

MEMORANDUM

Agenda Item No. 11(A)(15)


TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 7, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the United States Congress to enact S. 2340, H.R. 4436, the Daniel Anderl Judicial Security and Privacy Act, or similar legislation that would provide additional security safeguards for federal judges

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(15)
7-7-22

RESOLUTION NO. _____

RESOLUTION URGING THE UNITED STATES CONGRESS
TO ENACT S. 2340, H.R. 4436, THE DANIEL ANDERL
JUDICIAL SECURITY AND PRIVACY ACT, OR SIMILAR
LEGISLATION THAT WOULD PROVIDE ADDITIONAL
SECURITY SAFEGUARDS FOR FEDERAL JUDGES

WHEREAS, federal judges are vital to our democracy, performing the important function of interpreting the United States Constitution and administering justice in a fair and impartial manner to all who appear before them; and

WHEREAS, in recent years, however, federal judges have become increasingly exposed to harm and personal threats directly stemming from their role with the federal judiciary; and

WHEREAS, most recently, during the early morning hours of June 8, 2022, a man was arrested just outside the home of United States Supreme Court Justice Brett Kavanaugh while carrying a backpack and a suitcase that contained a firearm, ammunition, a tactical knife, zip ties, and duct tape among other items; and

WHEREAS, the man, who traveled from California to the Justice's home, has since been charged by the United States Department of Justice with attempted murder of a United States judge and, according to the criminal complaint, told law enforcement officials that he was upset about the recent leak of a Supreme Court draft decision concerning abortion rights and the recent school shooting in Uvalde, Texas; and

WHEREAS, on July 19, 2020, Judge Esther Salas ("Judge Salas"), a United States District Court Judge for the District of New Jersey, was also targeted at her home in a tragic incident that left her 20-year-old only son dead and her husband critically wounded; and

WHEREAS, Judge Salas's assailant, a lawyer who had appeared before Judge Salas in a lawsuit pending in her court, went to her New Jersey home posing as a package delivery driver and opened fire on her son and husband upon arrival; and

WHEREAS, incidents like these are not a new phenomenon, and the targeting of federal judges and other federal judiciary personnel are becoming more and more common due in part to the ever-expanding access to sensitive personal information online and the rising use of social media, which malicious actors can exploit to discover and spread information about individuals' personal lives such as where they live and spend their leisure time; and

WHEREAS, indeed, four federal judges have been murdered since 1979, and threats and other inappropriate communications against federal judges and other federal judiciary personnel increased from 926 in 2015 to approximately 4,449 in 2019; and

WHEREAS, these alarming statistics and the latest incidents involving Justice Kavanaugh and Judge Salas illustrate the grave dangers federal judges face and the dire need for more security procedures and safeguards to protect them and their families; and

WHEREAS, following the threat to Justice Kavanaugh, Congress passed, and the President signed into law, S. 4160, the Supreme Court Police Parity Act of 2022, a bill that extends security protection specifically to the family members of Supreme Court justices; and

WHEREAS, but as Judge Salas has called for in the wake of the tragedy suffered by her and her family, federal judges of all ranks across the country are also in need of protection, as they serve on the front lines and deal with parties on a daily basis, often on the most serious and sensitive issues; and

WHEREAS, United States Senators Robert Menendez (D – New Jersey), Cory A. Booker (D – New Jersey), Lindsey Graham (R – South Carolina), Richard J. Durbin (D – Illinois), John Kennedy (R – Louisiana), and Dianne Feinstein (D – California) have joined a bipartisan coalition of members of Congress in introducing S. 2340, entitled the Daniel Anderl Judicial Security and Privacy Act, for consideration during the 117th Congress; and

WHEREAS, United States Representatives Mikie Sherrill (D – New Jersey) and Brian K. Fitzpatrick (R – Pennsylvania) have introduced H.R. 4436, an identical bill under the same title; and

WHEREAS, named in honor of Judge Salas’s son, the Daniel Anderl Judicial Security and Privacy Act would establish guidelines applicable to federal agencies, state and local governments, and commercial data collectors for creating safeguards to protect certain personal information—such as home addresses, phone numbers, and license plate numbers—of active, senior, recalled, and retired federal judges as well as their immediate family; and

WHEREAS, specifically, the Daniel Anderl Judicial Security and Privacy Act would prohibit federal government agencies from publicly posting personal information of federal judges or their immediate family and allow federal judges to seek the immediate redaction of such information that has already been posted; and

WHEREAS, the Daniel Anderl Judicial Security and Privacy Act would further prohibit commercial data collectors from selling, licensing, trading, purchasing, or providing personal information of a federal judge or a federal judge’s immediately family; and

WHEREAS, in addition, the Daniel Anderl Judicial Security and Privacy Act would create a federal grant program to assist state and local governments with the creation or expansion of programs designed to protect the personal information of federal judges, including: programs to

redact or remove personal information from state and local government public records upon request by a federal judge; programs to develop or improve protocols, procedures, and policies to prevent the release of personal information; programs to defray the costs of modifying or improving existing databases and registries maintained by state and local governments to ensure that personal information is not released; and programs to develop confidential opt-out systems that enable federal judges to make a single request to keep their personal information out of multiple databases or registries; and

WHEREAS, the Daniel Anderl Judicial Security and Privacy Act would also expand the capabilities of the United States Marshals Services specifically for the purpose of identifying and coordinating responses against potential threats; and

WHEREAS, for relief, the Daniel Anderl Judicial Security and Privacy Act would provide a private right of action for injunctive or declaratory relief for violations of the law; and

WHEREAS, it is imperative to our democracy that federal judges and their families are afforded meaningful protection from the harm they face, which the Daniel Anderl Judicial Security and Privacy Act provides; and

WHEREAS, accordingly, this Board supports the enactment of the Daniel Anderl Judicial Security and Privacy Act or similar legislation,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the United States Congress to enact S. 2340, H.R. 4436, the Daniel Anderl Judicial Security and Privacy Act, or similar legislation that would provide additional security safeguards for federal judges.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to Senators Robert Menendez, Cory A. Booker, Lindsey Graham, Richard J. Durbin, John Kennedy, and Dianne Feinstein, Representatives Mikie Sherrill and Brian K. Fitzpatrick, and the Members of the Florida Congressional Delegation.

Section 3. Directs the County's federal lobbyists to advocate for the action set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2022 Federal Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of July, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

KMB

Keoki M. Baron