



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

February 18, 2025

Charlotte Luckstone
FOIA Officer, Office of General Counsel
United States Marshals Service
Department of Justice
CG-3 15th Floor
Washington, DC 20530-1000

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and Department of Justice (“DOJ”) regulations.

Specifically, CREW requests all documents and communications:

1. From October 1, 2018, to the date this request is processed, relating to the requirement under 28 U.S.C. § 566(i) that the Director of the United States Marshals Service (USMS) consult with the Judicial Conference of the United States regarding security requirements for the judicial branch, including any communications between the USMS Director and the Attorney General regarding the USMS’s fulfillment of this requirement;
2. From August 9, 2022, to the date this request is processed, relating to USMS’s protection of Supreme Court justices or their residences;¹
3. From March 23, 2024, to the date this request is processed, relating to the requirement that the USMS provide a pilot program for security services under 40 U.S.C. § 1315, and the requirement that the USMS Director consult with the Director of the Administrative Office of the United States Courts to designate courthouses for such program; and²

¹ Pub. L. No. 117-167, div. C, title I, 136 Stat. 1366, 1757 (Aug. 9, 2022) (providing “\$10,300,000, to remain available until September 30, 2023, for expenses necessary to address threats to the Supreme Court of the United States”); *see also* American Relief Act, 2025, Pub. L. No. 118-158, div. B, title II (Dec. 21, 2024) (providing “\$12,000,000, to remain available until September 30, 2027, for necessary expenses related to the protection of the residences of the Supreme Court Justices”).

² Pub. L. No. 118-47, div. B, title III, sec. 305, 138 Stat. 460, 542 (Mar. 23, 2024).

4. From October 1, 2018 to the date this request is processed, relating to any standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General for the Judicial Facility Security Program.³

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agencywide preservation hold on all documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See *id.* § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

During President Trump's first days back at the White House, the protective security details for several former federal officials were revoked,⁴ despite recent reports suggesting

³ See, e.g., *id.*, 138 Stat. 540 (appropriating to the lower courts' Court Security account \$20,000,000 "to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General").

⁴ Sheryl Gay Stolberg, *Trump Terminates Fauci's Government Security Protection*, N.Y. Times, (Jan. 24, 2025), https://www.nytimes.com/2025/01/24/us/politics/fauci-security-protection.html?campaign_id=1908&emc=edit_uf_n_20250124&instance_id=145721&nl=from-the-times®i_id=202459426&segment_id=189217&user_id=2dc180498f86147914c4bc9de2d97fc2; Maggie Haberman, *Trump Revokes Security Detail for Pompeo and Others, Despite*

that credible threats against them remained.⁵ Because the president controls the USMS, a bureau of the Department of Justice whose primary purpose is to protect the judiciary, and because threats against judicial officials are on the rise, it is even more important that there be transparency in USMS operations.⁶ And with intensifying threats against the judicial branch, it is imperative that the U.S. Marshals entrusted with protecting these individuals make decisions independent of improper political influence.

The necessarily public functions of an independent judiciary leaves judges and court officers particularly susceptible to increased risks.⁷ In his 2024 end-of-year report, Chief Justice John Roberts condemned the many hostile threats that judicial officers have faced as a consequence of simply doing their jobs and the security measures that have been taken in response, from the issuance of bulletproof vests to the assignment of full-time security details.⁸ And in the past few years, there have been high-profile examples of these threats against the federal judiciary.⁹ Tragically, state and federal judges and their family members have also lost their lives as threats have escalated to violence.¹⁰ This “‘new normal’ of highly volatile behavior” in response to standard judicial processes raises questions about how judges can safely and faithfully perform their duties, as they must, “without fear of reprisal or retribution.”¹¹

Threats From Iran, N.Y. Times (Jan. 23, 2025),

<https://www.nytimes.com/2025/01/23/us/politics/trump-pompeo-security-iran.html>.

⁵ The Associated Press, *Trump ends Fauci's security detail, says he'd feel no responsibility if he was harmed*, NPR (Jan. 24, 2025 4:39 ET),

<https://www.npr.org/2025/01/24/nx-s1-5273805/donald-trump-anthony-fauci-security-detail-federal>;

Associated Press, *Trump Should Rethink Revoking Former Officials' Security Details, Tom Cotton Says*, U.S. News & World Report (Jan. 26, 2025),

<https://www.usnews.com/news/politics/articles/2025-01-26/trump-should-rethink-revoking-former-officials-security-details-tom-cotton-says>.

⁶ U.S. Marshal Service, Fact Sheet: Judicial Security (October 1, 2024),

<https://www.usmarshals.gov/sites/default/files/media/document/2025-Judicial-Security.pdf>; Robert Legare,

Threats to federal judges have risen every year since 2019, CBS (Feb. 14, 2024 5:30 EST),

<https://www.cbsnews.com/news/threats-to-federal-judges-have-risen-every-year-since-2019/>.

⁷ Summary Statement of Account Requirements, U.S. Courts (2025),

<https://www.uscourts.gov/file/78357/download#page=6>.

⁸ John Roberts, 2024 Year End Report on the Federal Judiciary,

<https://www.supremecourt.gov/publicinfo/year-end/2024year-endreport.pdf>.

⁹ Joseph Tanfani, Ned Parker and Peter Eisler, *Judges in Trump-related cases face unprecedented wave of threats*,

Reuters (Feb. 29, 2024), <https://www.reuters.com/investigates/special-report/usa-election-judges-threats/>; Emily Olson, *A Texas woman is charged with threatening the judge overseeing Trump's Jan. 6 trial*, NPR (Aug. 17, 2023 9:28 ET) <https://www.npr.org/2023/08/17/1194362551/tanya-chutkan-judge-threats-trump-insurrection-trial-shry>;

Trump removes Anthony Fauci's federal security detail, CBS (Jan. 24, 2025 9:04 ET),

<https://www.cbsnews.com/news/trump-removes-anthony-fauci-federal-security-detail/>; Michael Kunzelman,

Trial date set for man accused of trying to assassinate Supreme Court Justice Kavanaugh, A.P. News (Aug. 20, 2024 5:07 ET),

<https://apnews.com/article/supreme-court-threat-brett-kavanaugh-nicholas-roske-767c1c519906f0551328fdb3a503cc65>.

¹⁰ Lea Skene, Michael Kunzelman, and Sarah Brumfield, *A slain Maryland Judge Presides over the divorce case of man identified as a suspect in his killing*, AP News (Oct. 20, 2023 5:46 ET),

<https://apnews.com/article/maryland-judge-shot-killed-394b2eaf2570813d1f2845c45f8a99fe>; William K.

Rashbaum, *Misogynistic Lawyer Who Killed Judge's Son Had List of Possible Targets*, N.Y. Times (July 25, 2020),

<https://www.nytimes.com/2020/07/25/nyregion/roy-den-hollander-esther-salas-list.html>.

¹¹ Oversight of the United States Marshals Service Before the Subcommittee on Crime and Federal Government Surveillance 118 Cong. (2024) (statement of Ronald Davis, Director, U.S. Marshals Service)

<https://www.congress.gov/118/meeting/house/116837/witnesses/HHRG-118-IU08-Wstate-DavisR-20240214.pdf#page=7>; Judiciary Affirms Need for Bill to Protect Federal Judges, U.S. Courts (July 14, 2021),

On March 14, 2025, current funding for the USMS and for court security will expire.¹² To avoid a government shutdown, before that time Congress must pass another bill setting funding levels for the operation of the federal government for the remainder of fiscal year 2025. In addition to determining how much funding is necessary for judicial security, as part of this process Congress may wish to evaluate the necessity of additional funding controls or guardrails relating to the USMS's independence. With intensifying and increasing threats against the judiciary and significant executive branch control over security for these judges, Congress and the people it represents must have insight into the process by which USMS security decisions are made and what additional accountability measures are necessary to ensure the safety of federal judges.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives over 150,000 page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at cwentworth@citizensforethics.org and

<https://www.uscourts.gov/data-news/judiciary-news/2021/07/14/judiciary-affirms-need-bill-protect-federal-judges>.

¹² American Relief Act, 2025, Pub. L. No. 118-158, div. A, § 101 (Dec. 20, 2024).

February 18, 2025

Page 5

foia@citizensforethics.org or call me at (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to cwentworth@citizensforethics.org and foia@citizensforethics.org or by mail to Christie Wentworth, Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20044.

Sincerely,

A handwritten signature in black ink, appearing to read "Christie Wentworth". The signature is fluid and cursive, with a long horizontal flourish extending from the end of the name.

Christie Wentworth
Senior Policy Counsel