of judicial security and second researchers began to study the amount of threats judges face while performing their constitutional duties. Even though there has been some action to prevent judicial attacks, judges will continue to be targets of violence; as long as judges continue to be targets of violence, the government has a responsibility to not only stay abreast of judicial security, but to also provide adequate protection to our nation's judges.

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229. *Id.*

230. *Id.*

231. *Id.* Judges notified law enforcement officials in 100% (12) of the incidents of physical assault. *Id.*

232. *Id.*

233. *Id.* Judges notified law enforcement officials in 44.4% (119) of the incidents of inappropriate approaches. *Id.*