

**Testimony on Fiscal Year 2026 Appropriations for the Senate Committee on  
Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies  
Concerning United States Marshals Service Appropriations for  
Judicial and Courthouse Security**

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**Christie Wentworth, Senior Policy Counsel  
Citizens for Responsibility and Ethics in Washington**

Chair Moran, Ranking Member Van Hollen and members of the Subcommittee, thank you for the opportunity to submit testimony regarding judicial and courthouse security funding for the United States Marshals Service (“USMS”).

The USMS’s “primary role and mission” is to provide security for and enforce all orders of the federal courts.<sup>1</sup> But the USMS—a bureau within the Department of Justice—is led by a presidentially appointed director, reports to the attorney general and ultimately retains “final authority” over the judiciary’s security needs.<sup>2</sup> As the marshals remain dually accountable to both the executive and judicial branches, and as the administration attempts to politicize the USMS,<sup>3</sup> federal judges have started to worry that executive branch leadership could strip judges of much-needed security.<sup>4</sup>

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<sup>1</sup> 28 U.S.C. § 566(a).

<sup>2</sup> *Id.* §§ 561(a), 566(i).

<sup>3</sup> 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> (directing the USMS to check on the status of federal cases related to the January 6th pardons); Statement of Elizabeth G. Oyer, Former Department of Justice Pardon Attorney, Before Members of the House and Senate Judiciary Committees, Hearing on Restoring Accountability and Attacks on the Rule of Law, at 3 (Apr. 7, 2025), <https://www.schiff.senate.gov/wp-content/uploads/2025/04/20250407-Liz-Oyer-Hearing-Statement-4.7.25.pdf> (reporting that the Department of Justice had directed “two armed Special Deputy U.S. Marshals” to serve a former federal employee a letter at her home on a Friday evening); Brianna Tucker, *DOGE staffers bring U.S. marshals to small federal agency that denied them access*, Wash. Post (Mar. 6, 2025), <https://www.washingtonpost.com/politics/2025/03/06/doge-us-marshals-usadf/> (explaining that U.S. DOGE Service employees, accompanied by “five U.S. marshals,” demanded access to the U.S. African Development Foundation’s offices); *Statement from a DHS Spokesperson on Directive Expanding Immigration Law Enforcement to Some Department of Justice Officials*, Dep’t of Homeland Security (Jan. 23, 2025), <https://www.dhs.gov/news/2025/01/23/statement-dhs-spokesperson-directive-expanding-immigration-law-enforcement> (authorizing USMS to enforce immigration laws).

<sup>4</sup> Mattathias Schwartz and Emily Bazelon, *Judges Worry Trump Could Tell U.S. Marshals to Stop Protecting Them*, NY Times (Apr. 25, 2025), <https://www.nytimes.com/2025/04/25/us/politics/trump-judges-marshals-threats.html>.

This is not the time to wait and see if judges lose this critical protection.<sup>5</sup> As Chief Justice John Roberts stated in his 2024 Year-End Report, in the past ten years the volume of hostile threats against judges has “more than tripled.”<sup>6</sup> And in a highly politicized environment, judges face an increasing wave of bomb threats, swatting calls, calls for violence and threats against themselves and their families.<sup>7</sup>

The USMS has “assured” the Administrative Office of the U.S. Courts that “security of the Judiciary and the staffing of judicial proceedings remains the USMS’s top priority.”<sup>8</sup> Indeed, USMS would risk violating its statutory duties if it declined to prioritize such protection.<sup>9</sup> But the USMS relies on its lump-sum salaries and expenses appropriation to cover more than this judicial security function.<sup>10</sup> And in 2021, a Department of Justice Office of the Inspector General

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<sup>5</sup> Letter from Amy J. St. Eve, Chair, Committee on the Budget, and Robert J. Conrad, Jr., Secretary, Judicial Conference, to House and Senate Appropriations Committees, at 2 (Apr. 10, 2025), <https://www.uscourts.gov/sites/default/files/document/fy-2025-funding-request-letters-to-congress.pdf> (outlining concern “about the impact of hiring freezes and staffing losses at the U.S. Marshals Service . . . on courthouse security and the personal safety of judges”).

<sup>6</sup> Chief Justice John G. Roberts, *2024 Year End Report on the Federal Judiciary* 5, <https://www.supremecourt.gov/publicinfo/year-end/2024year-endreport.pdf>.

<sup>7</sup> See Mattathias Schwartz & Abbie VanSickle, *Judges Fear for Their Safety Amid Wave of Threats*, NY Times (Mar. 21, 2025), <https://www.nytimes.com/2025/03/19/us/trump-judges-threats.html>; see also Luke Barr, *Threats to Federal Judges Increasing, US Marshals Service Warns*, ABC News (Mar. 21, 2025), <https://abcnews.go.com/Politics/threats-federal-judges-increasing-us-marshals-service-warns/story?id=120019609>; Peter Eisler, Mike Spector, Ned Parker, and Nate Raymond, *Judges face rise in threats as Musk blasts them over rulings*, Reuters (Mar. 5, 2025), <https://www.reuters.com/world/us/judges-face-rise-threats-musk-blasts-them-over-rulings-2025-03-05/>; Clarissa Jan-lim, *Judges Face Rising Threats of Violence and Impeachment as Trump Attacks the Judiciary*, MSNBC (Mar. 20, 2025), <https://www.msnbc.com/top-stories/latest/trump-judges-threats-violence-impeach-boasberg-rcna197325>.

<sup>8</sup> Josh Kovensky, *EXCLUSIVE: Judicial Branch Scrambles To Limit Spillover From Trump’s Executive Branch Rampage*, TPM (Feb. 13, 2025), <https://talkingpointsmemo.com/news/judicial-branch-scrambles-to-limit-spillover-from-trumps-executive-branch-rampage>.

<sup>9</sup> 28 U.S.C. § 566(a).

<sup>10</sup> *FY 2026 Congressional Budget Request, Court Security Appropriations Request* 7.7, [https://www.uscourts.gov/sites/default/files/document/section\\_07\\_-\\_court\\_security\\_fy2026.pdf](https://www.uscourts.gov/sites/default/files/document/section_07_-_court_security_fy2026.pdf) (explaining that USMS relies on its “operating funds” to secure prisoners, investigate threats, provide protective details and provide security for witnesses and high threat trials, and that the judiciary transfers funding from its Court Security appropriation to USMS to provide secure facilities for the judiciary); see Pub. L. No. 118-42, div. C, tit. II, 138 Stat. 25, 137 (2024) (providing amounts for “necessary expenses of the United States Marshals Service”); Facts and Figures: 2024, U.S. Marshals Service (Oct. 1, 2023), <https://www.usmarshals.gov/sites/default/files/media/document/2024-Facts-and-Figures.pdf>; United States Marshals Service FY 2025 Performance Budget, President’s Budget, Salaries and

audit found that USMS suffered from “inadequate” resources to “fully meet its protective services obligations to judges,” and that “competing agency priorities” had hindered the USMS’s “ability to fund . . . judicial security enhancements.”<sup>11</sup>

In light of rising threats against judges, the potential for politicization of the USMS and this evidence of past deficiencies in the USMS’s provision of judicial security, Congress must provide adequate funding to the USMS for the personal security of judges, explicitly require that the USMS use a minimum amount of that funding to fulfill this statutory function, require that the USMS regularly report on its use of these funds and mandate that the Judicial Conference of the United States inform Congress if the USMS fails to provide adequate judicial security.<sup>12</sup> Accordingly, we urge the subcommittee to provide the highest funding level for judicial and courthouse security and adopt the following language for the USMS’s salaries and expenses appropriation:

For necessary expenses of the United States Marshals Service, \$[], of which not to exceed \$[] shall be available for official reception and representation expenses, and not to exceed \$[] shall remain available until expended: *Provided*, That not less than \$[] shall be for Judicial and Courthouse Security, including the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel, *Provided further*, That the Director of the U.S. Marshals Service shall provide a quarterly report to the Committees on Appropriations and Committees on the Judiciary of the House of Representatives and the Senate for these funds showing, by object class, obligations and expenditures made and the purposes therefore, *Provided further*, That the Judicial Conference of the United States shall provide a quarterly report to the Committees on Appropriations and Committees on the Judiciary of the House of Representatives and the Senate showing its requests for judicial security under 28 U.S.C. § 566(i) and the Conference’s determination whether the U.S. Marshals Service has allocated sufficient resources to fulfill the Conference’s requests.

Thank you for your efforts to increase judicial security and maintain judicial independence. If CREW can provide any additional insight into questions regarding USMS funding and judicial security, we are always happy to assist.

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Expenses Appropriation, USMS (Mar. 2024), <https://perma.cc/6PVT-N6LB> (outlining other uses of salaries and expenses appropriation).

<sup>11</sup> *Audit of the U.S. Marshals Service Judicial Security Activities*, Department of Justice Office of the Inspector General i (June 2021), [https://oig.justice.gov/sites/default/files/reports/21-083\\_0.pdf](https://oig.justice.gov/sites/default/files/reports/21-083_0.pdf).

<sup>12</sup> U.S. Gov’t Accountability Off., *U.S. Commission on Civil Rights—Availability of Funds for the Commission on the Social Status of Black Men and Boys Act*, B-332530, at 6 (Feb. 18, 2021) (explaining that an appropriation may establish “a minimum amount for a specific purpose by including a phrase such as ‘not less than’”).