

# Security for the Federal Judiciary: Recent Developments

April 11, 2023

Chief Justice John Roberts, in his [year-end report for 2022](#), stated that the “law requires every judge to swear an oath to perform his or her work without fear or favor” and that, in order to perform that work, judges must be supported by ensuring their safety. The Chief Justice’s year-end report was in response to ongoing concerns related to judicial security, particularly given the increase in the number of threats against federal judges and other judiciary personnel. Specifically, [according to the U.S. Marshals Service \(USMS\)](#), there were 4,511 threats and inappropriate communications against federal judges and other court personnel in 2021. This represented a 387% increase over threats and inappropriate communications that occurred in 2015 (when there were 926 such incidents).

[According to the Administrative Office of U.S. Courts \(AO\)](#), such threats and inappropriate communications are caused, in part, by “litigants angered by judges’ decisions in cases” and have involved, in some instances, the home addresses of judges handling controversial cases being circulated on social media. More generally, “the proliferation of judges’ personally identifiable information (PII) on the internet has been a major concern ... in the wake of several attacks on judges in recent years.”

This Insight provides an overview of recent developments related to judicial security (a prior [Insight](#) discussed, among other issues, information about the specific agencies responsible for judicial security).

## Passage of the Daniel Anderl Judicial Security and Privacy Act

In December 2022, [Congress passed](#) the Daniel Anderl Judicial Security and Privacy Act (P.L. 117-263). The legislation, in part, protects judges’ personally identifiable information from resale by data brokers and allows federal judges to redact personal information on federal government internet sites. The law also prohibits the publication of a judge’s personal information by other businesses and individuals where there is no legitimate news media or other public interest. [The legislation was in response to](#) the killing of a U.S. district court judge’s son by a former litigant who was stalking the judge with information taken from internet searches.

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## Implementation of the Judiciary's Vulnerability Management Program

The Administrative Office of U.S. Courts, as part of implementing the federal judiciary's Vulnerability Management Program, [added two new branches to its Judiciary Security Division](#) in 2022.

- The Threat Management Branch works with other AO programs to assist judges in removing or redacting their PII from LexisNexis and Westlaw records databases and from annual financial disclosure reports. Through November 2022, more than 600 federal judges were provided with assistance in removing or redacting such information. The branch also engages in information-sharing with executive branch security providers to analyze threats against the judiciary.
- The Judiciary Security Operations Branch, once fully implemented, [“will coordinate the delivery of physical security and emergency preparedness programs”](#) for the federal judiciary. A branch chief and 16 permanent circuit-level judiciary security officers will be responsible for supporting courthouse security and preparedness programs for court buildings and federal defenders offices, as well as coordinating communication between the judiciary and its executive branch security and preparedness providers.

## Hardening of Courthouses

The federal judiciary is working with [USMS](#) and other executive branch security providers [“to analyze the security measures needed to harden each courthouse.”](#) Depending on the specific courthouse, some of the [initial measures](#) toward hardening involve

- replacing **windows** with (or adding, as appropriate) break-resistant glass or glass coverings for pedestrian accessible windows (windows that can be accessed without ladders or climbing);
- hardening **exterior doors** with break-resistant glass or glass film, roll-down gates, and other capabilities, as needed;
- installing **automatic door locks** that can be engaged by the security officers at their guard stations and from the control room; and
- installing anti-scalable **fencing**, where needed, to protect the perimeter of the facility.

## Security of Supreme Court Justices

Following the [unauthorized release of a controversial draft opinion](#) for a case that had been pending before the [U.S. Supreme Court](#) and [protests](#) related to the draft opinion, Attorney General Merrick Garland directed the USMS (a bureau within the [Department of Justice](#)) to provide [“around-the-clock security”](#) for the Court's Justices, including at their private residences.

During a recent [Senate Appropriations subcommittee hearing](#), Attorney General Garland expressed his hope that such security will not be provided indefinitely by the USMS. Specifically, he stated “we’re hoping this isn’t a long-term solution for the justices, because there are a lot of courts around the country. And marshals have traditional security responsibilities—and that’s to say nothing of their fugitive apprehension responsibilities.”

According to a press account, a Justice Department official [stated that](#) the Attorney General “is not proposing to withdraw the marshals until another protective force is in place and the DOJ budget request assumes that will take time.” For example, the USMS is seeking \$21 million to hire additional deputy marshals in FY2024 in order to continue the protective details for the Justices.

## Appropriations for Judicial Security

The largest discretionary appropriation for judicial security is provided for in the *Court Security* account of the [judiciary's annual budget](#). By statute, the USMS has primary responsibility for the security of the federal judiciary. Appropriations enacted by Congress in 2022 for judicial security, including supplemental appropriations, totaled over \$880 million and included

- \$750.2 million appropriated for the *Court Security* account in the Consolidated Appropriations Act, 2023 (P.L. 117-328) as part of the judiciary's overall FY2023 budget;
- \$112.5 million appropriated for the hardening of courthouse security in the Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023 (P.L. 117-180); and
- \$19.4 million appropriated "to address threats to the Supreme Court of the United States" by the Supreme Court Funding Act (P.L. 117-167).

For FY2024, the federal judiciary is [seeking, as part of its annual budget request, \\$783.5 million for its \*Court Security\* account](#) (representing a 4.4% increase from the amount enacted for FY2023 by Congress for regular appropriations for the same account).

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