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Safeguarding Justice for All Americans

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Dear Attorney General Barr,

On May 13, 2020, we sent you a letter regarding the Covid-19 pandemic and the impact it has on the working lives of Assistant United States Attorneys (AUSAs). We praised you for your leadership in creating a safe working environment for AUSAs by encouraging teleworking and video conferences for court proceedings whenever possible. Some Districts around the country have begun grand jury and trial proceedings that require the presence of AUSAs. In those instances our colleagues have accordingly performed their jobs as required by their oath of office and will continue to do so when necessary even though it increases the chances of contracting a terrible illness with potentially long term health effects and can, in some cases, be fatal to them and their families.

Despite the fact that teleworking helps protect AUSAs and their families from contracting the virus and has proven to be effective during the past several months, we have learned that certain Districts are requiring some AUSAs to return to their office to conduct work that could safely and effectively be done via teleworking. We see this as a needless and unnecessary risk to their well being and that of their loved ones. While AUSAs would like to go back to the “state of normalcy” before the pandemic struck, we think doing so at this time under the current conditions is unwise.

Whatever work can be done teleworking and teleconferencing, AUSAs should be permitted to do so until there is a reliable vaccine that will avoid the long-term negative health effects or death from Covid-19. As we said in our letter of May 13, 2020, “[a]side from situations that require physical presence, AUSAs should be permitted to do their work in a manner that does not require them to risk the health and safety of their families.” As far as we know that approach has been effective. Dr. Anthony Fauci recently warned a panel of doctors from Harvard Medical school that our nation needs to prepare for a second wave of Covid-19 infections as flu season approaches - “Don’t ever, ever underestimate the potential of the pandemic. And don’t try and look at the rosy side of things. - - We need to hunker down and get through this fall and winter because it’s not going to be easy.” Our country has come to respect and admire Dr. Fauci for his expertise, candor, and honesty. We believe we should heed his advice and continue to “hunker down” via teleworking whenever possible.

In short, we simply urge you to stay the course and allow AUSAs to continue to telework when appropriate for their sake and that of their families. If nothing else, the past few months has proven that much of the work of AUSAs can effectively be done remotely with today’s technologies. We invite you to meet with our Board of Directors (via Zoom) at a time of your convenience to discuss this important issue.

Respectfully yours,

Lawrence J. Leiser, President
NAAUSA