



National Association of Assistant United States Attorneys

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January 14, 2009

The Honorable Derek Schmidt
Majority Leader
Kansas State Senate
392-E
300 SW 10th Avenue
Topeka, KS 66612-1504

Dear Senator Schmidt:

I write on behalf of the National Association Assistant United States Attorneys to thank you for your efforts to improve the protection and safety of Assistant United States Attorneys in their efforts to secure justice for all Americans. More specifically, I write to extend the endorsement of the National Association of Assistant United States Attorneys for your proposed legislation to amend Kansas law to more broadly permit the carrying of concealed firearms by the United States Attorney and Assistant United States Attorneys for the federal district of Kansas, as well as Kansas state district attorneys and Kansas county attorneys.

It is well-recognized that firearms represent an effective personal security tool when judiciously placed in the hands of law enforcement officers and others who help to assure public safety. Your legislation responds to the increasing vulnerabilities, threats and assaults faced by federal, state and county litigators. It is narrowly and reasonably crafted, yet desirably promotes and expands the assurance of public safety. We urge the Kansas state legislature to adopt it.

Our association represents the interests of the 5,300 Assistant United States Attorneys (AUSAs) employed by the Department of Justice, including the nearly fifty AUSAs in the state of Kansas, located in United States Attorney Offices in Wichita, Kansas City and Topeka. These brave men and women constitute the front-line career-level employees of the Department of Justice responsible for the prosecution of persons charged with federal crimes, as well as the defense of the United States in civil matters.

Assistant United States Attorneys faithfully serve the people of the United States in significant and necessary ways, including the prosecution of the most serious, sophisticated and violent offenders in our society, ranging from drug kingpins to international terrorists to armed career criminals. The daily dangers faced by an Assistant United States Attorney are extensive and endless. The dangers faced by an Assistant United States Attorney can arise at any time and at any place during the investigation, arrest, indictment, trial and incarceration of a criminal suspect or defendant, and can continue beyond release from incarceration. It is not uncommon for a criminal defendant

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or an associate of that defendant to purposely seek to intimidate an Assistant United States Attorney to derail their prosecutorial effort or to seek reprisal for the conviction brought about by the same attorney.

As part of their litigation-related work, AUSAs are often called on to visit crime scenes, interview witnesses and otherwise aid in the investigation of criminal acts, often in high-crime areas. In addition, it is not unusual for AUSAs to work late into the night in their offices, then walk blocks to unsecured lots where they have parked their cars. As a result, AUSAs are high-profile targets, and they and their families have been the frequent victims of violent threats and even assaults against their personal safety.

Assistant United States Attorneys are the lead litigators in the often highly-publicized public trials of notorious criminal offenders. We are aware of Assistant United States Attorneys in Kansas who have been vulnerable to or specifically targeted for attack by highly dangerous and violent career offenders and organized criminal and terrorist groups, including the Bloods, Crips, Mexican Mafia and Inglewood Family Group. Additionally, the United States Attorney's Office for the district of Kansas has been particularly active in the prosecution of Freemen members, who are headquartered in Montana but maintain a large, active membership in Kansas. Their confrontation with law enforcement officers and their espousal of the use of weapons and violence against law enforcement officials both state and federal, has received national press attention. One of the Freemen defendants being prosecuted by the United States Attorney's Office in Topeka had threatened physical retaliation against anyone involved in prosecuting him for federal offenses.

As a result of the vulnerabilities described above, the United States Attorney and Assistant United States Attorneys in the state of Kansas are subject to the threat of harm, especially because of the infirmity of Kansas law to extend to them the privilege to carry a concealed firearm in many public locations, including county courthouses, even if they are properly licensed and trained in the use of a firearm. Your legislation would help to close this gap. Specifically, your legislation would amend the Kansas Personal and Family Protection Act, K.S.A. 75-7c01 et seq., to permit covered federal, state and county litigators to carry concealed firearms in certain public locations, including county courthouses, so long as they have been properly trained and licensed to own and operate such weapons. The authority to carry a firearm into a county courthouse will be particularly helpful, given the frequency of occasions in which Assistant United States Attorneys must visit a county courthouse to review evidence and consult with law enforcement personnel, largely in "adopted cases," i.e., those in which investigations originating under state law expand into federal investigations, requiring the involvement of Assistant United States Attorneys.

Finally, in view of the supremacy of federal law, as currently recognized by Kansas law section 75-7c10(15), it may be desirable to preserve such recognition by the appropriate amendment of your legislation to assure that continued sanctions remain against the carrying of firearms, where prohibited by federal law, rule or regulation.

Thank you for your consideration of these comments, and your most valuable efforts to improve the safety and protection of federal, state and county prosecutors. Please contact me whenever and wherever our association may be helpful to you and the Kansas legislature.

Sincerely yours,

A handwritten signature in cursive script that reads "Richard L. Delonis".

Richard Delonis
National President