



COMMENTARY

Joette Katz, a partner with Shipman & Goodwin.

Ugly and Threatening Rhetoric Aimed at Connecticut's Judiciary: When is Enough Enough?

Clients and/or attorneys who allege a vast conspiracy to justify racist and threatening statements aren't doing themselves or anyone else any favors.

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Recently, I have been the target of an anti-Semitic blog attack that uses vile and threatening language, and suggests that I've been the victim of exposure to Zyklon B, the poisonous gas the Nazis used to kill over a million people during the Holocaust. It's not the first time that I have been attacked, nor threatened, and I am certainly not alone. The blog has expressed anti-Semitic, homophobic, and racist rants against fellow Judges (Judges Robinson, Bozzuto, Adelman, Albis, Murphy Bright, Emons, Coleman, Ficeto, Richards, Pincus, Moukawsher, Grossman, Heller, Nguyen, Olear, Platt, Pressley, Solomon, Carroll, and others), GALs (Steven Dembo and Jocelyn Hurwitz),

Therapist (Sidney Horowitz), and countless other lawyers simply for doing their respective jobs. I am in good company. But if I were upset at simply being criticized, then I never should have been a public defender, judge, justice, Commissioner or have served in any other public role.

But the blog in question has gone beyond free speech and the Constitutional protections we all enjoy and cherish. At the risk of giving legs to this lunacy, I will

refer to just a few quotes from the last year or so, when the blog encouraged violence against many of us who have served roles and taken positions that its author disapproves of. In response to my recent op ed in the Ct. Law Tribune about domestic violence, the blog states in part:

“Children are precious, in need of protection from the domestic terrorism of Jew family court judges, Second Amendment has a purpose, parental discretion chooses the caliber of the shot that lets freedom ring. Jewish judges are a true threat to children. Combat the evil of domestic terrorists per Jewette’s directive, protect the children, shoot a judge, and a lawyer, and a GAL, and a therapist ... a few clerks, and the big ‘n*****’ in the black robe who jacks o to the sound of children’s screams.”

In the recent past, the blog has provided home addresses of judges, encouraged its readers to drive by and “honk long and loud” in one instance, and shoot at the home of another, or if “flying over in your F35 jet, drop a few smart bombs.” To another colleague, the blog warns that if the Judge “won’t protect the children, then death to her as well! Have lots of long guns and .308 ball ammunition to fend o her flying monkeys! Shotgun in one arm, AR15 in the other, death to our so called judicial system! If vigilante justice is required, give [her] the mountain justice she deserves. . . . If the courts won’t protect, then it is up to the people to administer justice! New ammo is made everyday! Vigilante justice!”

I could provide many more examples, but suffice it to say, the blog has gone from vile, disgusting anti-Semitic, anti-gay, anti-Black rants to actual threats of violence and death. Hate speech and other offensive language is protected by the First Amendment, which allows groups such as Westboro Baptist Church, the KKK, and QAnon to promote hatred against otherwise protected groups. There are, however, some limits to “Freedom of Speech.” And while I know that it’s not always easy to draw the line between a true threat and a statement that’s simply alarming because of its violent and offensive language, I feel confident in stating that the threats made in the blog cross the line and are dangerous.

We have all seen the role of threats and the violent nature and susceptibility of individuals that led to the January 6, 2021 attack on the Capitol. There were those who engaged, but there were also those who encouraged. There were those who rioted, those operatives who organized the event itself, and those who heard the call. Many already face conspiracy charges in relation to the riot, and the investigations continue

regarding those who may not have been actually physically involved in the violence, but were in contact with or incited those who were.

We are indeed living with a tide of political and ideological threats of violence in the United States, a tide that extends much further than the January 6 attack on the Capitol. As Attorney General Garland recently observed in his remarks on the first anniversary of that attack: the rising violence and criminal threats of violence “against election officials and election workers; flight crews; school personnel; journalists; local elected officials; U.S. Senators and Representatives; and judges, prosecutors, and police officers.” And as Garland cautioned: “The time to address threats is when they are made, not after the tragedy has struck.” We are indeed living with a rise in violence and unlawful threats of violence directed at those of us who serve the public. This growing use of threats and violence is absolutely intended to intimidate us from doing our jobs, and incite a growing lawlessness that leaves all of us vulnerable.

We all care deeply about free speech, but our right to free speech is not absolute. Government has the power to prevent or punish speech that displays a clear and present danger of riot or another immediate threat to public safety, peace, or order. That is because such speech is not protected by the First Amendment as long as the statements are likely to have that effect. Although there is not a clear, consistent definition of a true threat, and we know that it should be more than political hyperbole or metaphor, a joke, or an impulsive angry comment, in my view the threats in the blog are absolutely intended to incite imminent violence against us, if not by the speaker, then by a third party.

Furthermore, it doesn't matter if the person making the threat doesn't actually plan to carry it out, because barring true threats protects the victims from the fear of violence as well as the actual violence. See *Virginia v. Black*, (intimidating actions like burning a cross can be true threats if they're meant to make particular individuals or groups of people fear for their lives). Well, I do not believe that we are just talking about fear; these blogs express advocacy that is aimed at inciting or producing imminent lawless action that I believe is likely to both incite and ultimately one day produce such action. This is one time that I hope I am wrong.

Joette Katz is a partner at Shipman & Goodwin in Hartford, where she focuses her practice on business litigation. She is a former Connecticut Supreme Court justice and commissioner of the Connecticut Department of Children and Families. She currently co-chairs the Connecticut Law Tribune Editorial Board.