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## **Federal Courts Committee Comments on the Proposed Daniel Anderl Judicial Security and Privacy Act of 2020, S.4711, H.R. 8591**

The New York County Lawyers Association (“NYCLA”) supports the passage of the Daniel Anderl Judicial Security and Privacy Act of 2020 (“DAJSP”).

DAJSP would protect Judges’ personally identifiable information (JPII) in public records. Among other provisions, DASJSP:

- Prohibits the disclosure of personally identifiable information of active, senior, recalled, or retired federal judges, including magistrate judges, bankruptcy judges, administrative law judges, administrative judges, and immigration judges, and their immediate family (hereafter referred to as “at risk individuals”);
- Creates a process through which at-risk individuals can provide written notice to Government Agencies notifying those Agencies of their at-risk status and ask those Agencies to mark as confidential their JPII;
- Prohibits Government Agencies from publicly posting or displaying content that includes JPII and requires removal of such information within 72 hours of a written request;
- Creates a grant program for State and local governments to prevent the release of JPII from any entity at the State or local level that operates a database or registry that contains this information. This grant program would be managed by the Attorney General (AG) and would require applicants for such grants to submit an application in whatever manner the AG may require;
- Makes it unlawful for a data broker to sell, trade, license, purchase, or otherwise provide JPII of an at-risk individual or their family members;
- Prohibits any person, business, or association from publicly posting or displaying the JPII of an at-risk individual if the at-risk individual has made a written request that the person, business, or association not disclose that information.

The legislation, which was just reintroduced, is needed to preserve the ability of our federal judges to decide matters that come before them without fear of reprisal or physical harm to themselves or their families. NYCLA also supports the proposed legislation for several additional reason, as detailed below.

## **BACKGROUND**

In of July 19, 2020, a man posing as a FedEx delivery driver invaded the home of Judge Esther Salas, a United States District Judge in New Jersey, and opened fire, critically wounding her husband, Mark Anderl, and killing their 20-year-old son, Daniel. The gunman had argued a case before Judge Salas and used publicly available information to create a dossier of the judge. Judge Salas later made a personal, public plea for greater privacy protections for federal judges.

This is only the most recent act of violence against federal judges that demands Congressional action. While gardening at his home in Pelham, New York, Judge Richard Daronco of the Southern District of New York was assassinated by the father of a *pro se* plaintiff. Chief Judge Charles J. Brieant of the Southern District of New York was targeted by a disgruntled former litigant, who tracked down Judge Brieant's home address and mailed a poisoned box of chocolates there to arrive on Friday, February 13, along with a Valentine's Day card, signed with a question mark. Judge Brieant's wife, believing them to be a gift, ate the chocolates, lost consciousness, and was later discovered and rushed to a hospital, where she remained for four days.

In 1989, Judge Robert Vance of the United States Court of Appeals for the Eleventh Circuit was murdered in Mountain Brook, Alabama. In 2005, the husband and mother of Judge Joan Lefkow of the Northern District of Illinois were murdered in Illinois. In June 2013, Chief Judge Timothy Corrigan of the Middle District of Florida was targeted by a gunman who purchased the address of his Florida home on the internet for \$1.95. The gunshot missed his ear by less than two inches. Many federal judges regularly live under threats of violence. They increasingly are targeted by persons who disclose detailed personal information about judges, their families and friends, and then disseminate that information in an effort to incite others to violence. According to the U.S. Marshals Service, threats against federal judges rose by 500 percent between 2015 and 2019.

The proposed DAJSP recognizes the rise of threats against the Federal judiciary and establishes enhanced security measures and tools to protect judges and their families.

## NYCLA'S POSITION

The safety of the judiciary is vital to the rule of law. Federal judges must be able to make decisions, no matter how unpopular, without fear of harm. Indeed, for judges and their families, better security can be a matter of life and death. After all, judges regularly preside over cases involving dangerous criminal enterprises as well as emotionally-unstable individuals. Thus, NYCLA strongly supports the passage of the updated version of the Act.

Critically, the threat to judges has intensified in recent times. The U.S. Marshals Service, which has been responsible for the security of the 2,700 Federal judges since 1789, has reported a “dramatic increase” in threats against judges, prosecutors, and other court officers. Social media has amplified the threats against judges, and a wealth of identifying information can be found online, including judges’ home addresses. In the last five years, the Marshals Service has logged approximately 3,000 potential threats or “inappropriate communications” each year against judges, members of the judiciary and federal facilities. Specifically, security incidents targeting judicial personnel have risen by more than 480% in just the last five years, from 926 threats in 2015 to 4,449 such incidents in 2019.

Judicial security is essential to the rule of law and the fair, efficient administration of justice. The proposed legislation takes sensible measures to prohibit government agencies from disseminating JPIL on the internet. It incentivizes state and local governments to do the same. It prohibits commercial data collectors from selling or purchasing JPIL. And it authorizes injunctive relief and a private right-of-action for violations.

An independent judiciary in which judges can render decisions without fear of retribution and violence is essential to the integrity of our democracy. Indeed, the targeting and intimidation of judges undermines the very concept of the rule of law.

New York County Lawyers Association

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