



September 15, 2025

The Honorable Chief Justice John G. Roberts
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

The Honorable Robert J. Conrad, Jr.
Director, Administrative Office of the United States Courts
Secretary, Judicial Conference of the United States
One Columbus Circle, NE
Washington, D.C. 20544

Re: U.S. Marshals Service and Judicial Independence

Dear Chief Justice Roberts and Members of the Judicial Conference of the United States:

Over the past several years, the federal judiciary has taken noticeable and meaningful steps to protect its independence by enacting new rules concerning judicial ethics, including the Supreme Court's 2023 adoption of its first ever Code of Conduct for Supreme Court justices.¹ Although much more needs to be done, these steps are crucial because an ethical judiciary is a prerequisite to an independent judiciary. Today, as we witness an attack on judicial independence which threatens the constitutional "duty of the judicial department to say what the law is,"² I write to you on behalf of Citizens for Responsibility and Ethics in Washington (CREW), a nonpartisan, nonprofit organization dedicated to promoting accountable, transparent and effective governance, to urge the Judicial Conference to use its September 2025 meeting to begin addressing the role of the U.S. Marshals Service (USMS) in preserving judicial independence.

The United States Marshals are as old as our nation itself. Although the first marshals were installed in 1789 through the passage of the Federal Judiciary Act, USMS as we know it, as a part of the Department of Justice (DOJ), was established in 1969.³ USMS performs a number of functions, but its "primary role and mission" is to "provide for the security" and to "obey,

¹ Sup. Ct. of the U.S., *Statement of the Court Regarding the Code of Conduct* (Nov. 13, 2023), https://www.supremecourt.gov/about/Code-of-Conduct-for-Justices_November_13_2023.pdf.

² *Marbury v. Madison*, 5 U.S. 137, 177 (1803).

³ Federal Judiciary Act of 1789, Pub. L. 20 (1789); U.S. Marshals Service, *Who We Are*, <https://www.usmarshals.gov/who-we-are>.

execute, and enforce all orders of” federal courts other than the Supreme Court.⁴ To fulfill its judicial security role, USMS provides protection for and assesses threats against judges, manages the custody of prisoners and protects witnesses, jurors, prosecutors and others who enter federal courthouses.⁵ And historically, the marshals’ enforcement role has been critical to the advancement of civil rights—in the 1960s, for instance, they protected students who were integrating public schools and universities to achieve judicially mandated desegregation.⁶ However, despite its primary responsibility to the judiciary, because USMS is housed within the Department of Justice, its director serves “under the authority and direction of the Attorney General” (AG).⁷ That conflict strains judicial independence with respect to both judicial security and court order compliance.

Today, judicial security is an issue of paramount and growing concern. As Chief Justice Roberts noted in his 2024 Year End Report on the Federal Judiciary (2024 Report), the number of threats against judges has tripled in the past decade.⁸ According to USMS data, as of September 2nd, 513 threats have been made against 364 judges in Fiscal Year 2025, with 162 of those judges receiving threats in just a six week period from early March to mid-April.⁹ In recent years, state judges in Wisconsin¹⁰ and Maryland¹¹ have been murdered, as has the son of a New Jersey federal judge.¹² These tragedies underscore the urgency and importance of ensuring security for federal judges and judicial employees.

⁴ 28 U.S.C. § 566(a).

⁵ U.S. Department of Justice, *Organization, Mission and Functions Manual*, <https://www.justice.gov/doj/organization-mission-and-functions-manual-united-states-marshals-service>.

⁶ 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>.

⁷ 28 U.S.C. § 561(a).

⁸ Chief Justice John Roberts, *2024 Year End Report on the Federal Judiciary* (Dec. 31, 2024), <https://www.supremecourt.gov/publicinfo/year-end/2024year-endreport.pdf>.

⁹ U.S. Marshals Service, *Protective Investigations - Threat Statistics*, <https://www.usmarshals.gov/foia/protective-investigations-threat-statistics>; Mattathias Schwartz, *Marshals’ Data Shows Spike in Threats Against Federal Judges*, New York Times (May 27, 2025), <https://www.nytimes.com/2025/05/27/us/politics/federal-judges-threats.html>.

¹⁰ Whitney Wild, *A Former Judge was Killed in his Wisconsin Home in a Targeted Attack, Officials Say*, CNN (June 4, 2022), <https://www.cnn.com/2022/06/04/us/wisconsin-judge-killed-targeted-attack>.

¹¹ Lea Skene, Michael Kunzelman & Sarah Brumfield, *A Slain Maryland Judge Presided Over the Divorce Case of a Man Identified as a Suspect in his Killing*, AP News (Oct. 20, 2023), <https://apnews.com/article/maryland-judge-shot-killed-394b2eaf2570813d1f2845c45f8a99fe>.

¹² Nina Totenberg, *An Attacker Killed a Judge’s Son. Now She Wants to Protect Other Families*, NPR (Nov. 20, 2020), <https://www.npr.org/2020/11/20/936717194/a-judge-watched-her-son-die-now-she-wants-to-protect-other-judicial-families>.

Leaving federal judges dependent on the executive branch to meet their security needs is fraught. The executive branch could attempt to abuse its power over judicial security to withdraw judicial protection from judges. A judge should never have to worry that making the legally appropriate ruling in a given case may lead to a loss of USMS protection. Alternatively, the executive branch could require USMS to support other priorities, like Attorney General Pam Bondi did earlier this year when authorizing the marshals to assist in immigration enforcement.¹³ Deputizing the marshals to perform other functions could—intentionally or unintentionally—leave courts and judges without the security they need by overstressing the capacity of USMS—a concern which is exacerbated, as the Judicial Conference noted earlier this year, by stagnant judicial security funding from Congress and hiring freezes and staffing shortfalls at USMS.¹⁴

Similarly, court order compliance is a growing issue for the judiciary. As Chief Justice Roberts noted in the 2024 Report, “[w]ithin the past few years...elected officials from across the political spectrum have raised the specter of open disregard for federal court rulings.”¹⁵ Indeed, earlier this year, the Trump administration arguably defied a court order to halt an ongoing deportation, soon after which administration official Tom Homan stated: “I don’t care what the judges think.”¹⁶ Although the Trump administration has complied with the overwhelming majority of court orders, noncompliance with even a single court order is a cause for concern because “judicial independence is undermined unless the other branches are firm in their responsibility to enforce the court’s decrees.”¹⁷

As with judicial security, the threat of executive branch noncompliance is exacerbated by the fact that USMS, whose responsibility it is to execute and enforce lower court orders, is accountable to the Attorney General, not the judiciary. Although thankfully this issue has not arisen yet, a brazen chief executive could theoretically direct USMS not to enforce certain court orders, setting up a potential constitutional confrontation.

¹³ Nicole Sganga & Robert Legare, *DHS Authorizes Federal Law Enforcement to Implement Trump’s Immigration Policies*, CBS News (Jan. 23, 2025), <https://www.cbsnews.com/news/dhs-authorizes-federal-law-enforcement-to-implement-trump-immigration-policies/>.

¹⁴ 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>.

¹⁵ Chief Justice John Roberts, *2024 Year End Report on the Federal Judiciary* (Dec. 31, 2024), <https://www.supremecourt.gov/publicinfo/year-end/2024year-endreport.pdf>.

¹⁶ Marc Caputo, *Exclusive: How the White House Ignored a Judge’s Order to Turn Back Deportation Flights*, Axios (Mar. 16, 2025), <https://www.axios.com/2025/03/16/trump-white-house-defy-judge-deport-venezuelans>; Ivana Saric, *Trump’s Border Czar: “I Don’t Care What the Judges Think,”* Axios (Mar. 17, 2025), <https://www.axios.com/2025/03/17/tom-homan-deportation-flights-trump-court-order>.

¹⁷ Chief Justice John Roberts, *2024 Year End Report on the Federal Judiciary* (Dec. 31, 2024), <https://www.supremecourt.gov/publicinfo/year-end/2024year-endreport.pdf>.

When the Judicial Conference convenes for its September 2025 meeting, it must take steps to address the tension created by USMS's responsibility to the judiciary and its placement within the executive branch—tension which raises concerns for judicial security and court order compliance. The Conference should begin by conducting outreach to federal judges to accurately and officially capture their on-the-ground concerns about judicial security and court order compliance. Additionally, the Conference should begin discussing the possibility of restoring security and court order compliance functions to the judiciary itself and should establish a working group within the Administrative Office of the U.S. Courts to develop official recommendations for Congress's consideration. To the greatest extent feasible, this work should be done in coordination with USMS.

As Chief Justice Roberts noted in his 2024 Report, quoting former Chief Justice Rehnquist, the independent federal judiciary is “one of the ‘crown jewels of our system of government’” and “‘probably the most significant contribution the United States has made to the art of government.’”¹⁸ Today, ensuring that the judiciary has control over judicial security and court order enforcement are key parts of this independence. As the Judicial Conference convenes for its September meeting, it must begin to address concerns related to the role of the U.S. Marshals Service as it relates to judicial independence.

Sincerely,



Noah Bookbinder
President and CEO

¹⁸ Chief Justice John Roberts, *2024 Year End Report on the Federal Judiciary* (Dec. 31, 2024), <https://www.supremecourt.gov/publicinfo/year-end/2024year-endreport.pdf>.