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NEW YORK
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The Disturbing Trend of Threats and Violence against Judges and the Vital Importance of Judicial Security

Statement by New York City Bar Association President Susan J. Kohlmann

In the past year alone, the New York City Bar Association, led by our Task Force on the Independence of Lawyers and Judges, has condemned as threats to the rule of law and violations of international law: the assassination of Paraguay’s top prosecutor¹; the criminalization of justice operators in Guatemala²; the Taliban takeover of the Afghanistan Independent Bar Association³; China’s continuing crackdown on lawyers and human rights defenders⁴; and the assassination of human rights lawyer and activist Cecilia Monzón in Mexico⁵. And, tellingly, on March 8, 2022, the Third Annual International Law Conference on the Status of Women, which commemorates International Women’s Day (and – this year, for the first time ever – the International Day of Women Judges), included a panel to provide accounts of the dire plight of Afghan women judges, prosecutors, and lawyers.⁶

¹ Statement of New York City Bar Association (June 3, 2022), <https://www.nycbar.org/media-listing/media/detail/new-york-city-bar-association-denounces-assassination-of-marcelo-pecci>

² Statement of New York City Bar Association (May 24, 2022), <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/harassment-and-criminalization-of-justice-operators-in-guatemala>

³ Statement of New York City Bar Association (May 6, 2022), <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/taliban-takeover-of-afghanistan-independent-bar-association>

⁴ Statement of New York City Bar Association (July 9, 2021), <https://www.nycbar.org/media-listing/media/detail/709-crackdown-on-lawyers-and-human-rights-advocates-sixth-anniversary>

⁵ Statement of New York City Bar Association (June 17, 2022), <https://www.nycbar.org/media-listing/media/detail/statement-condemning-assassination-of-cecilia-monzon>

⁶ Statement of New York City Bar Association (March 8, 2022), <https://www.nycbar.org/media-listing/media/detail/third-annual-international-law-conference-on-the-status-of-women>; *see also* Grave Risks for Jurists, Particularly Women, and Threats to Afghanistan’s Independent Legal Profession – June 16, 2022 Oral Statement to the 50th Session of the UN Human Rights Council from Lawyers’ Rights Watch Canada, the International Bar Association Human Rights Institute, the Association of the Bar of the City of New York (New York City Bar), Lawyers for Lawyers and the Law Society of England and Wales, organizations in special consultative status, <https://www.nycbar.org/member-and-career-services/committees/reports->

Here at home, we can add to the list these most recent incidents: the arrest of an armed individual near the home of Supreme Court Justice Brett Kavanaugh, and the subsequent charging of that individual with attempted murder⁷; the recent killing of retired Wisconsin state court Judge John Roemer by an individual whom he had sentenced in a criminal case⁸ (read the City Bar's statement on that [here](#)); and the August 2020 killing of Daniel Anderl, son of District Judge Esther Salas, as well as the grave wounding of Judge Salas' husband at the front door of their family home in New Jersey, by an angry attorney who had appeared before Judge Salas⁹.

Over the past several years, threats and attacks against judges in the United States have increased in both number and intensity. Regrettably, we seem to be living in a culture where judges – and, in fact, all manner of public officials, including especially, in this moment, those responsible for carrying out election-related duties – are confronted with threats, intimidating behavior, and menacing rhetoric simply for doing their jobs.¹⁰ Indeed, death threats against public officials have become shockingly ordinary. Most recently, we learned that the House committee members investigating the January 6 Capitol riots are facing threats serious enough to warrant security details.¹¹

Threats to physical safety are extremely troubling when directed at any individual engaged in public service. And, when it pertains to judges, this culture of intolerance is particularly problematic. The judiciary is the branch of government specifically designed to be insulated from intimidation, harassment, political pressures, and fear of retribution so that judges can render decisions that are fair, impartial and independent. The justice system depends on adherence to this principle.

[listing/reports/detail/grave-risks-for-jurists-particularly-women-and-threats-to-afghanistans-independent-legal-profession](#)

⁷ Katelyn Polantz, Joan Biskupic and Chandelis Duster, Armed man arrested near Brett Kavanaugh's home charged with attempting to murder a US judge, CNN (June 9, 2022), <https://www.cnn.com/2022/06/08/politics/man-arrested-near-brett-kavanaugh-home/index.html>

⁸ Whitney Wild, A former judge was killed in his Wisconsin home in a targeted attack, officials say, CNN (June 4, 2022), <https://www.cnn.com/2022/06/04/us/wisconsin-judge-killed-targeted-attack/index.html>

⁹ Evan Perez, Brynn Gingras, Amir Vera and Eric Levenson, Attorney who was found dead named as primary suspect in fatal shooting at federal judge's home, CNN (July 21, 2020), <https://www.cnn.com/2020/07/19/us/federal-judge-esther-salas-shooting-investigation/index.html>. According to authorities, the assailant in the Salas shooting had a list of a dozen other possible targets in his car, including New York State's Chief Judge. William K. Rashbaum, Misogynistic Lawyer Who Killed Judge's Son Had List of Possible Targets, NY Times (July 25, 2020), <https://www.nytimes.com/2020/07/25/nyregion/roy-den-hollander-esther-salas-list.html>

¹⁰ Jim Saksa, Rise in violent rhetoric: Lawmakers in both parties report spike in death threats, Roll Call (Jan. 20, 2022), <https://rollcall.com/2022/01/20/rise-in-violent-rhetoric-lawmakers-in-both-parties-report-spike-in-death-threats/>; Linda So, U.S. senators urge feds to alert police to threats against election workers, Reuters (June 17, 2022), <https://www.reuters.com/world/us/us-senators-urge-feds-alert-police-threats-against-election-workers-2022-06-16/>; Cameron Langford, Panel highlights threats to judges amid rising tensions, Courthouse News Service (June 16, 2022), <https://www.courthousenews.com/panel-highlights-threats-to-judges-amid-rising-tensions/>; Sarah N. Lynch, U.S. judges faced over 4,500 threats in 2021 amid rising extremism –official, Reuters (Feb. 15, 2022), <https://www.reuters.com/world/us/us-judges-faced-over-4500-threats-2021-amid-rising-extremism-official-2022-02-14/>

¹¹ Donie O'Sullivan and Whitney Wild, 'Hang them all': January 6 committee members target of violent rhetoric on right-wing social media platforms, CNN Business (June 23, 2022), <https://www.cnn.com/2022/06/22/tech/online-threats-jan-6-committee/index.html>

While we applaud the recent enactment of the Supreme Court Police Parity Act¹² to protect Supreme Court Justices and their families, Congress has more work to do. Members of both parties should take up and debate, in earnest, The Daniel Aderl Judicial Security and Privacy Act – unanimously voted out of the Senate Judiciary Committee some six months ago, in December 2021.¹³ Lawmakers must resolve through legislative debate and negotiation any remaining concerns¹⁴ about the Act, including scope of coverage and whether the Act unduly curtails public access to an overbroad range of information about judges, which some believe can stifle transparency and journalistic inquiry in the public interest.¹⁵ Separate and apart from the question of public access to a judge’s personal information (and whether such access can ever truly be blocked given the Internet’s reach), the provisions of the Act which empower the U.S. Marshals Service to enhance security measures for judges both at home and in courthouses should not be controversial, should be promptly approved, and, if enacted, must be sufficiently funded to ensure effective implementation.

The City Bar’s statements calling for greater safety for judges and lawyers abroad rest upon the proposition that governments bear responsibility for ensuring that safety. This is a fundamental precept of the U.N. Basic Principles on the Independence of the Judiciary and undergirds the rule of law. Our message here at home should be equally clear. We urge Congress to keep working towards solutions that will protect the safety of our judges across the country. I wholeheartedly endorse the sentiment of my predecessor, former City Bar President Sheila S. Boston, expressed in one of her statements addressing this vital issue: “Let us confront our common challenges in ways that promote peace and civil discourse in our society while remaining mindful of our responsibility to protect our judges and the justice system that they represent.”¹⁶ In keeping with this sentiment, today we urge all Americans, particularly public officials and members of the legal profession, to remember that in public discourse our words matter. Speaking out and speaking up is critical to our democracy, but we must do so responsibly, without jeopardizing the safety of those with whom we disagree.

¹² <https://www.govinfo.gov/app/details/BILLS-117s4160es>

¹³ United States Courts (Dec. 22, 2021), <https://www.uscourts.gov/news/2021/12/02/judicial-security-bill-advances-judge-who-lost-son-urges-final-passage>

¹⁴ Madison Alder, Rand Paul Again Blocks Quick Passage of Judicial Security Bill, Bloomberg Law (May 12, 2022), <https://news.bloomberglaw.com/us-law-week/rand-paul-again-blocks-quick-passage-of-judicial-security-bill>

¹⁵ The Daniel Aderl Judicial Security & Privacy Act, New York City Bar Podcast (Jan. 26, 2022), <https://www.nycbar.org/media-listing/media/detail/the-daniel-anderl-judicial-security-and-privacy-act>

¹⁶ Statement of Sheila S. Boston, New York City Bar Association (Aug. 21, 2021), <https://www.nycbar.org/media-listing/media/detail/doxxing-of-chief-judge-difiore-vaccine-mandate-quirk> (condemning the posting of New York Chief Judge Janet DiFiore’s home addresses on a union official’s public Facebook page as part of a call to members to stage protests at the Chief Judge’s home against her decision to require vaccines for court employees. Recognizing the right of the union to grieve the decision, and noting the courthouse as a highly visible alternative for public protest, President Boston reminded us, “If you doubt the danger that can follow high-profile judges, please remember the tragic killing, barely one year ago, of Daniel Aderl, son of District Judge Esther Salas, at the front door of their family home in New Jersey. If you doubt that danger could attend to Chief Judge DiFiore, whose personal information Mr. Quirk has disseminated, only remember that Chief Judge DiFiore’s name and photograph were found in the possession of Daniel Aderl’s killer.”)