

ANOTHER VIEWPOINT

We must do more to protect federal judges

In December 1989, Robert Vance was with his wife in the kitchen of their Alabama home. As he opened a nondescript package addressed to him, the pipe bomb inside exploded, expelling nails with such force that it killed him almost instantly. His wife was grievously injured. At the time of his murder, Vance was a federal appellate judge on the Eleventh Circuit Court of Appeals based in Atlanta. His assassin, Walter Leroy Moody, Jr, hated the legal system and the judges who visibly represented its power. Moody's prior court experiences had ended badly, so he killed someone he considered a symbol of the American legal system. He also killed NAACP attorney Robert Robinson by mailing him a pipe bomb as well.

It is all too familiar.

In July 2020, U.S. District Judge Esther Salas' son, Daniel Anderl, heard someone knocking at the front door at their home in New Jersey. As he opened the door, Roy Den Hollander shot and killed him. The assailant also shot and seriously wounded the judge's husband as he rushed to help their only son. The murderer was a lawyer who targeted Salas and her family because he didn't like the way she ruled.

Most recently, U.S. Magistrate Judge Bruce Reinhart, who signed the warrant to search Donald Trump's Mar-a-Lago club and residence for evidence of possible violations of federal criminal law, has received countless public threats and harassment. His personal information has been strewn about in public with deliberate indifference to his and his family's safety. Even now, he is subjected to terroristic tactics because he reviewed a warrant application — as is his job and as he has done many times before without issue.

The country must do more to protect its federal judges.

Threats and harm are not new risks for federal judges. What is new is that the threats no longer exist in the shadow; they now are raised high in public like a bizarre banner of prideful disdain for authority. Those who threaten judges belittle the legal process and expect — even demand — their preferred outcomes. Unpopular judicial actions now occasion violent spectacle rather than produce topics for passionate civic debate. Armed with attitude and AR-15s, self-described “patriots” feel emboldened to not only defy judicial decisions, but also silence the offending judges.

That is what has changed. The open, violent contempt in the face of unwelcome legal outcomes is no longer an act against an individual judge (as truly serious as that is); the

frequency of these violent reactions has mutated them into a mortal danger to the legal system. And without an independent judiciary, democracy will not be at merely at risk, it will end.

U.S. Rep. Mikie Sherrill, D-NJ, has introduced legislation to help combat this now fully visible and spreading pox. The legislation (H.R. 4436, the “Daniel Anderl Judicial Security and Privacy Act of 2021”) would make judges’ and their families’ personal information significantly harder to find and use and it would provide resources to improve security at federal courthouses. The bill has attracted bipartisan support and has 86 cosponsors in the House, including members with as disparate views as Debbie Wasserman Schultz and Matt Gaetz. And yet, the legislation remains idled in the House Judiciary Committee.

Why? Judges don’t have easy constituencies to advocate on their own behalf. Their independence works against exercising political muscle in the legislative process. That’s generally good, but it hampers the judiciary’s ability to protect itself in the current crisis.

It’s time for Congress to enact the legislation. Passage of the “Daniel Anderl Judicial Security and Privacy Act of 2021” is more than simply totaling vote counts. It is an indispensable acknowledgement by the legislative branch that its sibling’s health—human and institutional—is vital to democracy. Such symbolism can be powerful. Let’s protect federal judicial officers of all ideological orientations. That protection will enhance, not diminish, the judiciary’s ability to act as an instrument of independence.

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