

**STATEMENT OF
THE HONORABLE JOHN F. CLARK, DIRECTOR
UNITED STATES MARSHALS SERVICE**

**BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE,
AND RELATED AGENCIES**

March 27, 2007

Chairman Mollohan, Congressman Frelinghuysen, and Members of the Subcommittee, I appreciate the opportunity to appear before you today to discuss the President's fiscal year 2008 budget request for the United States Marshals Service (USMS). As a career Deputy U.S. Marshal, and the former United States Marshal for the Eastern District of Virginia, I am honored to be representing the Marshals Service as its Director.

As you know, the mission of the Marshals Service is the protection of the federal judicial process. Our nation relies on us to provide physical security to federal judges and U.S. courthouses, to protect witnesses, jurors, and members of the public, to safely and humanely transport and detain federal prisoners, and to catch violent fugitives. Our missions are diverse, and the challenges we face are significant. Our accomplishments are many, and I look forward to working with the Subcommittee through the appropriations process.

Summary of FY 2006 Accomplishments

In FY 2006, the Marshals Service:

- Apprehended more than 84,000 federal fugitives and cleared more than 64,000 state and local fugitive cases;
- Established and began operating our sixth Regional Fugitive Task Force located in the Gulf Coast Region;
- Safely handled 685 international extraditions;
- Received over 263,000 prisoners into our custody which translates into a daily prisoner population of nearly 56,000;
- Produced over 3,000 prisoners safely and securely everyday;
- Moved an average of 1,200 prisoners each day through the Justice Prisoner and Alien Transportation System;
- Protected more than 17,000 witnesses and their families through the Witness Security Program;
- Hosted the first International Witness Security Symposium with 17 countries participating;
- Assigned Special Operations Group (SOG) Deputies to Iraq to secure the Saddam Hussein trial, assist in other high-threat trials, and provide court security training;
- Deployed SOG Deputies to Kabul, Afghanistan, providing Judicial and Witness Security training for the Counter-Narcotic Police of Afghanistan, supporting the international effort to combat drug trafficking, narco-terrorism, and related crimes;

- Managed more than \$1.3 billion worth of assets through the Asset Forfeiture Program;
- Shared over \$300 million worth of assets with state and local law enforcement; and
- Received and disposed of more than 17,000 assets.

FY 2008 Budget Request

Our fiscal year 2008 budget request addresses the Marshals Service's highest priority needs. In total, we are requesting 140 additional positions and \$25.7 million in enhancements to address critical needs related to judicial threat intelligence and investigations, high-threat trial security, enforcing the Adam Walsh Child Protection and Safety Act, and handling the increased workload in our Southwest Border district offices.

Judicial Threat Intelligence and Investigations

Protection of the judicial process – with a heavy emphasis on judicial security – remains the primary mission of the United States Marshals Service. The workload associated with both judicial and courthouse security has significantly increased in the last six years, due to heightened awareness of potential threats. We cannot forget what happened in March 2005, when the mother and husband of U.S. District Judge Joan Humphrey Lefkow were brutally murdered in retaliation for her rulings. The tragic loss clearly illustrates just why there is a real and continuing need to monitor and enhance security for all involved in the judicial process.

Just last April, an Alabama man was arrested after he threatened to kill a federal judge after the judge put him in jail for contempt during a civil case. Examples like these have made the job of protecting the judicial process much more difficult because civil cases, in addition to criminal cases, can and do produce threats to the judiciary, and to the judicial process of this great nation.

To strengthen our ability to analyze and investigate threats against the judiciary and to adequately provide judicial and courtroom security, we are requesting 16 positions and \$5.3 million. The requested resources will allow the Marshals Service to hire 10 additional Deputy Marshals to serve as District Threat Investigators, 6 additional positions, including 5 Deputy Marshals, to be assigned to the Technical Operations Group to support judicial security, and allow for enhancements to our secure voice and data communications abilities.

I am steadfast in my commitment to fulfilling our primary mission: protecting the federal judiciary. I am pleased to report the Marshals Service has taken aggressive steps to further protect courthouses and secure courtrooms in order to increase our threat intelligence and analysis capabilities. In 2004, we established the Office of Protective Intelligence (OPI) to facilitate the day-to-day sharing of threat intelligence information with federal, state, and local law enforcement agencies. Thanks to funds provided by Congress in the FY 2005 Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, we hired 10 new Deputy Marshals and three intelligence research specialists to provide 24-hours-a-day/7-days-a-week threat response capability and to analyze and investigate all threats to the federal judiciary and others we

protect. We appreciate the continuing support the Subcommittee provides us in fulfilling this crucial mission.

In FY 2006, the Marshals Service investigated more than 1,100 judicial threats, safely handled 230 Personal Protection Details, and provided security for nearly 200 judicial conferences. The year ended without a single violent incident.

Deputy Marshals protect over 2,000 federal judges, but we also protect Supreme Court Justices when they travel outside of the Washington, DC area. We experienced an 80% increase in the number of Supreme Court Justice Protective Details in Fiscal Year 2006 over the previous year.

The Marshals Service is in the final stages of constructing our Threat Management Center, which will function as the nerve center for threats and inappropriate communications against judicial officials and other Marshals Service protectees. In addition, we plan on establishing the National Center for Judicial Security (NCJS) in FY 2007. The NCJS will provide a wide range of services and support to federal, state, local and international jurisdictions as they seek advice and assistance on questions of judicial security. The Center will initiate programs and activities directly related to threat assessment, training, information sharing, and technology review.

Outside of the courtroom, the Marshals Service has made tremendous progress in achieving the offsite security initiative funded through the 2005 Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief. We are grateful for the support provided by Congress. Through the end of 2006, 1,616 federal judges had requested or expressed interest in having a home intrusion alarm system installed in their residence. Working in conjunction with the Administrative

Office of the U.S. Courts (AOUSC), the Marshals Service has scheduled or completed Pre-Installation Plan surveys for **all** of those residences. Installation has been completed in over 90 percent of these locations. The ongoing cost of these systems has been funded through the enacted 2007 Joint Resolution.

Also in FY 2006, the Marshals Service conducted training in behavioral methodologies of investigation for 190 Deputy Marshals and Judicial Security Inspectors (JSIs) at the Federal Law Enforcement Training Center (FLETC) at Glynco, Georgia. A Judicial Protective Training Conference for 210 Deputy Marshals and JSIs was also held in Baltimore, Maryland. These training seminars were led by experts within the Marshals Service, as well as the United States Secret Service, United States Attorney's Office, Diplomatic Security Service, Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Federal Bureau of Investigation.

We are also taking a more aggressive approach to train Court Security Officers (CSOs) and explore new screening technologies that CSOs can use in their efforts to secure federal courthouses. The CSO Orientation Curriculum has been completely updated, and training which formerly occurred on an annual basis is now being conducted quarterly at FLETC. Hands-on training is being conducted on new and current screening equipment, with added emphasis on detecting disguised weapons and explosives, and on response plans for dealing with weapons of mass destruction. Additionally, selected judicial districts are being asked to test next generation technologies, and the data obtained from these tests will assist the Marshals Service to select and procure the best possible screening equipment to support our judicial protection mission.

High-Threat Trial Security

The Marshals Service also has an obligation to ensure that the highest level of security is provided at U.S. courthouses during trials involving high-profile and high-threat defendants. An increasing number of these trials require enhanced security efforts necessary to secure trial participants from internal and external threats, such as additional personnel, use of armored vehicles, and establishment of security perimeters around courthouses. In order to continue providing the best security for the number of high-threat trials that we must handle, the Marshals Service requests 17 positions, including 15 Deputy Marshals, and \$5.1 million for cellblock security enhancements, Supreme Court Protective Details, and our nationwide security maintenance contract.

As the former U.S. Marshal in the Eastern District of Virginia, I can speak firsthand about the planning and resource requirements necessary to prepare for a high-threat trial. The upcoming trial of terrorist suspect Jose Padilla in Miami, Florida, is just one example. Preparations include evaluating logistical requirements such as: increasing perimeter security, setting up additional barricades, coordinating with local authorities to close street traffic, arranging armored motorcades for prisoner transport, upgrading surveillance cameras, and providing additional personnel through rotations of specially trained Deputy Marshals.

In fiscal year 2006, the extended legal proceedings involving Zacarias Moussaoui came to a close. The USMS provided security for this high-profile trial from 2002 to 2006. Assisted by our Special Operations Group, we were successful in producing the defendant safely and securing the judicial proceedings without incident. In May 2006, Moussaoui was sentenced to life in prison, and on May 13, 2006, the Marshals Service

transported him to Florence, Colorado, to begin serving his sentence at the United States Penitentiary Florence Administrative Maximum facility. Agency-wide in FY 2006, our personnel produced prisoners for 642,000 court proceedings – without any injury to a judge, witness, or prosecutor.

The increase in gang-related trials also presents many challenges for the Marshals Service. For example, in Santa Ana, California, we have been securing the largest capital murder case in U.S. history. Forty defendants affiliated with the Aryan Brotherhood have been charged with a variety of violent crimes including conspiracy to commit murder and drug trafficking. Not only were the defendants part of this gang, but so were many of the witnesses and trial observers in the public area. In July 2006, the jury convicted two Aryan Brotherhood leaders on a host of racketeering and murder charges. Both leaders were sentenced to life in prison without parole. While federal prosecutors continue to achieve record convictions, out of the 40 defendants, 14 are still pending trial and remain in our custody.

The increase in gang-related prosecutions and the growing number of gang members in federal detention places additional burdens on the Marshals Service. In many instances, we must not only separate co-defendants from one another, but we must also segregate prisoners within the courthouse cellblock due to their history of violence, potential violence with other detainees, or risk of escape.

Adam Walsh Child Protection and Safety Act

I am personally honored that last July, Congress named the Marshals Service as the lead agency to investigate sex offender registration violations. This important new

enforcement role, outlined in the Adam Walsh Child Protection and Safety Act, grants us the authority to protect the most innocent among us—young children. Signed into law on July 27, 2006, the Adam Walsh Act is landmark legislation that will not only change the face of our communities by making them safer for vulnerable women and children, but it will also, in many respects, change the face of the Marshals Service.

The Marshals Service has three distinct missions pursuant to the Adam Walsh Act: to assist state, local, and tribal jurisdictions in the location and apprehension of non-compliant sex-offenders; to investigate violations of non-compliance; and to assist in the identification and location of sex offenders relocated as a result of a major disaster.

To carry out these new missions, we established the Sex Offender Apprehension Program and designated a program management office (the Sex Offender Investigations Branch) to direct and coordinate the implementation of the Act within the agency. The Marshals Service also designated sex offender investigations coordinators in each district office and Regional Fugitive Task Force to establish and maintain effective contacts with sex offender registration authorities, corrections officials, and other law enforcement agencies throughout the country. We have begun training our personnel and begun investigating a limited number of violations of the Act and are already participating in the Attorney General's "Project Safe Childhood" initiative.

Additionally, a full-time Deputy Marshal has been assigned to the National Center for Missing and Exploited Children (NCMEC) as a liaison to our Investigative Services Division. This year we will be assisting NCMEC with their media campaign to encourage compliance with sex offender registration laws. In 2008, pending the availability of resources, NCMEC and the USMS also will establish a National Sex

Offender Targeting Center to assist in identifying and prioritizing non-compliant sex offenders and to provide analytical support to federal, state, and local law enforcement agencies.

Full implementation and enforcement of all provisions contained within the Act will require additional resources. Therefore, the Marshals Service requests 54 positions, including 43 Deputy Marshals, and \$7.8 million to begin staffing areas of the country having large numbers of non-compliant sex offenders and to staff a National Sex Offender Targeting Center in partnership with NCMEC.

Estimates indicate that there are nearly 600,000 registered sex offenders in the nation and as many as 80,000 non-compliant sex offenders. The requested resources will allow the Marshals Service to identify and apprehend non-compliant sex offenders, especially offenders against children, and to provide analytical support to federal, state, and local law enforcement agencies.

Southwest Border Enforcement

With the recent investment of resources to increase illegal immigrant apprehension along the Southwest Border, the Marshals Service is facing the daily challenge of utilizing our limited number of personnel to successfully protect and secure federal detainees and judicial personnel, and to safely transport those detainees. To alleviate this problem, the Marshals Service requests 53 positions, including 40 Deputy Marshals, and \$7.5 million for Southwest Border district offices.

The average daily prisoner population in Southwest Border districts has increased by 78% from 2000 to 2006. There are no signs of this trend abating. The fiscal year

2008 budget request for the Border Patrol includes funding to hire an additional 3,000 agents which, if funded, will drastically increase the Marshals Service workload. Also, drug-trafficking and gang activity along the Southwest Border is increasing. The Marshals Service is handling the productions involved in high-profile prosecutions such as trials involving the Arrellano-Felix drug cartel and the “Mexican Mafia” in Southern California. This request is the first of what we hope to be a multi-year effort to enhance resources to address Southwest Border workload.

Fugitive Investigations

The Marshals Service continues to improve strategies used to apprehend fugitives. In October 2006, we teamed with our state, local, and federal colleagues in the largest roundup focused on violent sex offenders and gang members. ***Operation FALCON III*** (Federal and Local Cops Organized Nationally) resulted in the apprehension of more than 10,700 fugitives, including 1,629 sex offenders and 364 documented gang members. Teamwork was the key during this seven-day initiative, with 1,063 agencies participating with an average of 3,000 law enforcement officers working each day in Marshals Service districts primarily east of the Mississippi River. By removing some of the country’s most dangerous sex offenders and gang members from the streets, ***Operation FALCON III*** made America’s communities safer. The operation also resulted in the safe recovery of a missing child, the arrest of a convicted sex offender who was babysitting three young children at the time of his arrest, and the seizure of child pornography.

This success followed an earlier initiative, ***Operation FALCON II***, which occurred in April 2006 in districts in the western half of the United States. More than

9,000 fugitives were arrested and more than 10,400 warrants were cleared during

Operation FALCON II.

The success of these fugitive initiatives has been recognized by the Department of Justice, which will soon announce a series of mini-FALCONs designed to focus on violent gang members in those cities identified as having unacceptably high violent crime rates. The first of these initiatives occurred the week of February 25, 2007, in Baltimore, Maryland. Coordinated by the USMS Capital Area Regional Fugitive Task Force, in just five days we worked with our state and local law enforcement partners to arrest 195 felons. Of this number, 24 are documented gang members and another 20 are suspected gang members. Task Force officers arrested four individuals who had been listed as among the City of Baltimore's **Most Wanted** fugitives.

In concert with the priorities of the Attorney General, the Marshals Service has now assigned a supervisory criminal investigator and a criminal analyst to the National Gang Intelligence Center. Throughout the remainder of the year, the Marshals Service will work with the Department of Justice and GangTECC to conduct a minimum of six additional FALCON initiatives.

The Marshals Service also intends to expand its *Fugitive Safe Surrender* program in FY 2007. Authorized under the Adam Walsh Child Protection and Safety Act, *Fugitive Safe Surrender* is a creative and non-violent approach to fugitive apprehension. Partnering with state and local law enforcement, the judiciary, and the religious community, the Marshals Service has undertaken two successful *Fugitive Safe Surrender* operations, resulting in the surrender of more than 2,150 individuals wanted on outstanding warrants.

2007 Global War on Terror Supplemental

Last year, Congress provided \$1 million directly to the Marshals Service as part of the Emergency Supplemental to fund our activities in Iraq. Other funding comes to us from the Department of State. Since 2004, we have deployed Deputy Marshals from our Special Operations Group (SOG) to provide expertise in five key areas: security for judges, security for court facilities, security for witnesses, investigations tied to the Regime Crimes Liaison Office and the Major Crimes Task Force, and police training.

SOG is a highly trained, disciplined tactical unit that has handled high-threat and high-profile federal trials in the United States for over 35 years. Their versatility and quick-response capability makes them especially adept for responding to the Iraqi mission. More than 60 SOG Deputy Marshals have volunteered for one or more tours of duty lasting up to six months - twice the length of time in comparison to other civilian agencies. Currently, we have 16 SOG Deputy Marshals in Iraq.

Our nation recognizes the importance of protecting judges and preserving our judicial system. The security of judges and witnesses is paramount in any court proceeding, but in Iraq, participants are constantly under threat of injury and death. Five judges were murdered in 2004 and many more have been injured over the last three years. Our SOG Deputy Marshals continue to provide protective details for judges and others as they travel in and around Baghdad. They protect all members of the Iraqi judicial family both in and outside of the International Zone, where hostile fire and improvised explosive devices are an ever-present threat. I am continually impressed by the dedication of our SOG Deputies, who are the *only* Department of Justice employees who regularly travel

outside the Green Zone into hostile territory within the city of Baghdad and surrounding provinces.

We are requesting \$15 million as part of the fiscal year 2007 Global War on Terror Supplemental. Our request is in two parts. First, \$2.8 million is needed to secure the Jose Padilla trial in the Southern District of Florida and the Babar Ahmad trial in the District of Connecticut. Mr. Padilla was transferred into our custody in January 2006. His trial is scheduled to begin in April 2007 and will last for eight months. Mr. Ahmad is pending extradition and his trial is expected to last up to six months.

The Marshals Service's mission has expanded to Afghanistan, where the Department of Justice has a significant role in combating organized crime and drug cartels. Another \$12.2 million is included in the Global War on Terror Supplemental Request for logistical support and equipment to deploy Deputy Marshals to Afghanistan to establish a Judicial and Witness Security Protection Unit within the Counter-Narcotic Police of Afghanistan. The Unit will enable narcotics trafficking cases to be successfully prosecuted under the Afghan Counter-Narcotics law. Until a safe environment is created, Afghan judges may continue to resist holding trials because of the threats made against their lives.

Conclusion

Mr. Chairman, Congressman Frelinghuysen, and Members of the Subcommittee, on behalf of the men and women of the United States Marshals Service, thank you for your ongoing support. In the last year, we have made significant progress in addressing the legitimate concerns expressed to us concerning judicial security and we have built upon our successful track record of reducing the number of violent felons in our communities. However, I know that there is still much to do. I am committed to ensuring that we are efficient stewards of the resources you have entrusted to us, and I look forward to working with you to achieve our goals. I would be happy to answer any questions you may have at this time.