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**David French**

# This Is No Way to Run a Country

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Have you ever written words that you thought might get you killed? Have you ever written words that you worry might get someone you love killed?

That's the reality that federal judges are facing across the nation. Our awful era of intimidation and political violence has come for them, and it represents a serious threat to the independence and integrity of the American judiciary.

The details are grim. Federal judges are facing a surge in threats. As my colleagues in the newsroom reported this year, data collected by the U.S. Marshals Service shows that 80 judges received threats in the five months before March 1. In the six weeks that followed — a period that coincided with a sharp increase in MAGA complaints online about judicial rulings — 162 judges received threats.

To say that judges “received threats” is a bland way of describing a series of terrifying messages and encounters. A week ago, a group called Speak Up for Justice, which advocates an independent judiciary, hosted five sitting federal judges who publicly shared their stories.

Judge Jack McConnell, who issued a ruling against the Trump administration in March, said his court has received more than 400 “vile, threatening, horrible voice mails.” At the start of the event, Judge McConnell played one of those messages, a furious, profanity-laden tirade that included an explicit assassination threat.

Judge McConnell said that he'd been on the bench for almost 15 years, and that this was the "one time that actually shook my faith in the judicial system and the rule of law."

Judge Esther Salas was also on the panel. In 2020 a lawyer shot and killed her son and wounded her husband. In a vicious and macabre twist on a common intimidation tactic, people are sending pizzas to judges' homes, sometimes in the name of Daniel, Judge Salas's murdered son. The pizza deliveries are intended to send an ominous message: We know where you live. Adding the detail about Daniel Salas shows a clear desire to increase the sense of fear and terror, and to inflict fresh pain on Judge Salas and her family.

The Supreme Court has hardly been immune to this horrible trend. In 2022, a man armed with, among other things, a pistol, a knife and pepper spray was arrested outside Justice Brett Kavanaugh's home. In March, someone targeted Justice Amy Coney Barrett's sister with a pipe bomb threat, and Justice Barrett's family had also received pizza deliveries.

It's not only Justice Barrett's family that's been targeted. Other federal judges have said that their family members have been doxxed and have faced their own threats. So judges now have to worry about the effect of their rulings on the people they love the most.

Judges have long had to think about security. They preside over the criminal trials of some of the most dangerous people in America, and it's not unusual for a convict to hold a grudge. But the system was built to handle those kinds of threats, as scary as they can be. The U.S. Marshals Service has long been efficient and effective against routine threats. But nothing about the present moment is routine.

Even worse, we, as human beings, are not built to handle that much hatred, and receiving that much vitriol can be profoundly harmful, no matter how thick your skin.

**The American judiciary** is joining a terrible fraternity. Every other American with a public platform — no matter how large or small — knows that he or she is often one essay, one vote or one social media post away from enduring hell on earth. It doesn't matter if you're a previously anonymous election worker, or a member of a small-town school board, or a United States senator, the calculus is the same. Take any sort of public stand on a controversial issue, and you will face the consequences.

Don't think that violence comes from the MAGA movement alone. A spirit of extremism has gripped so many parts of American political life that there are now people who cheer the assassination of an insurance executive, or celebrate the murder of a woman who worked for the investment firm Blackstone.

It wasn't a member of the MAGA movement who tried to kill Republican members of Congress at a baseball practice. We don't know the motives of the man who tried to assassinate Donald Trump, but he certainly wasn't acting to advance MAGA's interests.

It might sound strange to say this, given the amount of media coverage around each wave of threats, but the pervasive atmosphere of intimidation is creating a quiet crisis for American democracy.

The reason is simple. Long after the media attention is over, the consequences remain. We're creating a generation of public servants who can't feel completely secure when they're out in public, who wonder if they're safe in their own homes and who fret constantly about their siblings, spouses and children.

As a result, some people essentially become like the walking wounded. Their joy is diminished, their anxiety spikes and they worry if public service is worth the cost and then feel immediate shame at the notion that they'd ever surrender to bullies. But they can't help keeping one eye on the door. They can't help feeling some degree of comfort at the idea of sliding back into a much more anonymous life.

Others radicalize. The hatred directed against them leads to a hatred in them, and they have an understandable white-hot fury against their foes. I've been amazed again and again by how many of the most radical people I know trace their origin story to a moment of dreadful treatment. It's the political version of the old saying that "hurt people hurt people."

Still others capitulate. They cannot tolerate the threats, but they still value their jobs — and the money and prestige that comes with them — so they simply yield. Peter Meijer, a former Republican member of Congress, told *The Atlantic* that the chief reason Republicans didn't confront Trump in the aftermath of Jan. 6 was fear: "People are afraid for their safety. They are afraid for their careers. Above all, they are afraid of fighting a losing battle in an empty foxhole."

I'm reminded of recent comments from Senator Lisa Murkowski of Alaska, who will, sometimes, stand up to Trump. At a conference in Anchorage in April, she said, "We are all afraid."

"We're in a time and place where — I don't know, I certainly have not — I have not been here before," she added. "And I'll tell you, I'm oftentimes very anxious myself about using my voice because retaliation is real."

**I know judges** who've been threatened. Each of them shares a deep and abiding desire to press on, to interpret the law and do their jobs without fear or favor. At the same time, however, many judges are also wounded. Their ordeals have been a source of

pain and stress, for them and their families.

This week, Nancy Gertner, a retired federal judge, and Stephen Vladeck, a law professor at Georgetown, wrote an important piece in *The Times* debunking the Trump administration's legal attack on Judge James Boasberg, the chief judge for the Federal District Court in Washington.

At a private breakfast with Chief Justice John Roberts and other federal judges at a meeting of the Judicial Conference of the United States, Judge Boasberg told the chief that a number of his colleagues were concerned about whether the administration would comply with court orders. The administration then filed a misconduct complaint against the judge. Its argument is laughable — that by expressing his colleagues' concerns, Judge Boasberg “undermined the integrity and impartiality of the judiciary.”

The legal complaint will almost certainly be dismissed for the reasons outlined in Gertner and Vladeck's essay, but never forget this: Whenever you see a public attack on a judge, know that it is like a signal flare. It galvanizes some of the worst people in America to make threats, dox family members and harass public officials into a state of fear and misery.

Compounding it all, the targets of hate and harassment often feel utterly alone, at least in the public square. Normal people — decent people — see the hatred and too often shy away. They don't want to be caught in the maelstrom. It's not their fight, after all.

This is the wrong answer. I'm often asked by people what concrete thing they can do to try to shorten the darkness, to stand against hatred in this dangerous moment. Here's one response: Stand up for good people under fire. Private messages are important, but even the simple act of posting public support (or offering other forms of public aid) can help mitigate the damage. It tells a person that he or she is not alone and that decency is not dead.

And don't stand with just your political allies. Selective compassion isn't compassion. Intimidation is a central tactic of the MAGA movement, but too much blood has been spilled by too many other people for Americans to think that violence and threats are a problem for MAGA only. I have friends who bear deep wounds inflicted by the far left, and I am not alone.

American judges face two challenges at once — a public struggle to maintain independence and integrity when the president of the United States treats judicial reversals as impeachable offenses, and a private battle to maintain their resolve and do their jobs in the face of cruelty and fear.

Our system is built to withstand the first challenge. Life tenure provides a firewall against most forms of presidential interference, and the present Congress will not

impeach and convict a federal judge for ruling against the president. But the second challenge is infinitely more difficult. Judges are confronting an ordeal they never expected to face, and their personal reservoir of moral and physical courage will decide the fate of the Constitution they swore to protect.

## Some other things I did

On Sunday, I wrote about the state of the war in Gaza. I'm a friend of Israel. I was part of a legal team that defended Israel from war crimes accusations in a previous Gaza war. I believe that Israel should dismantle Hamas and remove it from power in the Gaza Strip. But I'm also deeply concerned about the war. When Israel cut off aid to Gaza, it went too far:

The dominant power in Gaza is Israel, not Hamas, and Israel, not Hamas, is the only entity with both the power to control aid distribution and the ability to obtain and distribute aid in the Gaza Strip. There is no way for Gazans to feed themselves. They are utterly dependent on Israel, and Israel removed the United Nations from the aid distribution network without replacing it with an effective alternative.

Anyone who has spent time fighting Al Qaeda or ISIS or Hamas knows that those groups think civilian suffering advances their cause. They don't burrow into cities and wear civilian clothes and hide behind hospitals and mosques simply to conceal themselves; they do so knowing that any military response will also kill civilians. They want the world to see images of civilian death and suffering.

So why is Israel giving Hamas what it wants?

Hamas should lay down its arms. It should release every hostage. But Hamas's war crimes — including its murders, its hostage taking and its concealment among civilians and civilian buildings — do not relieve Israel of its own moral and legal obligations.

On Saturday, we published my conversation with my colleagues Michelle Cottle and Lydia Polgreen. We discussed Israel, Gaza and the long-term consequences of the Gaza war. I offered an explanation as to how Israel's tactics went wrong:

I know why this all occurred: because of the initial Israeli approach that it stuck to, which is they did not want to occupy parts of Gaza and take responsibility for the safety and the security and the sustenance of its citizens that — we did that in Iraq, in the surge, we took responsibility for the safety, security, and sustenance of the people in my area of operations. And that way we were able to secure it and hold it against Al Qaeda when Al Qaeda tried to come back.

Israel didn't do that. They played sort of this game of Whac-a-Mole with a giant mallet where they're just pounding every place where they saw terrorists and then did not move into the decimated and destroyed areas and provide safety and security and make sure that Hamas didn't come back.

So you just have this endless round of Whac-a-Mole. What it is doing is it is annihilating Gaza, and it's creating exactly the conditions that you have now.

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David French is an Opinion columnist, writing about law, culture, religion and armed conflict. He is a veteran of Operation Iraqi Freedom and a former constitutional litigator. His most recent book is "Divided We Fall: America's Secession Threat and How to Restore Our Nation." You can follow him on Threads (@davidfrenchjag).