

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA

Post Office Box 670
220 East Rosser Avenue, Suite 411
Bismarck, North Dakota 58502-0670



February 8, 2025

Honorable Lawrence R. Klemin
Chairman
House Judiciary Committee
North Dakota House of Representatives
State Capitol
660 East Boulevard
Bismarck, ND 58505-0360

VIA EMAIL: lklemin@ndlegis.gov

Re: HB 1499 Regarding Judicial Security

Dear Chairman Klemin and Members of the House Judiciary Committee:

I write in support of House Bill 1499 introduced by Chairman Lawrence Klemin at the request of Attorney General Drew H. Wrigley. HB 1499 seeks to clarify the interpretation of Section 44-04-18.3, N.D.C.C., to ensure it is applicable to the federal judicial officers.

In July of 2020, an attorney posing as a package delivery driver approached the house of United States District Judge Esther Salas. The attacker targeted Judge Salas's home and was able to find her address and other identifying information from tax and other government records. The attacker rang her doorbell. Judge Salas's son, Daniel Anderl, answered the door and was shot to death. Her husband was shot and gravely injured.

Congress responded to this attack by enacting a judicial security law to make it harder for violent individuals to find judges' addresses and other personal information online. See Daniel Anderl Judicial Security and Privacy Act of 2021. S. 2340, 117th Cong. (2021). North Dakota also responded by amending Section 44-04-18.3, N.D.C.C., to guard the disclosure of identifying information of a "prosecutor, supreme court justice, [and] district court judge. . . ." See 2021 N.D. Sess. Laws Ch. 329, § 1. House Bill 1499 seeks to clarify that certain identifying information of all federal judges are similarly protected.

Attacks on the judiciary have increased over the past decade. Serious threats against federal judges alone have more than doubled, from 220 in 2020 to 457 in 2023, according to the U.S. Marshals Service. In fiscal year 2024 there were 822 threats and inappropriate communications against

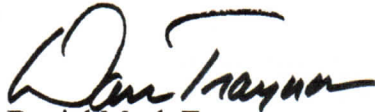
persons protected by the U.S. Marshals Service. There has been more than a 400% increase in threats to federal judges, federal prosecutors and court officials over the past decade. There is no nationwide data on the number and types of attacks on state court judges and prosecutors.

North Dakota judges are not immune from these types of attacks. My predecessor, U.S. District Judge Ronald Davies, was physically threatened regarding his decision to enforce the desegregation decision in Brown v. Board of Education requiring the attendance of nine African American children who were the first to attend Little Rock Central High School. In 1977, Federal Marshals were assigned to protect U.S. District Judge Paul Benson and Federal Prosecutor Lynn Crooks during and after the Leonard Peltier trial in Fargo. On May 5, 1992, State District Court Judge Lawrence Jahnke was shot and seriously injured during a child support hearing at the Grand Forks County Courthouse.

I respectfully request your committee provide a "Do Pass" recommendation to the North Dakota House of Representatives with regard to House Bill 1499.

Thank you for your consideration of this matter.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Dan Traynor", written in a cursive style.

Daniel Mack Traynor
United States District Judge
District of North Dakota

cc: Honorable Peter D. Welte, Chief Judge
Honorable Drew H. Wrigley, Attorney General

Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1499

Introduced by

Representative Klemin

Senator Larson

1 A BILL for an Act to amend and reenact subsection 1 of section 44-04-18.3 of the North Dakota
2 Century Code, relating to confidential records related to a justice of the United States, federal
3 judge, or magistrate judge.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 44-04-18.3 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 1. Except as provided in subsection 5, a telephone number and the home address of a
8 prosecutor, justice of the United States, federal judge, magistrate judge, supreme
9 court justice, district court judge, judicial referee, juvenile court director or probation
10 officer, an employee of a law enforcement agency, employee of a state or local
11 correctional facility, and an employee of the department of corrections and
12 rehabilitation are confidential. Information contained in a personnel record of an
13 employee of the department of corrections and rehabilitation may not be disclosed to
14 an inmate in the legal custody of the department of corrections and rehabilitation
15 confined in a jail, prison, or other correctional facility unless authorized by the director
16 of the department of corrections and rehabilitation. Information contained in a
17 personnel record of a law enforcement officer of a state or local law enforcement
18 agency or in the personnel record of a correctional employee of a correctional facility
19 subject to chapter 12-44.1 may not be disclosed to an inmate confined in a state
20 correctional facility or correctional facility subject to chapter 12-44.1 unless authorized
21 by the employing agency.