

PROTECTION OF JUDGES – INCLUDING THEIR ABILITY TO FUNCTION EFFECTIVELY AND FAIRLY APPLY THE LAW FREE FROM PRESSURE TO ADVANCE ANY POLITICAL AGENDA – IS ESSENTIAL TO PRESERVING OUR DEMOCRACY AND SYSTEM OF CHECKS AND BALANCES

Threats to the safety of judges and their families have surged in recent years, rising in 2025 to unprecedented levels. Previously, such threats often emanated from those who lost a lawsuit, but now they can and do come from anyone inflamed by social media posts or public statements of elected politicians or others. Today, attacks can come without any warning. In the past, they were often forewarned by a threatening letter to the judge. Alerted by the letter, the U.S. Marshals Service could respond to the specific threat and its source.

The U.S. Marshals Service is well equipped to respond to a threatening letter, but less so for today's anonymous surprise attacks. For over a century, the Marshals Service effectively performed its protective duties. To meet today's realities, however, it may need more authority and resources from Congress. Such initiatives are presently under review. The Marshals Service, which is part of the Executive Branch, may also need its own protection from political interference or directives from above to ignore or downgrade protection.

Today's attacks against judges extend to unwarranted calls for impeachment based not on any wrongdoing, but simply for doing their sworn duty to apply the law, "without fear or favor." Harassment is also part of the current scene, which includes critics publicizing judges' home addresses and other personal information ("doxing"), falsely sending police tactical teams to their homes ("swatting"), and dispatching unordered pizzas, often with threatening messages linked to the name of a judge's son who was murdered when answering the door for his mother, the intended target.

Inflammatory verbal assaults against individual judges whose rulings displease certain politicians appear in all forms of media, creating an atmosphere of intimidation unlike any in earlier decades. Members of Congress and of Administrations have been among the sources, including Presidents of the United States.

Beyond the potential danger to judges, this atmosphere undermines the public's trust in courts, the foundation of the Rule of Law. The U.S. judicial system only works if citizens have confidence that courts are dispensing justice by impartially applying the law, not engaging in politics. The very stability of our Constitutional republic is at risk.

The Constitutional duties of courts include overturning Executive or Legislative actions that violate the Constitution or laws enacted by Congress. When judges do so based on an impartial review of the law and facts, they deserve respect, not threats of bodily harm or verbal assaults or calls for impeachment.

The Article III Coalition calls on public officials to stop making threats, even ones that may only be carried out by others. Strengthening the Marshals Service is necessary but not sufficient. Only by public figures ceasing such verbal attacks can the nation preserve the Rule of Law and keep our republic.

But the Rule of Law and the ability of courts to function depend on the Marshals Service in other ways, too. Its duties extend to serving court orders, executing arrest warrants, and guarding prisoners in courthouses and courtrooms, among others. Such duties cannot be performed by court employees but only by law enforcement personnel.

If the Marshals were directed to cease or downgrade such vital forms of assistance, courts would either cease to function at all or function only very inefficiently. Again, such duties are authorized and mandated by law. How then could that possibly occur?

The U.S. Marshals Service is an agency within the Department of Justice and therefore ultimately under the control of the Attorney General (“AG”). Because that official is subject to directions from the President who appointed the AG, potentially the Marshals Service could be told to stand down from performing its statutory duties on behalf of the Judiciary. In addition to being directed to entirely stop, the Marshals could be told to shift most resources to unrelated duties. Even that could greatly cripple the courts.

Historically, no such actions have ever been taken by any President or AG. But as with the Armed Forces, there is a chain of command. Thus, the potential for the Marshals being diverted from proper performance of their court-related duties remains. Aside from public or Congressional pressure or possible contempt sanctions, only the risk of possible impeachment could prevent such diversion if those officials were so inclined.

The option of shifting the Marshals Service to the Judiciary has been mentioned in recent hearings. However, law enforcement duties, being inherently an Executive Branch function, make that option complicated and would require careful study.

Perhaps, Congress could amend the relevant statute to make court-related duties take priority over other Marshals’ duties. Certainly, some mechanism should be created, so that the judicial function could not be negated by Executive fiat. The Article III Coalition calls on Congress to attend to these issues on an urgent basis.