

Testimony Submitted for the Record
Senate Committee on the Judiciary
Hearing on the Nomination of Gadyaces Serralta to be Director of the United States
Marshals Service
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Chairman Grassley, Ranking Member Durbin and members of the Committee, thank you for the opportunity to submit testimony regarding the nomination of Gadyaces Serralta to be Director of the United States Marshals Service (USMS).

Our organization, Citizens for Responsibility and Ethics in Washington (CREW), is a nonpartisan nonprofit organization dedicated to ethics, transparency and accountability. Our mission is to build and preserve a durable, ethical democracy defined by interbranch checks and balances and adherence to the rule of law. We write today to highlight the importance of the USMS and its leadership in realizing our shared vision of a healthy constitutional republic.

The United States marshals are as old as our nation itself—the first marshals were installed in 1789 through the passage of the Federal Judiciary Act, while the USMS was established in 1969 within the Department of Justice.¹ Although the USMS is part of an executive branch agency and technically reports to the Attorney General², its “primary role and mission” is to “provide for the security” and “enforce all orders of” the United States District Courts, Courts of Appeals and other federal courts except the Supreme Court.³ The agency undertakes a number of tasks to fulfill its mission: it provides protective details for and assesses threats against judges, manages the custody of prisoners and protects witnesses, jurors, prosecutors and others who enter federal courthouses.⁴ Marshals also give teeth to the federal judiciary by enforcing and executing court orders—for example, marshals made enormous contributions to the advancement of civil rights in the 1960s by protecting students who were integrating previously-segregated public schools and universities.⁵

¹ Federal Judiciary Act of 1789, Pub. L. 20 (1789); U.S. Marshals Service, *Who We Are*, <https://www.usmarshals.gov/who-we-are>.

² U.S. Marshals Service, *Who We Are*, <https://www.usmarshals.gov/who-we-are>.

³ 28 U.S.C. § 566.

⁴ Christie Wentworth & Kalyn Mizelle McDaniel, *Trump's Politicization of the U.S. Marshals Service is a Threat to our Democracy*, Citizens for Responsibility and Ethics in Washington (Feb. 18, 2025), <https://www.citizensforethics.org/news/analysis/trumps-politicization-of-the-u-s-marshals-service-is-a-threat-to-our-democracy>.

⁵ U.S. Marshals Service, *The U.S. Marshals and the Integration of the University of Mississippi*, <https://www.usmarshals.gov/who-we-are/history/historical-reading-room/us-marshals-and-integration-of-university-of-mississippi>; U.S. Marshals Service, *Deputy U.S. Marshals Escort Ruby Bridges to School in 1960* (Nov. 14, 2024), <https://www.usmarshals.gov/news/stories/deputy-us-marshals-escort-ruby-bridges-school-1960>.

Today, however, the USMS is at an inflection point for two primary reasons. First, federal judges face an increasing number of physical threats. As Chief Justice John Roberts noted in his 2024 Year End Report on the Federal Judiciary, “the volume of hostile threats and communications directed at judges has more than tripled over the past decade. In the past five years alone, the Marshals report that they have investigated more than 1,000 serious threats against federal judges.”⁶ These threats occur at all levels of the judiciary: they include an assassination attempt against Supreme Court Justice Brett Kavanaugh, a threatening voicemail left for the District Court judge overseeing President Trump’s election interference case promising to “kill” her and, tragically, the murder of a federal judge’s son in 2020.⁷ As a result of this dramatic increase in threats and violence against judges, the USMS has had to provide full-time security details for several federal judges, and according to an April 10th letter from the Judicial Conference of the United States to Congress, 67 judges are currently receiving “enhanced online security screening services” from the Administrative Office and the USMS “due to the judges’ involvement in high-profile cases or rulings that have garnered attention in the media and on social media platforms.”⁸

Amidst this tumultuous landscape, the Judicial Conference has expressed concern about the continued ability of USMS to keep judges safe, particularly as the agency experiences spending cuts and staff losses.⁹ Moreover, these shortages are compounded by the January 2025 decision to deputize U.S. marshals to “investigate, locate, and apprehend” noncitizens as part of the Trump administration’s attempt to crack down on both legal and illegal immigration, raising questions as to whether USMS can adequately prioritize judicial

⁶ Chief Justice John G. Roberts, *2024 Year End Report on the Federal Judiciary* (Dec. 31, 2024), <https://www.supremecourt.gov/publicinfo/year-end/2024year-endreport.pdf>.

⁷ Michael Kunzelman, *Trial date set for man accused of trying to assassinate Supreme Court Justice Kavanaugh*, Associated Press (Aug. 20, 2024), <https://apnews.com/article/supreme-court-threat-brett-kavanaugh-nicholas-roske-767c1c519906f0551328fdb3a503cc65>; Emily Olson, *A Texas woman is charged with threatening the judge overseeing Trump’s Jan. 6 trial*, NPR (Aug. 17, 2023), <https://www.npr.org/2023/08/17/1194362551/tanya-chutkan-judge-threats-trump-insurrection-trial-shry>; Nicole Acevedo, *Judge Esther Salas applauds new law named after her son, who was killed by a gunman targeting her*, NBC News (Dec. 20, 2022), <https://www.nbcnews.com/news/latino/judge-esther-salas-law-son-killed-gunman-target-rcna62637>.

⁸ Chief Justice John G. Roberts, *2024 Year End Report on the Federal Judiciary* (Dec. 31, 2024), <https://www.supremecourt.gov/publicinfo/year-end/2024year-endreport.pdf>; Letters from the Judicial Conference of the United States to House and Senate Committees on Appropriations (Apr. 10, 2025), <https://www.uscourts.gov/sites/default/files/document/fy-2025-funding-request-letters-to-congress.pdf>.

⁹ Letters from the Judicial Conference of the United States to House and Senate Committees on Appropriations (Apr. 10, 2025), <https://www.uscourts.gov/sites/default/files/document/fy-2025-funding-request-letters-to-congress.pdf>; Suzanne Monyak, *Judicial Security Resources Stretched Amid Rising Threats*, Bloomberg Law (May 2, 2024), <https://news.bloomberglaw.com/us-law-week/judicial-security-resources-stretched-amid-rising-threats>.

security at a time of increasing need while also being called to engage in activities that are beyond its mission and mandate.¹⁰

Second, the Trump administration has increasingly used the USMS to achieve its own policy goals, thereby depriving the already-stretched agency of much-needed resources. The U.S. Department of Government Efficiency (DOGE) reportedly pressured the USMS to prod judges to accelerate the release of pardoned January 6th participants, some of whom engaged in violence against law enforcement when they breached the walls of the U.S. Capitol. DOGE also threatened to use the USMS to force its way into the USAID office building after DOGE was initially denied entry.¹¹ Additionally, the Trump administration has mobilized the USMS to carry out its immigration enforcement priorities.¹² And, in what is a major escalation between the branches of government, on April 25th the USMS confirmed that the FBI arrested a sitting Wisconsin state judge, Judge Hannah Dugan, on charges of obstructing an immigration arrest because Judge Dugan supposedly tried to help an undocumented defendant avoid arrest when that individual was scheduled to appear in her courtroom on April 18th.¹³ According to law enforcement following her arrest Judge Dugan was transferred to the custody of the USMS.¹⁴

This politicization of the USMS weakens its ability to carry out its primary functions and raises serious questions about whether the judiciary and USMS can trust one another. And at a time when the Trump administration has arguably defied at least one court order and has thus far failed to facilitate the return of a wrongfully deported Maryland father as ordered by a unanimous Supreme Court, the administration's increased exercise of authority over the USMS raises questions about whether the agency is positioned to prioritize the needs of the judiciary over the political goals of the president. It further raises

¹⁰ Memorandum, Judicial Conference of the United States, *United States Marshals Service Authority to Hold Individuals Pursuant to Title 8, Chapter 12* (Feb. 26, 2025), accessible at https://fingfx.thomsonreuters.com/gfx/legaldocs/egvblynjavq/02272025memo_usms.pdf; Memorandum, Administrative Office of the United States Courts, *Guidance Regarding Recent Executive Branch Actions Impacting Judicial Facilities and Security* (Feb. 13, 2025), accessible at https://fingfx.thomsonreuters.com/gfx/legaldocs/zjvqnxrmdpx/judiciary_memo_2.pdf.

¹¹ Ruth Marcus, *Pardon me: What were the folks at DOGE thinking?*, Washington Post (Jan. 23, 2025), <https://img.washingtonpost.com/opinions/2025/01/23/doge-jan-6-marshals-federal-judges>; John Hudson, et al., *Trump moves to wrest control of USAID as Musk says, 'We're shutting it down'*, Washington Post (Feb. 3, 2025), <https://www.washingtonpost.com/politics/2025/02/02/usaaid-trump-musk>.

¹² Luke Barr, *DHS allows US Marshals, DEA and ATF to carry out immigration enforcement*, ABC News (Jan. 23, 2025), <https://abcnews.go.com/Politics/dhs-allows-us-marshals-dea-atf-carry-immigration/story?id=118022307>.

¹³ Jason Lalljee, *FBI arrests Wisconsin judge for obstruction of ICE agents: Kash Patel*, Axios (Apr. 25, 2025), <https://www.axios.com/2025/04/25/fbi-arrests-judge-wisconsin-hannah-dugan-kash-patel>; Daniel Bice, et al., *FBI investigating allegations Milwaukee County judge tried to help undocumented defendant avoid arrest*, Milwaukee Journal Sentinel (Apr. 22, 2025), <https://www.jsonline.com/story/news/politics/2025/04/22/fbi-probing-claim-mke-judge-helped-undocumented-defendant-evade-arrest/83220833007>.

¹⁴ Ryan J. Reilly and Michael Kosnar, *FBI arrests Milwaukee judge, alleging she interfered in immigration operation*, NBC News (Apr. 25, 2025), <https://www.nbcnews.com/politics/justice-department/fbi-arrests-milwaukee-judge-alleging-interfered-immigration-operation-rcna203006>.

the question of what the USMS would do if the Trump administration or Department of Justice directed it not to enforce a legally valid court order because they disagreed with the court's conclusion.¹⁵ That type of standoff, which once seemed theoretical, no longer does and could push us to a constitutional breaking point.

When considering the nomination of Mr. Serralta to be director of the USMS, this Committee must ensure that he is committed to fulfilling the agency's "primary role and mission" of providing security for judges and enforcing and executing court orders, and that that mission will always be prioritized over any political directives from the White House or Department of Justice.¹⁶ Both parts of the USMS's functions are crucial to preserving an independent judiciary and the rule of law. If the security needs of the judiciary are not met, judges may not feel confident enough to issue decisions in high-stakes cases that could put them, and their family, in the crosshairs of disgruntled defendants and their allies. And if the USMS fails to enforce and execute court orders, litigants may feel like they can disregard their legal obligations, eviscerating the power and sacred responsibility of the judiciary "to say what the law is."¹⁷ Both scenarios undermine the independence of the federal judiciary.

The independence of the judiciary and its ability to have its decisions enforced is a hallmark of a democracy.¹⁸ Historically, the U.S. marshals have faithfully served the needs of the judiciary and been willing partners in protecting the independence of the judiciary and safeguarding the security of federal judges. As judges face growing threats to their physical safety and the executive branch increasingly uses the USMS to fulfill its policy goals, the USMS's fidelity to the judiciary is more important than ever. Before confirming Mr. Serralta to serve as director of the USMS, this Committee must ensure that under his leadership, the USMS will consistently prioritize the safety and enforcement needs of the federal courts. The wellbeing of our democracy depends on it.

We thank the Committee for taking seriously its consideration of this nomination and its commitment to an independent judiciary and the rule of law.

¹⁵ Peter Charalambous, Katherine Faulders and Alexander Mallin, *Judge Boasberg says he's contemplating 'contempt proceedings' over Trump deportations*, ABC News (Apr. 3, 2025), <https://abcnews.go.com/US/judge-hear-arguments-trump-deportation-flights-defied-court/story?id=120446845>; Hugo Lowell, *Trump officials step up defiance over man wrongly deported to El Salvador*, The Guardian (Apr. 14, 2025), <https://www.theguardian.com/us-news/2025/apr/14/trump-el-salvador-deportation-kilmar-abrego-garcia>.

¹⁶ 28 U.S.C. § 566.

¹⁷ *Marbury v. Madison*, 5 U.S. 137 (1803).

¹⁸ The Federalist No. 78 (Alexander Hamilton).