



U.S. Department of Justice
Drug Enforcement Administration

DEA WORLD

January/February 1992



The making of *Drug Wars*:

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Three Task Force Supervisors Honored

Three Washington Division Task Force Supervisors were honored by the Federal Bar Association at its Third Annual Salute to Law Enforcement in Washington, D.C.

Receiving awards for "law enforcement services above and beyond the call of duty" were Washington Division ASAC William McMullan, of the DEA/Metropolitan Area Task Force; Detective Dwight A. Rawls of the DEA Task Force; and Group Supervisor/Inspector Matthew Fogg of the DEA Washington Metropolitan Area Task Force Fugitive Group 36.

ASAC McMullan was nominated for his supervision of the DEA/Metropolitan Area Task Force, which includes 26 Federal, state, and local law enforcement agencies in Virginia, Maryland and the District of Columbia.



ASAC
McMullan

Under ASAC McMullan's direction, the task force nearly tripled Class I and II arrests, seized over \$8 million in assets during Fiscal Year 1991, and made significant inroads into high level heroin and cocaine trafficking networks in the Washington Field Division.

In 1990, the task force immobilized a New York-based Dominican crack distribution group and made one of the largest crack seizures in U.S. history. The task force also initiated Operation Helix to track heroin from the Middle East and, along with the Frankfurt Resident Office, was responsible for the seizure of over 60 pounds of heroin and the arrest of 20 defendants.

Detective Rawls, who is with the Metropolitan Washington Police Department, served with the DEA Task Force from 1983 to 1987, and again since 1989, as a forfeiture specialist, investigator, and undercover operative in major investigations by the Washington Division.



Detective
Rawls

Detective Rawls directed the entire forfeiture investigation in the *United States v. Fuentes* case, prosecuted in 1990. More than 30 defendants were prosecuted, well over \$500,000 was seized, and the defendants were convicted of more than 40 counts of money laundering.

Detective Rawls also played a major role in the Miquel Profeta investigation, in which 34 suspects were identified as participants in a cocaine distribution network.

Inspector Fogg, a veteran of 13 years with the U.S. Marshals Service (USMS), has supervised the DEA/Washington Metropolitan Area Task Force Fugitive Group 36 since



Inspector
Fogg

1989. During this period, the Task Force arrested over 200 Federal, state and local fugitives including:

- Three co-conspirators involved in the Washington area's largest cocaine distribution organization, a case that was nationally known as the *U.S. v. Rayful Edmond Conspiracy Trial*;

- Brian Tribble, who surrendered to Inspector Fogg after avoiding arrest in a DEA cocaine operation three days earlier. Tribble allegedly sold cocaine to University of Maryland basketball player Len Bias, who died of a drug overdose;

- Ten defendants who were responsible for supplying the Washington, D.C. area with 26 pounds of pure heroin per month as part of the Robert Colon conspiracy; and

- Paul Boulos, a DEA/USMS fugitive and Class I co-conspirator in a major heroin distribution case. Heroin purchased in this case was the purest ever tested by the DEA Mid-Atlantic Laboratory.



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**1998 Directory
of Police
Equipment
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"The Voice of the American Police Chief"
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Discrimination and Corruption Cost Marshals \$4 Million

by Leo Scanlon

The judicial tables were turned in Washington recently, when a federal jury soundly condemned the leadership of the United States Marshals Service, and awarded \$4 million dollars in damages to a deputy U.S. Marshal who had alleged that the federal law enforcement agency is riddled with corruption and racially discriminatory practices. The verdict in the case of *Fogg vs. Reno* shocked USMS officials, who had buried the complaints internally, and were confident that they could prevail in open court as well. In addition to the monetary award, the jury ordered that the plaintiff, Matthew Fogg, be returned to duty at his proper rank, which is Chief Inspector Deputy U.S. Marshal.

In the course of the extraordinary proceedings, it was the testimony of management officials of the USMS, that included Director Gonzalez, as well as a sitting Federal Judge, a former Director of the USMS, two other previous Directors, two Deputy Directors, one Associate Director, two USMS Attorneys, two U.S. Marshals, several Division chiefs and Supervisors, that there was in place, previously and presently, a "racially hostile working environment" directed against African Americans. Federal Judge K. Michael Moore, a former director of the service, testified that the agency used a "skewed system" of promotions which violate statutory merit system rules.

Attorneys experienced in the field said that the verdict reflected the strength of Fogg's case, and noted that it is rare for this type of claim to make it into a federal court, and even more unusual for a plaintiff to prevail against the government.

Fogg said that "This case is a victory for all federal employees who have suffered these discriminatory and retaliatory practices, the verdict certainly paves the way for nationwide USMS Class Action Complaint and the likelihood of individual Tort claims for Civil Rights violations against these 'Bigots with Badges.'"

The stunning court victory is seen by Mr. Fogg, and many other marshals who have similar complaints, as vindication of their long-standing allegations that racism, as

well as corruption and cronyism are rampant in the bureaucracy that controls the Marshals Service.



Victory Against "Bigots With Badges"
— Matthew Fogg, Chief Insp., USMS —

The case revolved around documentation that Fogg presented, which showed that the leadership of the Marshals Service had conducted a 13 year vendetta against him, in retaliation for his efforts to eliminate racial discrimination within the agency he served.

The jury found that the Marshals Service did conduct such a vendetta, and awarded damages in 9 of the 15 counts brought in the complaint, and supported Fogg's contentions, without awarding damages, in 5 more. The monetary damages assessed against the Marshals Service reached a total of \$4 million.

The jury awarded the sum to Fogg in spite of a congressional cap that limits its monetary damage recovery in such cases to \$300,000 per incident. Fogg's attorneys will argue that the jury correctly viewed that as a limit per instance cited in a complaint, and applied it to each of the specific charges Fogg raised in pleading.

The government contends that the cap is a per-case limit, and is looking for a ruling to that effect, but attorneys point out that the jury showed its discrimination by ruling against one of the elements of the complaint, and not awarding damages in others. This indicates, these attorneys believe, that the jury clearly saw the remaining instances, in which they did award the maximum allowable, as egregious wrongs which each stand on their own merit.

Lawyers close to the case believe that the government attorneys misread the jury, and assumed that the authority of the government would overshadow the merit of Fogg's complaints. Fogg points out that in post trial actions, the prosecutors only surveyed black jurors, and ignored a white juror (who agreed with the majority, in fact), in the apparent hope that they could show that the jury verdict and damage award was tainted by a racial bias.

An attorney involved in the case, commenting on the government's attempt at generating a "race bias" theory of the jury decision, pointed out that Federal juries in the District of Columbia are notoriously conservative in their awards in such cases — despite the fact that the District,

continued ➤

CORRUPTION

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and its jury panels, are largely African-American in composition.

"This is a reflection of the fact that these jurors are very close to government service, either as employees, or relatives of employees of the government, and they have an inherent respect for the government when it presents a case in court," he said.

But for precisely that reason, this attorney continued, "these jurors are also acutely aware of how the government is supposed to operate, and well versed in the rules of fairness that apply to all federal agencies; when they see these principles being violated, they react very strongly."

In discussion after the trial, members of the jury panel emphasized that the case showed that there are problems within the Marshal's Service that cannot be addressed adequately with monetary awards. Marshal Fogg emphatically agrees.

"My case is not about money," he says. "It is about showing that the fight for justice has to continue until the officials who are responsible for these crimes are punished. Until that happens the American people will not be able to trust the agencies responsible for guarding their constitutional liberties. Racial discrimination and corruption of all sorts go hand-in-hand, one is a marker for the other. Out-of-court settlements and consent decrees will not do the job, and ultimately the congress must take control of the rogue apparatus which infests the federal government."

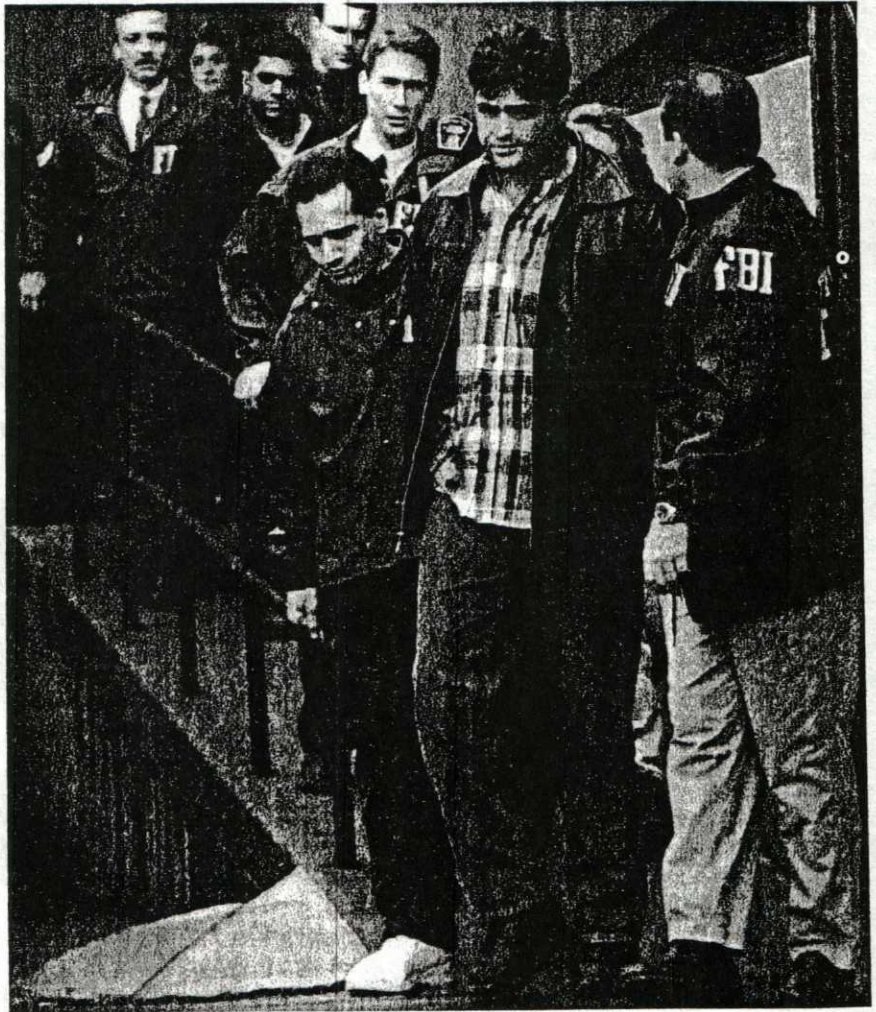
Fogg explained that he hopes his victory will help cut through the "mentality of 'take the money and run'" which now dominates the process of resolving discrimination complaints through out-of-court settlements. In almost all of these instances, the defendant agency may agree to a damage settlement, without agreeing to accept full responsibility, and accountability for the discriminatory actions.

"This present situation does no one any good," he continued. "In effect, the EEO (Equal Employment Opportunity) complaint process, and the 'whistle-blower' process, has become a mechanism for targeting outspoken employees. The settlement process has become the means of protecting the 'good old boy' networks that dominate the senior levels of the federal law enforcement bureaucracy."

No matter what the courts ultimately decide to award Fogg, he intends to continue the fight that has cost him his life savings, and much more, and has created an organization, [full name, Congress Against Racism and Corruption in Law Enforcement (C.A.R.C.L.E.)], which can be found at www.bwbadges.com, and is dedicated to expanding this fight throughout the law enforcement community.

William Scott, another highly

decorated US Marshal who was named Law Enforcement Officer of the Year by the American Police Hall of Fame, has joined with Marshal Fogg and Steve Zanowyc, a white Marshal who was victimized because he spoke out against he spoke out against the discriminatory practices within the organization, in the effort to build CARCLE, and they are emphasizing the need for legal action and congressional oversight hearings into the huge backlog of employment discrimination complaints that are building throughout the agencies supervised by the Criminal Division of the Justice Department. •



Indicted!

Federal Bureau of Investigation agents, lead some of 16 defendants from FBI offices in Newark, NJ. The defendants include nine former or current police officials in West New York, NJ, who have been indicted in a major police corruption case, according to the U.S. Attorney's office. The defendants are charged in a racketeering indictment alleging bribery, extortion and kickbacks involving prostitution, gambling, after-hours liquor sales, and towing violations. (AP Photo/Mike Derer)

November 1992

THE NarcOfficer

OFFICIAL PUBLICATION OF THE INTERNATIONAL NARCOTIC ENFORCEMENT OFFICERS ASSOCIATION



33rd Annual INEOA Drug Conference And Awards Presentation

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In March of 1991, Deputy Braynon's work resulted in the arrest of Manuel Franco in Miami, Florida. Franco was wanted by the Metro Dade Police Department for second degree homicide and for an outstanding federal indictment in the Middle District of Florida charging him with conspiracy to import marijuana and conducting a continuing criminal enterprise. Franco was listed by U.S. Customs as one of their ten most wanted fugitives. Working on information

he had developed, Deputy Braynon arrested Franco who had in his possession fictitious identification documents and \$11,000 in cash. The identification was seized as evidence and the money was seized as narcotics proceeds.

All of these fugitive cases add up to one fantastic year in the area of narcotics enforcement for Deputy United States Marshal Keith Braynon.

Nominated by Daniel J. Horgan, U.S. Marshal, U.S. Marshals Service, Miami, Florida.

U.S. MARSHALL AWARD

(223) MATTHEW F. FOGG
Supervisor Deputy U.S. Marshal
United States Marshals Service
Washington, D.C.

Supervisor Deputy U.S. Marshal Matthew F. Fogg is presented the Association's SPECIAL U.S. MARSHAL'S SERVICE AWARD for his outstanding performance of duty in drug enforcement.

During the past three years, Supervisory Deputy United States Marshal Matthew Fogg has led the Drug Enforcement Administration Washington Metropolitan Area Task Force Fugitive Group (MATF) with the arrest of over 267 federal, state and local fugitives from justice around the United States charged with distribution and selling of narcotics, murder, escape, assault, child molestation and various other heinous crimes. Because of his exceptional ability to track down and apprehend some of America's Most Wanted Fugitives in the late hours of the night and the earliest hours of morning, Supervisor Fogg and his group are named and characterized by agents from the Drug Enforcement Administration (DEA) Washington Field Division as "Batman" and the "Bat Group."

Three fugitives arrested were co-conspirators involved in the Nation's Capital's largest ever cocaine distribution organization and were convicted in what was nationally known as the U.S. vs. Rayful Edmond Conspiracy trial. The Rayful organization was responsible for supplying the District of Columbia area with large quantities of cocaine (hundreds of kilos) and multiple murders over a five year period.

Supervisor Fogg led the latest DEA arrest of Brian Tribble. Tribble allegedly sold the cocaine that caused the death of nationally known Boston Celtics basketball star, Len Bias. Tribble agreed to surrender to Supervisor Fogg at the United States District Court in Baltimore, Maryland after avoiding arrest in a DEA/FBI major cocaine distribution conspiracy investigation by fleeing from federal authorities days earlier.

Supervisor Fogg's group successfully completed a major two-year DEA/Organized Crime Drug Enforcement Task Force (OCDETF) investigation with the arrest and prosecution of eight defendants known as the Robert Colon Conspiracy. Colon's organization was responsible for supplying the Washington, D.C. area with approximately 12 kilograms of pure cocaine a month. Supervisor Fogg's group effected the simultaneous arrest of all defendants located in New York, Washington, D.C., Alexandria, Virginia, Miami, Florida and Hawaii. All defendants were later convicted and received substantial sentences in the Eastern District of Virginia.

This case was featured in the local Washington Post newspaper and several television news stations because the head conspirator, Robert Colon, owned a well known local car dealership in Dumfries, Virginia.

On August 12, 1991, Supervisor Fogg supervised members of a United States Marshals Service Headquarters Top-15 task force that arrested Michael Antonio Lucas after a 10-month search following his escape from a prison in Texas during November of 1990. Lucas was serving a mandatory 20-year-to-life sentence for murder. When Lucas was approached by Supervisor Fogg and other task force members, he was carrying a fully loaded semi-automatic 380 pistol with one round in the chamber. During his arrest he attempted to draw the pistol out of his pocket. A brief struggle issued and Lucas was arrested with no shots fired. A

second individual in the company of Lucas was in possession of a fully loaded machine gun with one round in the chamber. This suspect was also subdued and arrested with no shots fired. The events leading up to Lucas' escape and arrest were portrayed on the national television show "America's Most Wanted."

On September 13, 1991, Supervisor Fogg directed the successful arrest of DEA/USMS fugitive Paul Boulos by United States Marshals in Los Angeles, California. Boulos was a DEA Class I co-conspirator in a major heroin distribution OCDETF investigation which involved the arrest of 15 defendants on November 19, 1991 by the DEA Metropolitan Area Task Force. These arrests were featured in the national and local news because the defendants were Syrian nationals with connections to the Syrian government and the heroin purchased was 100% pure, the purest heroin ever tested by the DEA Mid-Atlantic laboratory.

On May 9, 1991, Supervisor Fogg was awarded a Certificate of Appreciation from United States Attorney for the District of Columbia Jay Stephens for meritorious service to the citizens of Washington D.C. Supervisor Fogg received this award for tracking down and arresting a major DEA/USMS Class I fugitive, Reynaldo Atkins, late at night in the Bronx area of New York City. Atkins was responsible for supplying the Washington, D.C. area with multi-kilograms of cocaine from Panama. Atkins, a Panamanian citizen, attempted to avoid arrest on a DEA, District of Columbia, U.S. District Court warrant by fleeing the D.C. area with hopes of blending into the millions of people in New York City.

In October of 1991, Supervisor Fogg received an award from the Federal Bar Association, District of Columbia Chapter, for outstanding law enforcement service above and beyond the call of duty. An article recognizing this award was portrayed in the DEA World Magazine, distributed to DEA offices around the world.

In December of 1991, Supervisor Fogg received the United States Marshals Service's highest award known as the Director's Honorary Award. Supervisor Fogg received this award for his leadership contribution in a multi-state United States Marshals Service fugitive manhunt operation, known as "Operation Sunrise", with the arrest of over 75 major narcotic violators/fugitives in the Washington, D.C. area.

On December 16, 1991, Supervisor Fogg led the arrest of Ronald Wilkins and Leroy Pannell for separate unrelated drug/murder-1 charges on the streets of Washington, D.C. Homicide information indicated that Wilkins alone was responsible for three different drug-related murders.

On January 24, 1992, Supervisor Fogg led Metropolitan Area Task Force members with the arrest of a United States Marshals Service Top-15 fugitive, Gregory Duckett. In January of 1991, Duckett escaped from a temporary detention facility in Texas while awaiting a Federal prison designation. Duckett was serving a federal mandatory 20-year-to-life sentence after being convicted of a premeditated drug-related homicide on the streets of Washington, D.C.

In conclusion, these are only a few highlights of many outstanding arrests supervised by Supervisory Deputy United States Marshal Matthew Fogg during his tenure at the DEA Washington Field Division, Metropolitan Area Task

Force. Supervisor Fogg has distinguished himself in the performance of his duties by bringing highly favorable credibility to the United States Marshals Service and the Drug Enforcement Administration and by sending a message out to Washing-

ton, D.C. area criminals: "You can run but you sure can't hide."
Nominated by Chief Deputy U.S. Marshal William Griffin, U.S. Marshals Service, Washington, D.C.

U.S. POSTAL INSPECTION SERVICE AWARD

(224) CHARLES E. GHOLSON
Postal Inspector
U.S. Postal Inspection Service
Little Rock, Arkansas

Postal Inspector Charles E. Gholson is awarded the Association's U.S. Postal Inspection Service Award for his outstanding performance in the interdiction and investigation of mailings of controlled substances.

Postal Inspector Charles E. Gholson has investigated cases involving drugs sent through the United States Mails for several years. His duties include the interdiction and investigation of both international and domestic mailings of controlled substance.

He effectively and efficiently manages his demanding diverse cases and does so with very little supervisor contact. He has developed numerous law enforcement contacts throughout the country which have facilitated his investigations.

Inspector Gholson's area of responsibility is the western three-quarters of the state of Arkansas. He works cases in both the Eastern and Western Judicial Districts of Arkansas. He is called upon by dozens of local law enforcement agencies for assistance.

During 1992, he has successfully investigated the following cases:

January Interdicted an International Express Mail article containing 14 grams of 92 percent pure heroin, resulting in two arrests.

February Interdicted Express Mail pieces containing 3 1/2 pounds of "crack" and powdered cocaine, resulting in thirteen arrests—including three members of the "Crips" gang. Also seized were 25 firearms and \$10,000.00 in cash.

April Interdicted Express Mail pieces containing 477 grams of "crack" cocaine, resulting in four arrests.

June Interdicted an Express Mail piece containing one pound "crack" cocaine, resulting in one arrest.

Inspector Gholson has achieved a very high level of sustained performance. He is well respected in the law enforcement community for his knowledge, tenacity, and ability.

Nominated by N.C. Cook, Postal Inspector in Charge, Memphis Division, U.S. Postal Inspection Service, Memphis, Tennessee.

U.S. POSTAL SERVICE AWARD

(225) PRESTON B. PARNELL
Postal Inspector
U.S. Postal Inspection Service
Birmingham, Alabama

Postal Inspector Preston B. Parnell is awarded the Association's U.S. Postal Inspection Service Award for this outstanding performance in the interdiction and investigation of mailings of controlled substances.

Postal Inspector Preston B. Parnell is the Narcotics Specialist for the Birmingham Division. Although he has less than two years in the assignment, he quickly learned the many unique facets of drug enforcement work. As the Narcotics Inspector in a small division, he normally has to elicit the assistance of other narcotics units when working an investigation outside Birmingham. A major portion of Inspection Service drug cases is comprised of Express Mail packages. These make the investigations seem more difficult as the Inspector is working under severe time restraints. When an Express Mail package is mailed, the addressee is advised to expect next or second day delivery, and late packages are often refused. This leaves little time to obtain a search warrant for the packages and then the house plus coordinating multi-agency investigations.

One such Express Mail package arrived addressed to Huntsville. A search of the package revealed two ounces of crack cocaine and four ounces of powder cocaine. The package was re-wrapped and ready for delivery on January 4, 1992, the date of the Alabama "blizzard." (It actually snowed six to eight inches in a short period of time). Two suspects picked the package up at the post office and

were stopped by Postal Inspectors and local narcotics officers. One suspect's pager activated and Inspector Parnell convinced him to return the call which alerted the task force of a second Express Mail package. The second package contained four ounces of crack and had also been delivered that day. A meeting was set up and the two subjects who had received the second package were arrested. A fifth arrest was subsequently made.

This loose knit group was mailing drugs from Houston, TX to Huntsville for sale in Alabama. Two subjects plead guilty in federal court and one was convicted in a federal trial. The fourth plead in state court and one is currently a federal fugitive. The primary defendant received a sentence of 235 months incarceration.

This case is continuing to produce results with two more subjects recently arrested on local charges for possession of crack. This case is but one example of the type of work performed by Inspector Parnell and his ability to coordinate and work with other narcotics organizations. In the current year he has made 18 narcotics arrests, one of which resulted in the suspects ramming the vehicle occupied by Inspector Parnell and a DEA agent. Commendations on Inspector Parnell's performance have been received from other agencies, as well as the United States Attorney's Office.

Nominated by J. W. Holland, Jr., Inspector in Charge, U.S. Postal Service, Birmingham, Alabama.

UPDATE

Marshals Service Appeal Challenges Federal Awards Cap

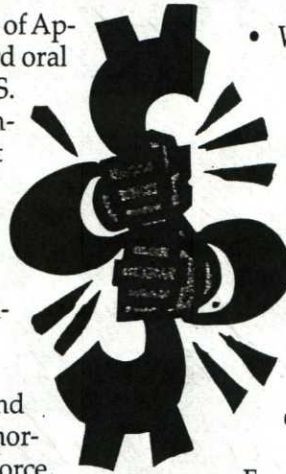
By David Hornestay

In March, a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit heard oral arguments in the appeal of former Deputy U.S. Marshal Matthew Fogg. Fogg, an African-American, won a 1998 federal jury judgement for \$4 million based on violation of his civil rights by his employer, the Department of Justice. Now he is appealing the reduction of his award by the trial judge, Thomas Penfield Jackson, who ruled that \$300,000 is the maximum allowed in Federal sector cases.

Fogg, with the Marshals Service since 1978 and holder of its highest honor, the Director's Honorary Award for his work on the fugitive task force, claimed that when he had complained of being denied promotions, he was assigned to a "dead-end" desk job and threatened with further retaliation if he didn't drop his complaint. After gaining a favorable workers' compensation ruling for a resulting stress-related disorder, he was prematurely ordered back to work and then dismissed for insubordination when his physician stated that he was not ready to resume his duties.

At the trial, a series of black and white deputy marshals presented testimony of discriminatory and racially harassing actions by white supervisors and colleagues. Incidents described included:

- A white supervisor locking a black deputy in a cell with prison riot ringleaders and leaving;



- White deputies failing to provide backup for black deputies, including Fogg, who were making dangerous arrests;
- White deputies using Martin Luther King's picture for target practice during an annual firearms qualification test;
- A white deputy running through the office in a white sheet menacing black female deputies; and
- A white deputy being called a "nigger lover" and being beaten by a white colleague after supporting his black partner's discrimination complaints.

Fogg's counsel also presented evidence of discrimination in hiring and promotion practices, suggesting that they were so pervasive that they encouraged the type of bigoted acts described above. On appeal, the attorneys are arguing that Judge Jackson should have applied the dollar cap to each count of discrimination sustained by the jury rather than as an aggregate limit.

The Marshals Service currently has a staff of just under 4,000, approximately 79 per cent white. A spokesman for the Service declined to comment on the Fogg appeal but noted that since Eduardo Gonzalez was appointed to head the Service in 1993, discrimination and sexual harassment complaints had dropped by half. He stated that other steps were being taken to alleviate staff imbalances.

INSIDE

- Once again the *Faragher* affirmative defense standard is called upon to settle a sexual harassment suit. See the results on page 3.

- This particular dismissal case just keeps coming up again and again and again...However, the end is in sight—the Supreme Court will have final say. See page 5.

- This Department of Agriculture employee received consequential damages for sustained charges of whistleblower retaliation. But what about her damage awards? See "We'll Compensate You, But Only So Far" on page 6.

- For years it has been published that men are compensated better than women for certain jobs? Is that still true? A new report may surprise you. See page 8.