

**Testimony on behalf of the
American Civil Liberties Union of the District of Columbia
before the D.C. Council Committee on the Judiciary and Public Safety
Hearing on B26-0655, the Protecting Judicial Privacy Act of 2026**

**Hearing on September 23, 2026
Submitted on September 24, 2026**

Chairperson Pinto and members of the Committee, thank you for holding this hearing and for the opportunity to share testimony on behalf of our over 14,000 members and supporters across the District. The following testimony is submitted on behalf of the American Civil Liberties Union of the District of Columbia (ACLU-D.C.).

Our testimony addresses our recommendations regarding B26-0655, the Protecting Judicial Privacy Act of 2026.¹ As you know, the Protecting Judicial Privacy Act of 2026 aims to address the commendable goal of improving the safety and privacy of actively employed and retired judges in the District. In recent years, judges across the country have faced increased threats and violence, putting families at risk and undermining our democratic institutions.² ACLU-D.C. condemns any efforts to use the personal information of judicial officers to harass, intimidate, harm, or retaliate against them or their families for carrying out the duties of their job.

The bill prohibits government agencies, individuals, businesses, and private associations and organizations from publicly displaying publicly available content that includes a judicial officer's personal information, upon receipt of a written request to remove such content. However, the bill does not include any exemptions for constitutionally protected speech, which raises concerns that some sources of information that could be used to reveal potential transparency or ethical conflicts could be obscured. For example, the Wall Street Journal published an investigative report in 2021 which revealed numerous judicial conflicts of interest violations.³ The investigation examined the stock held by judges, as well as by their spouses and minor children. Investigations of this nature could be seriously hindered if online sources were barred from publishing a judge's marital status or even the names of a judge's minor children.⁴ To address this issue, ACLU-D.C. urges the Committee to consider adding in language that narrows the scope of the bill and provides an exemption to the removal of publicly available personal information, when that personal information is relevant to a news story, commentary, editorial, or any other speech on a matter of public concern. An exemption of this nature will allow the bill to accomplish its worthy aim of protecting the safety and privacy of judges from bad actors, while not unnecessarily chilling or preventing protected speech.

¹ B26-0655 - Protecting Judicial Privacy Act of 2026, <https://lims.dccouncil.gov/Legislation/B26-0655>.

² Brennan Center for Justice, "Protecting Judges from Rising Threats," Aug. 31, 2026, <https://www.brennancenter.org/our-work/research-reports/protecting-judges-rising-threats>.

³ James V. Grimaldi, Coulter Jones and Joe Palazzolo, "131 Federal Judges Broke the Law by Hearing Cases Where They Had a Financial Interest," The Wall Street Journal, Sept. 28, 2021, available at https://www.wsj.com/us-news/law/131-federal-judges-broke-the-law-by-hearing-cases-where-they-had-a-financial-interest-11632834421?mod=article_inline.

⁴ Thomas A. Berry, "Government Can't Censor the Truth about Judges," Cato Institute, Dec. 26, 2021, <https://www.cato.org/commentary/government-cant-censor-truth-about-judges>.

Federal lawmakers took this approach on a similar bill, the Daniel Andert Judicial Security and Privacy Act of 2022. While taking a protective approach to the privacy and security of judicial officers, this legislation provided an important exemption for "...information [that] is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern."⁵ Although the final version of the legislation did not address all speech concerns raised by its text, this exemption helped to narrow its scope. The bill was added to, and ultimately passed, as part of the National Defense Authorization Act for Fiscal Year 2023.⁶

States have taken a similar approach to protected speech in their own legislative efforts to protect the privacy and safety of judicial officers. In Maryland's Senate Bill 575, which became law in 2024, lawmakers included an exemption for speech on matters of public concern, stating that "personal information" does not include "information that is relevant to and displayed as part of a news story, commentary, editorial, or any other speech on matters of public concern."⁷ Connecticut's House Bill 7255, signed by the governor in 2025, ensured that "...information that is relevant to and displayed as part of a news story, commentary, an editorial or any other speech on a matter of public concern" is excluded from the definition of personal information.⁸ And in New York's Judicial Security Act, the law's restrictions on the public accessibility of personal information do not apply the "display of the personal information of an eligible individual if such information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern."⁹

ACLU-D.C. commends Council for taking this important step toward protecting the safety and privacy of judicial officers and their loved ones from bad actors. However, the legislation must not inhibit or prevent constitutionally protected speech, especially when that speech is on a matter of public concern, and may reveal important and relevant information on matters of judicial transparency and ethics. We urge Chairperson Pinto and members of the Committee to take these concerns into consideration, and include language in the bill that creates an exemption for protected speech.

⁵ H.R.7776 - James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, <https://www.congress.gov/bill/117th-congress/house-bill/7776/text?s=1&r=2&hl=%22Judicial+Security+and+Privacy+Act%22>.

⁶ *Id.*

⁷ Maryland S.B. 575 (Judge Andrew F. Wilkinson Judicial Security Act), <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0575?ys=2024RS> (2024).

⁸ Connecticut Substitute House Bill No. 7255, Public Act No. 25-91 <https://www.cga.ct.gov/2025/ACT/PA/PDF/2025PA-00091-R00HB-07255-PA.PDF> (2025).

⁹ New York State Judicial Security Act, <https://www.nysenate.gov/legislation/laws/JUD/859> (2024).