

Testimony Submitted for the Record
Senate Committee on the Judiciary
Subcommittee on Federal Courts, Oversight, Agency Action, and Federal Rights
Hearing on Impeachment: Holding Rogue Judges Accountable
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Chair Cruz, Ranking Member Whitehouse and members of the Subcommittee, thank you for the opportunity to submit testimony for today's hearing.

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. Today, we write to emphasize the critical importance of an independent judiciary, served by judges who remain free to decide cases without fear or favor.¹ As personal and political attacks against judges threaten to endanger this independence, we urge the subcommittee to prioritize judicial security and discourage the hostile rhetoric coming from elected and appointed government officials that has paralleled this rise in threats.²

By design, the judiciary is intended to be the “least dangerous” branch.³ It has “neither force nor will, . . . merely judgment,”⁴ and its effectiveness—including its ability to ensure compliance with its decisions—rests almost entirely on public confidence in the integrity of the judicial system.⁵ Accordingly, to ensure the judiciary's actual and perceived independence, the founders structured the courts to insulate life-tenured judges from political interference.⁶ And today, lower court judges subscribe to an enforceable code of conduct that demands strict adherence to standards of fairness and impartiality.⁷

¹ Guide to Judiciary Policy, Vol. 2A, Ch. 2: Code of Conduct for United States Judges, at 3 (last revised Mar. 12, 2019), <https://www.uscourts.gov/file/25752/download>.

² Josh Gerstein, *Former Supreme Court Justice Kennedy says ‘democracy is at risk’*, Politico (June 26, 2025), <https://www.politico.com/news/2025/06/26/anthony-kennedy-democracy-judiciary-threats-00427714>.

³ The Federalist No. 78 (Alexander Hamilton) (stating that the judiciary “can never attack with success either of the other two” branches).

⁴ *Id.*

⁵ Code of Conduct, *supra* note 1, at 3.

⁶ Chief Justice John G. Roberts, *2025 Year End Report on the Federal Judiciary* 5, <https://www.supremecourt.gov/publicinfo/year-end/2025year-endreport.pdf>.

⁷ The Federalist No. 78 (with regard to life tenure for judges, explaining that “nothing will contribute so much as this to that independent spirit in the judges which must be essential to the faithful performance of so arduous a duty”); see Code of Conduct, *supra* note 1; 28 U.S.C. § 455; Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351–364. *Cf. also* Code of Conduct for Justices of the Supreme

To be sure, the judges and justices who comprise the federal court system must earn the public's trust by demonstrating and maintaining their own independence and ethical conduct.⁸ And Congress, for its part, must perform oversight of the federal courts. For extreme misconduct, the House of Representatives may impeach, and the Senate may convict, a federal judge for high crimes and misdemeanors—a rarely used but constitutionally sanctioned remedy.⁹ Congress also must ensure judges are following their code of conduct and that the judiciary is not engaging in waste, fraud or abuse.

CREW has consistently supported, and continues to support, legislative and procedural efforts to enhance ethical standards and transparency throughout the judicial branch to buttress judicial independence. But in today's climate, ensuring judicial independence is impossible without addressing judicial security.

By virtue of their positions, judges are particularly vulnerable to both verbal and physical personal attacks.¹⁰ Not only do judges interact with the public in courtroom proceedings, but they also issue rulings that directly and immediately affect the litigants appearing before them, with one party leaving as the “winner” and, the other, the “loser.”¹¹ A party who seeks to challenge a judge's ruling may follow an established appeals process, asking a higher court to review the judge's decision.¹² But recently some have chosen another path, untethered from the facts and the law: personally targeting the presiding judge, rather than appealing the judge's ruling or admitting that their legal position may have had weaknesses that contributed to their loss in court.¹³

Court of the United States (Nov. 13, 2023),
https://www.supremecourt.gov/about/Code-of-Conduct-for-Justices_November_13_2023.pdf.

⁸ Cf. Joseph Copeland, *Favorable views of Supreme Court remain near historic low*, Pew Research Center (Sept. 3, 2025) (explaining that favorable views of the Supreme Court “remain close to a three-decade low”).

⁹ U.S. Const. art. II § 4; Chief Justice John G. Roberts, *2025 Year End Report on the Federal Judiciary* 4, <https://www.supremecourt.gov/publicinfo/year-end/2025year-endreport.pdf> (outlining the Senate's decision to reject impeachment as a remedy for disagreement with a judge's rulings).

¹⁰ *Oversight of the United States Marshals Service: Hearing Before the Subcomm. on Crime & Fed. Gov't Surveillance of the H. Comm. on the Judiciary*, 118th Cong., at 7 (statement of Ronald Davis, Director, U.S. Marshals Service), <https://www.congress.gov/118/meeting/house/116837/witnesses/HHRG-118-JU08-Wstate-DavisR-20240214.pdf>.

¹¹ *Id.*

¹² *Appeals*, U.S. Courts (last visited Jan. 5, 2026),
<https://www.uscourts.gov/about-federal-courts/types-cases/appeals>.

¹³ Protective Investigations – Threat Statistics, USMS (last visited Jan. 5, 2026), <https://www.usmarshals.gov/what-we-do/judicial-security/protective-investigations-threat-statistics>; *Judges Under Siege: Threats, Disinformation, and the Decline of Public Trust in the Judiciary*, Bolch Judicial Institute (Aug. 8, 2024), <https://judicialstudies.duke.edu/2024/08/judges-under-siege-threats-disinformation-and-the-decline-of-public-trust-in-the-judiciary/>.

This trend toward personal attacks and violence coincides with what the United States Marshals Service (USMS)—the entity primarily in charge of judicial security—has identified as a “‘new normal’ of highly volatile behavior.”¹⁴ Indeed, in fiscal year 2025 alone USMS identified 564 threats against 396 judges.¹⁵ Increasingly hostile rhetoric toward individual judges, particularly from elected and appointed government officials,¹⁶ only aggravates this already heightened climate of threats against the federal bench.¹⁷

We recognize and appreciate Congress’s recent bipartisan efforts to address the issue of judicial security.¹⁸ But the threat landscape is complicated, as is the process for determining the most effective way to combat current and prevent future attacks. It is clear, however, that to secure judicial independence, Congress must not only *react* to threats by ensuring sufficient protection for judges, but also must work to *prevent* them by discouraging harmful rhetoric in the first place. We urge the subcommittee to work closely with the U.S. Judicial Conference and the Administrative Office of the U.S. Courts to evaluate options for enhancing the protection of federal judges and to consider how members of Congress can use their platforms to discourage violence, promote civil discourse and shift the narrative toward a healthy exchange of ideas about issues affecting the courts.

¹⁴ See Davis Statement, *supra* note 10, at 7.

¹⁵ See Protective Investigations, *supra* note 13.

¹⁶ See, e.g., Lawrence Hurley, *Judges who ruled against Trump say harassment and threats have changed their lives* (Dec. 23, 2025),

<https://www.nbcnews.com/politics/politics-news/judges-ruled-trump-say-harassment-threats-changed-lives-rcna248445> (reporting that, in discussing the current threat environment, a senior district court judge “pointed to the Trump administration’s harsh criticism of judges”); Derek Hawkins, *As judges face more threats, only the Supreme Court gets new security funds*, Wash. Post (Nov. 25, 2025), <https://www.washingtonpost.com/politics/2025/11/25/judges-security-funding-congress-supreme-court/>.

¹⁷ Amna Nawaz, ‘Lives are at stake’: Judge whose son was murdered urges leaders to end hostile rhetoric, PBS News Hour (May 15, 2025), <https://www.pbs.org/newshour/show/lives-are-at-stake-judge-whose-son-was-murdered-urges-leaders-to-end-hostile-rhetoric>.

¹⁸ See, e.g., *Congress Passes the Daniel A. Elmer Jr. Judicial Security and Privacy Act*, U.S. Courts (Dec. 16, 2022), <https://www.uscourts.gov/data-news/judiciary-news/2022/12/16/congress-passes-daniel-elmer-jr-judicial-security-and-privacy-act>; U.S. Senate passes judicial security bill, NCSC (Nov. 21, 2025), <https://www.ncsc.org/news/us-senate-passes-judicial-security-bill>.

These pleas are not new, nor are they ours alone.¹⁹ To be able to vindicate our individual rights and collectively rely on a functioning judiciary, judges need to be able to decide cases based solely on the facts and the law before them.²⁰ For members of Congress, members of the public and organizations like ours, this pivotal moment presents a choice: to look the other way while judges—who remain “constrained by ethical rules and traditions from speaking much at all other than through their opinions”²¹—face grave threats, or to defend the safety and security of the individuals responsible for fairly and impartially upholding the rule of law.

A judicial branch trusted and relied upon by the public not only provides individual litigants a crucial means for accessing justice, but also serves as a key counterweight to otherwise unchecked authority and oppression.²² We thank the subcommittee for the opportunity to submit this statement and look forward to working with subcommittee members on efforts to ensure adequate protection for the judiciary, discourage personal attacks against judges and facilitate robust engagement on issues affecting the federal courts.

¹⁹ See, e.g., David F. Levi, Thomas B. Griffith, Paul W. Grimm, Nathan Hecht, Bridget Mary McCormack & Suzanne Spaulding, *Judges Under Siege: Threats, Disinformation, and the Decline of Public Trust in the Judiciary*, Judicature (2024), <https://judicature.duke.edu/articles/judges-under-siege/>; ‘All too frequent tragedies demand action to improve judicial security,’ Judge tells Judicial Conference, U.S. Courts (Sept. 15, 2020), <https://www.uscourts.gov/data-news/judiciary-news/2020/09/15/all-too-frequent-tragedies-demand-action-improve-judicial-security-judge-tells-judicial-conference>; Chief Justice John G. Roberts, 2024 Year End Report on the Federal Judiciary 5, <https://www.supremecourt.gov/publicinfo/year-end/2024year-endreport.pdf>; Letter to Congress: 25 groups urge increased funds for judicial security, CREW (May 9, 2025), <https://www.citizensforethics.org/legal-action/letters/letter-to-congress-25-groups-urge-increased-funds-for-judicial-security/>.

²⁰ *Afghanistan’s Fight Against Corruption: Crucial for Peace and Prosperity*, United Nations Assistance Mission in Afghanistan, at 40 (June 2020) (explaining that “[s]ecurity remained the main challenge to the provision of justice services”), https://unama.unmissions.org/sites/default/files/afghanistans_fight_against_corruption_crucial_for_peace_and_prosperity_june_2020-english.pdf.

²¹ *Principles First + Protect Democracy: Standing Up for the Courts and the Rule of Law*, YouTube (uploaded July 18, 2025), <https://youtu.be/Rq1RZj8hOAY?si=ZXLkM88Yffw98FlW8t=3860> (statement of Judge Paul Redmond Michel, at 1:04:20); see also Mark L. Wolf, *Why I Am Resigning*, The Atlantic (Nov. 9, 2025), <https://www.theatlantic.com/ideas/2025/11/federal-judge-resignation-trump/684845/> (former District Judge Wolf’s statement that he “also intend[s] to advocate for the judges who cannot speak publicly for themselves”).

²² The Federalist No. 78.