

A D D E N D U M
to
THE SUPPOSEDLY
“LEAST DANGEROUS BRANCH”:
DISTRICT JUDGES V. TRUMP

This Addendum is available at:

<https://www.govinfo.gov/content/pkg/CHRG-119shrg61716/pdf/CHRG-119shrg61716-add1.pdf>

Submitted by Chairman Cruz:

Poster 1	2
Poster 2	3

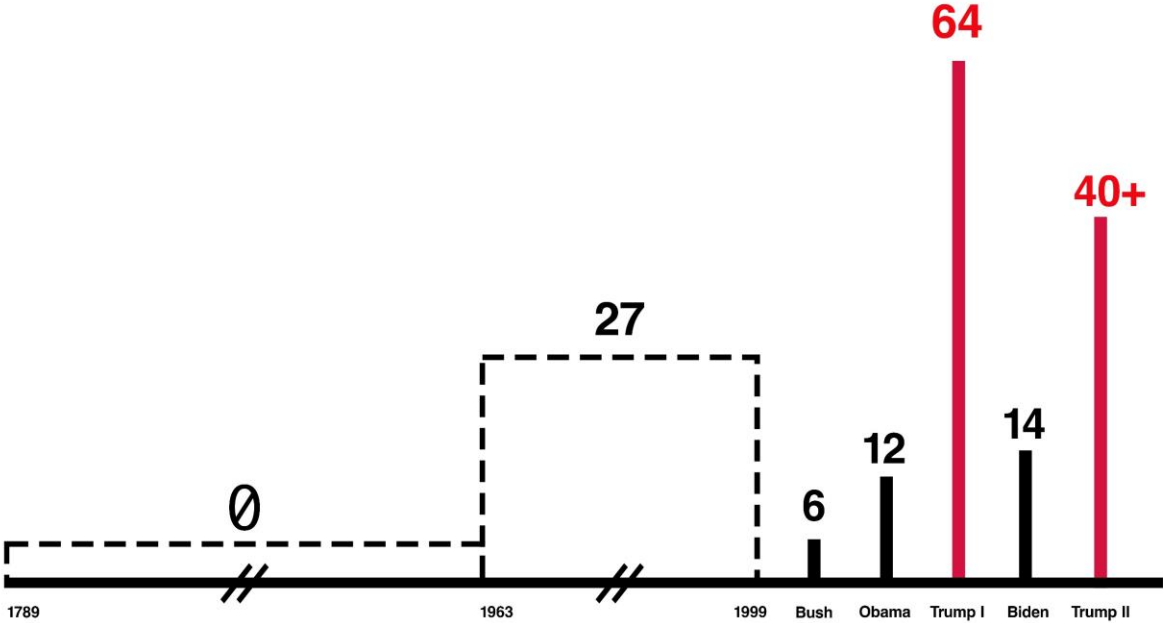
Submitted by Senator Blackburn:

Transcript from Strict Scrutiny Podcast, audio transcript	4
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Submitted by Senator Whitehouse:

Citizens for Responsibility and Ethics in Washington (CREW), statement ...	5
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Nationwide Injunctions in U.S. History



Nationwide Injunctions Issued Against U.S. Presidents 2000-2025



Senate Judiciary Joint Subcommittee Hearing
“The Supposedly “Least Dangerous Branch”: District Judges v. Trump”
Tuesday, June 3, 2025
Senator Blackburn Audio Transcription for the Record

**TRANSCRIPT FROM *STRICT SCRUTINY* PODCAST “WILL SCOTUS LET JANUARY 6
DEFENDANTS OFF THE HOOK?” APRIL 22, 2024**

1. Kate Shaw at [59:51](#): “...Justice Kagan I mean, will she be able to control its potential future distortion by her evil colleagues? Probably not...”

Testimony Submitted for the Record
U.S. Senate Committee on the Judiciary
Subcommittees on The Constitution and on Federal Courts, Oversight, Agency Action, and
Federal Rights
Hearing on “The Supposedly ‘Least Dangerous Branch’: District Judges v. Trump”
Debra Perlin, Vice President for Policy
Christie Wentworth, Senior Policy Counsel
Citizens for Responsibility and Ethics in Washington

June 3, 2025

Chair Schmitt, Chair Cruz, Ranking Member Welch, Ranking Member Whitehouse and members of the subcommittees, thank you for the opportunity to submit testimony regarding judicial security and the increasing threats against judges.

Our organization, Citizens for Responsibility and Ethics in Washington (CREW), is a nonpartisan nonprofit organization dedicated to ethics, transparency and accountability. We write to join a chorus of judges and lawmakers deeply concerned about judicial security.¹ As judges confront an increasing and unprecedented number of threats,² we urge Congress to bolster judicial security and reject efforts to undercut the judiciary’s independence.

¹ 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 (Apr. 10, 2025), <https://www.uscourts.gov/sites/default/files/document/fy-2025-funding-request-letters-to-congress.pdf> (Judicial Conference letter); Chief Justice John G. Roberts, *2024 Year End Report on the Federal Judiciary* 5–7, <https://www.supremecourt.gov/publicinfo/year-end/2024year-endreport.pdf> (Year-End Report); Letter from Rep. Raskin and Rep. Johnson, U.S. House of Representatives, to the Honorable John G. Roberts, Jr., Supreme Court of the United States (Apr. 21, 2025), https://democrats-judiciary.house.gov/uploadedfiles/20250421_raskin_to_roberts_sotus_re_judicial_security.pdf; Letter from Sen. Whitehouse, et al., U.S. Senate, to Mark P. Pittella, Acting Director, U.S. Marshals Service (Apr. 11, 2025), <https://www.whitehouse.senate.gov/wp-content/uploads/2025/04/2025-04-11-Letter-to-US-Marshals-Service-Threats-to-Judges.pdf>; Letter from Rep. Jordan, U.S. House of Representatives, to Rep. Cole and Rep. Joyce (Mar. 31, 2025), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2025-03-31-jdj-to-cole-joyce-approps%29-re-judicial-branch-appropriations.pdf> (Jordan letter); 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> (“In the long run, resources will be needed to allow these projects to continue so that judges can make the tough decisions they are required to make without living in fear of retribution.”); 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>.

² Joseph Tanfani, Peter Eisler and Ned Parker, *Exclusive: Threats to US federal judges double since 2021, driven by politics*, Reuters (Feb. 13, 2024), <https://www.reuters.com/world/us/threats-us-federal-judges-double-since-2021-driven-by-politics-2024-02-13/>; Statement of Ronald Davis, Director, United States Marshals Service, Before the Subcommittee on Crime and Federal Government Surveillance, Committee on the Judiciary, United States House of Representatives, at 2–3 (Feb. 14, 2024), <https://www.congress.gov/118/meeting/house/116837/witnesses/HHRG-118-JU08-Wstate-DavisR-20240214.pdf> (Davis testimony).

As detailed in Chief Justice John Roberts' 2024 Year-End Report, in the past decade the volume of threats against judges who are simply doing their jobs has more than tripled, requiring the U.S. Marshals Service to assign full-time security details to several federal judges.³ The mere existence of these efforts to intimidate judges—regardless of whether a judge is physically harmed—threatens judicial independence and undermines confidence in the judicial system. It is therefore unsurprising that following a wave of bomb threats, swatting, calls for violence and attacks on judges and their families,⁴ federal judges have implored members of Congress to act. “This is not hyperbole,” said federal District Judge Esther Salas, whose son was killed by a lawyer who had appeared before her.⁵ “I am begging our leaders to realize that there are lives at stake.”⁶ Other judicial leaders, including Senior Circuit Judge Richard Sullivan, chair of the Judicial Conference’s Committee on Judicial Security, and Senior Circuit Judge Jeffrey Sutton have echoed these concerns, accurately casting attacks on judges and their families as attacks on public servants who are “doing their level best to do their job[s].”⁷

In April, the Judicial Conference outlined the risks of continued court security funding shortfalls in a letter to the House and Senate Appropriations Committees, explaining that a failure to ensure court security amidst escalating threats to judges and courthouses “mak[es] this situation unsustainable.”⁸ Judge Robert J. Conrad, Jr., Director of the Administrative Office of the U.S. Courts, recently expanded on these concerns, stating that “rhetoric has escalated to a degree that is threatening the safety of federal judges and their families, as well as the safety of court personnel, litigants, and the public in federal

³ Year-End Report, at 5; *see also* Judicial Conference letter, at 2 (“Currently, 67 judges are receiving enhanced online security screening services provided by the Administrative Office and U.S. Marshals Service due to the judges’ involvement in high-profile cases or rulings that have garnered attention in the media and on social media platforms.”).

⁴ Mattathias Schwartz & Abbie VanSickle, *Judges Fear for Their Safety Amid a 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, *Exclusive: 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>.

⁵ *See Judges Fear for Their Safety Amid a Wave of Threats*, *supra* note 4; Esther Salas, *Opinion: My Son Was Killed Because I’m a Federal Judge*, NY Times (Dec. 8, 2020), <https://www.nytimes.com/2020/12/08/opinion/esther-salas-murder-federal-judges.html>.

⁶ *Id.*; *see also* Mark Sherman, *2 senior judges, appointed by Republicans, speak out about threats against federal judiciary*, AP News (Mar. 12, 2025), <https://apnews.com/article/judges-security-threats-impeachment-e4f6a57da81e7037cb9ef8693f26e17a> (explaining that security funding has been “flat” for multiple years, “[w]hich means [the judiciary is] not even keeping up with inflation in an environment that is always changing and challenging”).

⁷ Melissa Quinn, *Judges raise concerns about threats to independence amid criticism of decisions, calls for impeachment*, CBS News (Mar. 11, 2025), <https://www.cbsnews.com/news/judges-threats-independence-trump-decisions-impeachment-elon-musk/>.

⁸ Judicial Conference letter, at 1–2.

courthouses.”⁹ Congress must take seriously its role in conducting oversight of judicial security, and recognize how the physical safety of judges and their families, as well as the judiciary’s capacity to ensure adequate courthouse security, affects each judge’s ability to independently consider the merits of the cases before them and issue decisions on controversial issues without fear of violence.¹⁰

In addition, Congress must ensure that the agency charged with providing personal protection for judges and court officials—the U.S. Marshals Service (USMS)¹¹—cannot divert resources needed for judicial security to other purposes.¹² Despite its dual accountability to the executive and judicial branches¹³ and the general availability of the USMS’s salaries and expenses appropriation for purposes other than judicial security,¹⁴ the USMS’s “*primary role and mission*” is to provide security for the federal courts.¹⁵ In light of this responsibility, we urge Congress to explicitly require that the USMS fulfill the Judicial Conference’s requested security requirements, prevent the USMS from diverting judicial security funding to other purposes and ensure that the USMS fulfills this statutory function.

⁹ Statement of Honorable Robert J. Conrad, Jr., Director, Administrative Office of the U.S. Courts before the Subcommittee on Financial Services and General Government, Committee on Appropriations, United States House of Representatives, at 2 (May 14, 2025), <https://docs.house.gov/meetings/AP/AP23/20250514/118224/HHRG-119-AP23-Wstate-ConradR-20250514.pdf> (Judge Conrad letter); *see also* Statement of Honorable Amy J. St. Eve, Chair, Committee on the Budget of the Judicial Conference of the United States before the Subcommittee on Financial Services and General Government, Committee on Appropriations, United States House of Representatives, at 11 (May 14, 2025) (“[T]he threat environment facing judges and the Judiciary as a whole right now is particularly dynamic and worrisome. Threats against individuals and facilities . . . complicate our ability to accomplish our mission as intended.”), <https://docs.house.gov/meetings/AP/AP23/20250514/118224/HHRG-119-AP23-Wstate-StEveA-20250514.pdf>.

¹⁰ Judge Conrad letter, at 2.

¹¹ *See* 28 U.S.C. §§ 566(a), (i); *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 (explaining that the USMS also secures prisoners, investigates threats, provides protective details and provides security for witnesses and high threat trials, and that the USMS provides secure facilities for the judiciary).

¹² *See* Dep’t of Justice Office of Inspector General, No. 21-083, *Audit of the U.S. Marshals Service Judicial Security Activities*, at i (2021), https://oig.justice.gov/sites/default/files/reports/21-083_0.pdf (finding that “competing agency priorities have impeded the USMS’s ability to fund the judicial security enhancements” and “to provide the level of protective services that it has determined is required given the increasing number of threats directed at the judiciary”); *see also* Judicial Conference letter, at 2 (“We are also concerned about the impact of hiring freezes and staffing losses at the U.S. Marshals Service . . . on courthouse security and the personal safety of judges.”); *cf.* Davis testimony, at 7 (explaining that the USMS is “facilitating more protective details to fulfill our obligations than we have in recent history, and the increase is impacting other important work across the agency”).

¹³ *Compare* 28 U.S.C. § 561 (establishing the USMS as “a bureau within the Department of Justice under the authority and direction of the Attorney General”), *with* § 566(a) (outlining the USMS’s responsibilities to the judiciary).

¹⁴ *See, e.g.*, 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 Expenses Appropriation*, USMS (Mar. 2024), https://web.archive.org/web/20240403063309/https://www.justice.gov/d9/2024-03/usms_se_-_fy_2025_pb_narrative_-_final_3.8.24_0.pdf.

¹⁵ 28 U.S.C. § 566(a) (also providing that the USMS must “obey, execute, and enforce all orders” of the federal courts); 28 U.S.C. § 566(i) (requiring that the USMS “take[] into account” the Judicial Conference’s views of the judiciary’s security needs, but giving the USMS “final authority” to determine the judiciary’s security requirements).

Intimidation and threats of violence against judges and their families strike at the core of our judicial security concerns. But as Chief Justice Roberts' 2024 report noted, the "defiance of judgments lawfully entered by courts of competent jurisdiction" presents another threat to judicial independence.¹⁶

To that end, we are particularly concerned by section 70302 of the reconciliation bill recently passed by the House of Representatives, which attempts to restrict federal courts' inherent contempt powers.¹⁷ We urge Congress to reject efforts to limit federal courts' ability to issue injunctive relief or to impose or enforce contempt sanctions for failure to comply with such orders.¹⁸ At a time when the judiciary already is under attack, it would be particularly dangerous, and could lead to more intimidation and violence against judges, to effectively sanction defiance of court orders by undercutting the judicial branch's exercise of its inherent, constitutional and statutory powers.

We thank the committee for taking seriously its responsibility to ensure the protection and independence of the judiciary. We hope that as attacks on the judiciary invariably increase, so too will Congress's efforts to support both security for and the legitimacy of our third branch of government. The physical safety of judges and their families, the security of our courthouses and the independence of the judiciary depend on it.

¹⁶ Year-End Report, at 7.

¹⁷ H.R. 1, 119th Cong., § 70302 (engrossed in the House May 22, 2025).

¹⁸ See, e.g., Jordan letter, at 2; Amend. In the Nature of a Substitute to the Committee Print Offered By Mr. Jordan of Ohio, § 70303 (Apr. 28, 2025), https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/judiciary_recon_ans_xml.pdf.