

Decorated U.S. Marshal Fights For Justice

Matthew Fogg, currently a Chief Deputy U.S. Marshal, began his career in the U.S. Marshals Service in the District of Columbia in April 1978. He has received widespread recognition for his outstanding accomplishments in law enforcement, including major trials, fugitive arrests, and other operations.

As a Supervisory Inspector during 1989-92, Fogg led the Drug Enforcement Administration (DEA) Metropolitan Area Task Force Fugitive Group, with the arrest of over 267 Federal, state and local fugitives from justice throughout the United States.

Fogg received the Certificate of Appreciation for meritorious service to the citizens of Washington from former

United States Attorney for the District of Columbia Jay Stevens. He was recognized by the Federal Bar Association, District of Columbia Chapter, for outstanding law enforcement service above and beyond the call of duty, and has received many awards for outstanding service in law enforcement.

His 1998 discrimination case, *Fogg v. Reno*, effectively set the stage for class actions brought against law enforcement agencies which fall under the umbrella of the Department of Justice. In April 1998, Fogg was awarded a \$4 million judgment and other relief by a Federal jury, which found that the U.S. Marshals Service had carried out a 13-year vendetta against him, in retaliation for his efforts to expose and eliminate racial discrimination and corruption within the Marshals Service.

Judge Thomas Penfield Jackson, at the Justice Department's request, attempted to drastically reduce the jury's relief, but was effectively reversed by the U.S. Court of Appeals, and the judgment is now in mediation.

EIR: Is there still discrimination in the hiring process in New York City?

Fogg: Definitely in the hiring process of the Fire Department. I heard that mentioned over and over again. As a matter of fact, the black firefighters up there filed suit. And the same with the Police Department up there. That's something that they've got to overcome. If they want to find one of the downfalls of Mayor Giuliani, that is it.

When he came on board, he hired one of our assistant directors in the United States Marshals, whose name is Howard Safir. He came from the Marshals Service and started off in the New York Fire Department, and then went over to the New York Police Department, and became the Commissioner for both of those departments. This man was known in the Marshals Service to have problems with blacks.

Howard Safir's record, once he came onto that department, was clear when it came down to hiring African-Americans, as well as what his officers did to African-Americans, including the Abner Louima and Amadou Diallo cases. The Louima case just typified the whole cultural network of racism: to bring this man into the station and then sodomize him inside the police station. That said that it was an accepted culture, it was an accepted network of rogue cops working within that department. It told me that just about every manager in that particular precinct should have been fired, behind something like that. New York City has serious problems when it comes to racism in its public services. . . . Speaking of my case, it shows a point here. I won a major case against the Department of Justice. It proved that racism was alive and well within the United States Marshals Service. As a matter of fact, the jury came back and said it was a "racially hostile

environment" throughout the United States Marshals Service all across America.

On top of that, you would have thought that the agency would have tried to do something to fix the problem. Well, not only did they not do anything to fix the problem, but the Black Marshals Association, in turn, had to file a class-action complaint against the United States Marshals Service earlier this year, in March.

In my case, we're going back to the judge to discuss equitable relief, but it's just amazing: This case has been going on for 16 years, without any resolution [see box]. That says something right there about the people in charge.

I think we have one of the greatest Constitutions that could be written, on paper; but, as we know, it's not the Constitution on paper that's the problem. A lot of times, it's the rogues and the bigots that end up having to be the ones who have to enforce the rules or carry out what's written in that Constitution, which damages it. But it's never the Constitution. It's: Who do we have in charge, that's going to follow the procedures of the Constitution?

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