



Federal Bar Association

October 14, 2020

Honorable Richard C. Shelby
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

Honorable Patrick J. Leahy
Ranking Member
Committee on Appropriations
United States Senate
Washington, DC 20510

Re: Additional Funding for Judicial Security and Federal Courthouses

Dear Chairman Shelby and Ranking Member Leahy:

I write to provide support for the Federal Judiciary's urgent request for additional funding to improve the safety of federal judges and their families and of Federal courthouses. The brutal murder of the son of United States District Judge Esther Salas and the critical wounding of her husband at the judge's home in North Brunswick, New Jersey on July 219 underscores the need to improve and expand security measures at judges' homes and at federal courthouses. Threats against judges have multiplied over the past five years and require immediate Congressional action to enhance judicial security.

As the foremost national bar association devoted to the practice of Federal law and the vitality of the Federal court system, the Federal Bar Association is strongly committed to the safety and protection of the Federal Judiciary. Our association was instrumental in the passage of the Court Security Improvement of 2007 (Public Law 110-177), and today we call upon Congress to recommit itself to protect the Federal Judiciary with all the necessary resources available.

Recently the Judicial Conference of the United States asked the Appropriations Committee and pertinent subcommittees to provide additional funding in the form of supplemental appropriations, FY 2021 annual appropriations, or a combination of both, to the U.S. Marshals Service to replace the existing home security systems for federal judges with current technology (\$7.2 million initially and \$2 million per year in recurring costs) and to hire 1,000 additional Deputy U.S. Marshals (\$250 million first-year cost). In addition, the Judicial Conference requested \$267 million in direct appropriations to the Federal Protective Service to fund required upgrades and replacement of exterior perimeter video surveillance systems at 650 U.S. courthouses and federal facilities that house judicial activities. I urge you to satisfy these requests for the necessary reasons described below.

Funding for Improved Home Security Systems in Judges' Primary Residences

The current home security systems installed in the primary residences of Federal judges are antiquated and in dire need of modernization. Funding constraints since the original

installation of home security systems approximately fifteen years ago, in the wake of the murders of family members of Judge Joan Lefkow, have frustrated the ability of the U.S. Marshals Service to maintain and periodically upgrade these home security systems. The low quality of the equipment installed, when compared with today's available technology, and its limited maintenance, urgently requires modernization. The safety of our Federal Judiciary and their families should not rely on inadequate and antiquated security technology.

We urge the Senate Appropriations Committee to appropriate funding that permits updating of the home security systems in judges' primary homes with commonly used home security equipment that permits video and recording applications as well as mobile control and monitoring. According to the Judicial Conference, the installation of home security systems at approximately 2,400 judges' primary residences, at a cost of approximately \$3,000 per system, will cost \$7.2 million plus \$2.0 million in annual recurring funding beginning in FY 2022, adjusted for inflation each year, to cover new installations, system monitoring, and maintenance. We believe this is a modest funding request and is urgently necessary.

Funding for Additional U.S. Marshal Deputies

The U.S. Marshals Service (USMS) plays a critical role in protecting federal court facilities and ensuring the safety of judges and other court personnel. Federal law designates USMS as the principal entity responsible for the security of the judiciary and the judicial process.

The USMS FY 2021 funding request asked Congress for an increase of 280 USMS Deputy positions, 200 of which would support judicial district-level security needs in line with the USMS District Staffing Model. In addition, the Judiciary has urged Congress to expand the USPS appropriation to permit the hiring of an additional 1,000 Deputies as quickly as USMS can hire and train additional personnel to satisfy courthouse and personal protection needs. The first-year cost for hiring 1,000 positions would be approximately \$250 million. We urge Congress to provide this funding to assure that adequate U.S. Marshal and Deputy staffing exists to permit USMS to perform its critical role as the physical guardian of our Federal judicial system.

Funding for Courthouse Exterior Perimeter Video Surveillance

The Federal Protective Service (FPS) provides security for Federal facilities managed by the General Services Administration and works alongside USMS as a security partner for the Judiciary. At Federal courthouses where it has a presence, FPS manages the security cameras that are located on the exterior of these facilities. These cameras are a critical tool in the overall security of each courthouse and the safety of the judicial personnel and members of the public gathered for the administration of justice.

Funding constraints over time have eroded the operability and functionality of these FPS video surveillance systems. Many systems are antiquated and rely on analog technology that is failing and in urgent need of replacement. We support the Judicial Conference's request for a one-time direct appropriation in supplemental appropriations or FY 2021 annual appropriations of \$267 million to FPS to upgrade and replace the video surveillance systems at 650 courthouses and federal buildings that house judicial activities.

The personal tragedy that has befallen Judge Salas and her family unfortunately is not confined to only them. The murders of United States District Judge John Wood (1979), United States District Judge Richard Daronco (1988), United States Circuit Judge Robert Vance (1989), United States District Judge John Roll (2011), and family members of United States District Judge Joan Lefkow (2005), all represented targeted attacks. It is imperative that Congress respond with the necessary security resources to prevent another tragedy involving judges and their families.

Thank you for your leadership and your attention to this urgent matter.

Sincerely,



W. West Allen
National President

Cc: Hon. Jerry Moran, Chairman, Subcommittee on Commerce, Justice, Science, and Related Agencies, Committee on Appropriations
Hon. Jeanne Shaheen, Ranking Member, Subcommittee on Commerce, Justice, Science, and Related Agencies, Committee on Appropriations
Hon. Shelley Moore Capito, Chairman, Subcommittee on Homeland Security, Committee on Appropriations
Hon. Jon Tester, Ranking Member, Subcommittee on Homeland Security, Committee on Appropriations