

United States Senate

WASHINGTON, DC 20510

March 15, 2005

Hon. Alberto Gonzales
United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Gonzales:

I write to express my deep concern that enough is not being done to protect the most important participants in our criminal justice system.

Based on recent reports, not only am I concerned that we are not doing all we can to protect and defend our nation's judges, their families, and innocent bystanders in our courthouses, but I am further troubled by today's Inspector General's report, finding that the U.S. Marshals Service's famed witness protection program suffers from a loss of staffing, funding, and morale. For justice to be done in criminal cases, the judges who preside over them as well as the witnesses who testify in them must be secure and safe. And those who serve to protect these judges and witnesses should be well-trained, well-equipped, and should not be as this IG report suggests, over-worked and under-staffed.

First, as you know, in the last two weeks one judge and a judge's family were brutally murdered by individuals who had appeared before them in court. Judge Lefkow, a federal judge sitting in the Northern District of Illinois, came to home to find her husband and mother shot to death. Apparently, a criminal defendant in one of her cases had found her home, snuck inside, lain in wait, and killed her husband and mother because he was unhappy with the way he was treated in Judge Lefkow's courtroom. Then, last week another judge, along with various court personnel, were murdered in open court because of lax security in a courthouse in Atlanta, Georgia.

These tragedies reveal shocking shortfalls in the security around our judicial system. Judges risk their lives everyday when they administer justice, and they deserve some peace of mind. The judicial system relies on these good men and women to act in the best interests of the courts and the country, but that can be impossible if they are worried about their own safety and the safety of their families.

Therefore, I write to request that the Department of Justice conduct and complete a thorough top-to-bottom review as soon as possible to address these serious security concerns. I ask that your review address several areas of concern:

- What is the current level of funding for courthouse security (i.e. number of magnetometers, private security guards, law enforcement, barricades, etc.)? Are these levels adequate or should they be increased?
- Should personnel (private or law enforcement) be permitted to carry weapons in courthouses?
- What resources are currently used for assessing threats to judges and prosecutors and how can such threat assessments be improved?
- What is the training of law enforcement and other courthouse personnel with respect to violent offenders and what equipment and resources do they have at their disposal? What improvements can be made to the training of court personnel and law enforcement to prevent future acts of violence in courthouses?

It is clear that some very basic steps should be taken to prevent violence in our nation's courthouses, such as installing alarms in judges' homes, increasing funding for courthouse security – including funding to the Marshals Service – and improving training.

Second, as the Inspector General revealed today, there is also a potential problem in the way we protect witnesses who agree to testify in criminal cases. The report finds that there is a serious deficiency in funding and staffing of the Witness Security Program run the Federal Marshals Service. As you know, the Witness Security Program has been enormously successful, granting new identities to more than 17,000 people during its history and helping to secure the convictions of countless violent criminals – including the most vicious mafia murderers of our time. Witness protection is available to those who provide key testimony and whose safety could be jeopardized because of their cooperation with prosecutors. The conviction rate in cases where these witnesses have testified is an impressive 89 percent. And, according to the Marshals Service, no one who followed the rules has been killed or harmed while in the program.

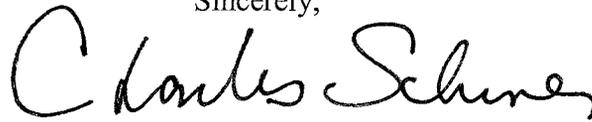
Given this history, it is troubling that the Marshals Service is cutting the staff assigned to protect witnesses. Over the last eight years, while the number of federal personnel responsible for protecting witnesses has dropped by nearly 25 percent, the number of witnesses and their family members has climbed by 12 percent.

Therefore, in light of the Inspector General's report, I ask that you take immediate steps to replace lost funding for the vital Witness Protection Program, increase staffing as necessary to assure the continued success of the Program, and address the serious morale problems outlined in the report.

I hope that you can help us to better protect both judges and witnesses, both of whom are critical to the swift and sure dispensation of justice in criminal cases.

We look forward to your prompt response to these questions.

Sincerely,

A handwritten signature in black ink that reads "Charles E. Schumer". The signature is written in a cursive style with a large, prominent initial "C".

Charles E. Schumer
United States Senator