

Statement of

The Honorable Russ Feingold

United States Senator
Wisconsin
May 18, 2005

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Senate Committee on the Judiciary Hearing
On "Protecting the Judiciary at Home and in the Courthouse"

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Mr. Chairman, thank you for holding this hearing and drawing attention to this critical security issue. Judge Lefkow, thank you for coming here today. You and your family have my deepest sympathy for the loss you have suffered. We greatly appreciate your sharing your testimony with us. You are performing an extraordinary service to your fellow judges, and to your country.

The importance of this hearing's topic cannot be overstated. The safety and security of those who undertake the heavy responsibilities set forth in Article III of the U.S. Constitution is our obligation. The courts don't have the power of the purse, we do. As lawmakers, we have a duty to ensure adequate protection of the Judicial Branch, our co-equal partner in the three-branch system that governs this nation. Based on the testimony we have received for this hearing, I fear we have not lived up to that crucial task.

Mr. Chairman, this is obviously not an easy thing to do. Judges, like members of Congress, are public figures. They live in a fishbowl and they make decisions that disappoint, or even anger people. They will always be at some risk. But we need to take steps to protect them because their independence and their willingness to follow the law must never be compromised by fear for their personal safety.

An important book about the security problems faced by federal judges is entitled "Hunters and Howlers," by Frederick Calhoun. Howlers are litigants who display threatening behavior during their court appearances, which allows them to be easily identified as potential problems. But the killers of our judges in recent years don't fit that profile. The vicious criminals who killed Judge Lefkow's husband and mother, Judge John Wood in San Antonio, Judge Richard Duranco in Pelham, NY, and Judge Robert Vance in Atlanta, were hunters. There were no overt signs in the courtroom that these individuals were unstable.

So the Marshals Service has to be proactive in identifying threats. It needs to be able to respond when a judge has a hunch. And we need to at least take basic precautions for judges' safety. We have been told today, for example, that the Judiciary has been requesting home security systems for federal judges for 15 years. Yet this reasonable request remains unfulfilled. I urge the Justice Department and the Marshals Service to use the additional \$12 million in funding for court security, provided by the recently enacted emergency supplemental funding bill, to make sure that federal judges get the home security systems they need.

Members of Congress also have a responsibility to be careful in their public statements not to unintentionally encourage acts of violence against members of the judiciary. Those who are confirmed by the U.S. Senate and take the oath of office to become Article III judges deserve our utmost respect, regardless of whether we agree with their decisions. We step over the line any time we even remotely suggest that violence against a member of the judiciary is excusable or understandable or could somehow be justified. We have to be very cautious, particularly given the recent events in Chicago and Atlanta. The independence of the judiciary is at stake, and so are the lives of judges and their families.

Thank you Mr. Chairman.