

(Chief) Matthew Fogg: 'Zero Tolerance Has to Start Behind the Badge'

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Mr. Dennis Speed: I would like to introduce to you Matthew Fogg, Chief Inspector, deputy U.S. Marshal, founder of Congress Against Racism and Corruption in Law Enforcement. Mr. Fogg won, I believe, one of the largest settlements in the history of the U.S. Marshals Service (USMS), on racial discrimination.

Chief Matthew Fogg (Inactive): Thank you very much. I give honor to God, and I just want to say: "Lord, may the words in my mouth, and may the meditation in my heart, be accepted in Thy sight. You are my strength and my redeemer." Amen. I give honor to Mr. Lyndon LaRouche, for having the mind to put this type of conference together, for allowing us to come together to face this real problem of violence in America—the "New Violence," we call it. And I want to say to this whole panel, and the staff of this whole project here, it is a very good thing, because you see, as we see here in New York City, the problem is out of hand.

But I want to say it's been out of hand for a long time. It's just that it's now beginning to come to the surface. There are a lot of people right now languishing in jails, because it wasn't a crime what they did, it was just the fact of who they were.

Chief Matthew Fogg



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One of reasons why I set up the Congress against Racism and Corruption in Law Enforcement (CARCLE), was to address the racism that we call, behind the blue wall of silence. And, you see a lot of us behind that blue wall, we understand and see what the real problem is. But for some odd reason, once it gets out to the American public, it's always, "Well, is it really like that?" And the only way you can really know is, you have to be on the inside, and those on the inside, the ones who are responsible to serve and protect, are the ones who are supposed to equally uphold the law of the land. But, you see in my case, and the case of so many law enforcement officers who have called me from all across America, they're saying, "Fogg, something is wrong, man. And we've got to do something about it. Because I cannot stand up for the injustice anymore that I'm seeing taking place here."

When we came out of the training academy -- I went to the Federal Law Enforcement Training Center, in Glenco, Georgia. And one of the things I noticed, was that all of the training that we had -- we learned how to shoot, when to shoot, not to shoot, all types of investigations scenarios and everything you could want to learn in law enforcement operations, we were well trained. And one of things that I noticed as soon as we came out of the Academy, and we reported to our duty stations, the first thing management tells you is, "okay, you forget about what they taught you there, this is how we do it here."

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And, the problem is this: If you take a stand, and you say, “Okay, this is how you do it here, but this is wrong in what you’re doing.” Now, you become a whistleblower and you become an outcast from within the rank & file.

Someone wrote me on the Internet. There’s this big controversy about the Baltimore City Police Department, and their new Commissioner. And the problem is this: The Commissioner—and it doesn’t matter whether he’s black or white, it doesn’t matter to me at this point, but the fact is, he’s coming from New York City. You understand what I’m saying to you? And we’ve already proven, this culture in New York City and the police department (NYPD), has already been proven to be a hostile environment, especially for people of color. It’s already been proven. Any time you can bring verification—and any law enforcement officer will verify this culture. Any time the police will take a man, and bring him inside a police station amongst the rank and file, and rape him and brutalize him ([Abner Louima](#)), there is an inherent problem from the rank & file, top down. I don’t care how ever else you look at this.

I’ve got a report here, it’s from the FBI, U.S. Department of Justice titled, “Misconduct to Corruption: Avoiding the Impending Crisis.” And this talks about all the issues in law enforcement, and the impending crisis that’s coming. And, believe it or not, this report basically says it like it really is, to a great degree, about the problems of this “us against them” mentality in police departments. “Us,” meaning police; “them,” meaning the public. And what happens is, when most officers come out of their perspective Academies, and come into the law enforcement and public environment, that’s what they tell you: “Don’t worry about all of that academy stuff, it’s us against them now. If you see your partner doing something wrong, you back him up, no matter what. If you see him whipping up’ on a citizen unnecessarily, you back him up.”

And this is the culture. So, what I’ve done, and I’ve told many other officers—and I’ve been one myself—to stand up first. You see, you can’t get out here and make noise if you’re not willing to stand up for justice.

Dennis mentioned something here about a case that I was involved in. Yes, it’s [Matthew Fogg v. the U.S. Department of Justice, Janet Reno](#). And when I started to take on this case in 1985, there were those who told me, *“Fogg, just go along to get along. Don’t fight the system, it will change in time. Black employees must work hard to prove themselves as managers. Just turn your head when you see injustice against citizens. You can’t police everything. It’s a ‘good ole boy’ network, and minorities don’t fit in the network.”* And these statements were told directly to me. They said; *“If you testify against the U.S. Marshals on Capitol Hill, they will destroy your career for sure. The U.S. Justice Department is too big, with too many resources. You can’t win. Four hundred years of racial oppression is not going to change overnight with your EEO [Equal Employment Opportunity] complaints. Being called a ‘coon’ or ‘nigger’ by white employers is not all that bad. Just continue to arrest those who we direct you to arrest, and don’t worry about racial profiling. I love you brother, but if you go forward”—and this statement really hurt’s me—“then I can’t be seen with you. I’ve got a family I’ve got to feed; I’ve got a livelihood, and I can’t take that having them take that away from me. Take their settlement offers, and take care of yourself, because the black Marshals that you are standing up for in the gap are afraid, and care only about themselves.”*

And I’m not going to go on and tell you the rest of their statements to me. But the point is this: When you decide to stand up inside, behind that blue wall of silence just ask [Frank Serpico \(NYPD Famed Whistleblowing COP\)](#) who will tell you about it, and many, many other officers never mentioned who’s careers were destroyed. My New York US Marshal partner/colleague, [Stephen Zanolovic](#). You should see the large, black rubber rat they (US Marshal Supervisor) gave this man. It’s on my website (www.bwbadge.com). The man (Zanolovic) is holding it up on Capitol Hill, before Congress members and he was saying, he’s a whistleblower; and when I (Zanolovic) decided to blow the whistle on what I saw them doing, the injustices they were committing against citizens behind the blue wall, he said, “They gave me this,” and he pulled that rat out. And the United States Congress was so incensed about it. They said, “How can something like this take place in a Federal Law Enforcement environment?”

And let me tell you what the USMS management did to the officer that gave Zanolovic the rat: They promoted him to be in charge of our nationwide U.S. Marshals internal affairs division.

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The problem—they say there is a zero-tolerance level. And this is the issue that is coming up in Baltimore, and you have to keep your eyes on Baltimore right now, because there's a big problem there about this police commissioner, Mr. Edward T. Norris. He came out of New York and he's now going to Baltimore. And one of the things I've found in my studies—and I'm an expert on this, now, I've trained and studied this problem to the "t," and it's not about race particularly. There's a whole lot of things involved. Race is one of the major issues. This guy is trying to come to Baltimore, and he already has a record from what we've seen in New York, and when the Baltimore citizens stood up against it, now you've got this divide in Baltimore saying, we want this man.

You've got an organization here called PERF, Police Executive Research Forum. And what we're finding is, a lot of these Chiefs of Police and managers of these police departments around the United States, simply leave one location and go to the next. Howard Safir is a perfect example of that, he came from the U.S. Marshals Service with all of these outstanding racial class complaints pending.

Now, we've got a legacy—this is a \$4 million lawsuit that I've won, against the USMS under supervision of the U.S. Justice Department. My presiding [Title VII discrimination trial Judge \[Thomas Penfield\] Jackson, an ultraconservative judge, said](#) that due to the endemic atmosphere of racial disharmony and mistrust within the U.S. Marshals Service, the jury obviously inferred that the endemic atmosphere, of racial disharmony and mistrust of the Marshals Service, was suspect. That all explanations were suspect, and that racism was more likely the reason than any other for my misadventures in the Marshals Service's hierarchy. That's coming from a white Federal judge, about a Justice Department law enforcement organization in 1999 was profound to say the least.

The Justice Department (DOJ) is the head. They're the ones who set the pace and the example. If racism is rampant within the DOJ, if it's rampant within the Secret Service, if it's rampant within the FBI, rampant within U.S. Customs and rampant in the Drug Enforcement Administration and many more federal agencies. And if racism is a part of these all these Federal law enforcement organizations, can you imagine what the state and locals are saying?

“We're on the right side. We can do it too.”

It's time to say, enough is enough. And you, the citizens, have got to come to the plate, for us, who are standing up for real justice. For us, who are really putting it on the line. And as they call it, in the line of duty: We are the ones who are behind that blue wall, are saying, “I'm not taking it anymore.” But management are turning their guns on us.

I was explaining about an arrest that I made in Baltimore City. And police came up with these rules to avoid prosecution saying, “We thought it was a gun”—you know how they're saying that, you've heard that before—“We thought it was a knife.” And you remember a couple of years ago, the U.S. Marshals shot a youth in the back of the leg, and the youth had a candy bar in his hand? The deputy marshal said he thought it was a gun, and it was a Milky Way candy bar from behind. Where do we draw the line here? But, it's up to the citizens to come forward and say, “We're going to back people like Marshal Matthew Fogg, and Representative Harold James, and other law officers around the country who want to stand up.”

And this forum today here in NY City is just the thing that we need. You see, we need for us to come together on a national basis, and really look at this issue, and say to these police chief's, “We don't want you there.” We told Baltimore's police chief, Mr. Thomas C. Frazier, “Your time is up, you have to go, we don't want you here anymore.” Now they want to install another guy who is coming from another department in the same manner with the same racist history.

Albert Einstein, the father of weapons of mass destruction, said, the world is a very dangerous place to live. Not because of the evil people that are in it, but because of those who don't do anything about it. This is the problem. And we cannot allow this to thrive in law enforcement.

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I had a lady who wrote to me on the Internet, who was incensed about an article that I wrote in the *Baltimore Sun-Times* bulletin board on the Internet. First, she blasted me. But then I responded to her with love and peace, I didn't come back with the words that she came at me with. But you know, it's amazing how God can turn you around when you're on the right track.

And I wrote back to her, and I said, listen, I'm not here to argue with you and fight with you. Let me give you some facts. And when I got done, she wrote me back, and she said, "Mr. Fogg, I went to your website, and I looked at your credentials and what you've been through, and I'm sorry."

And she apologized, and I was surprised, because when you first looked at her language it looked like we were diametrically opposed to each other, and this was hate, and you see a lot of viciousness in this line of work—in law enforcement. But, I told her, if you're talking about a zero-tolerance level, the zero-tolerance has to start behind the badge.

Right now, crime is down. Crime is down on American streets, and that's because the economy is doing better. But it's up behind the badge. We've got to say to crime behind the badge: zero-tolerance level. And that's what this paneled, organization is about, that's what I'm about: zero tolerance behind the badge.

When officers are found guilty, what happens to them? I've known a lot of officers who were wrong and guilty. Nothing happens to us. Not if you're guilty, and you're in there and you're playing the game. Now, if you step outside that game, and you say, "Wait a second here, I put on this badge to serve and protect. Not to be part of a conspiracy because people want to promote their own buddies, and people want to draw a culture or connection here that is designed to weed out black people." Nothing is more horrible than that, to work in a law enforcement agency and that happens to you.

I was assigned to track fugitives. My team cornered USMS 15 Moat Wanted fugitive (Michael Lucas & Freddie Artist) in Baltimore. These were real fugitives; these were not some "three strikes and you're out" because you had some marijuana on you. These were serious felons, criminals who had murdered, and had escaped out of prison, like in a Hollywood depiction of a James Cagney movie. And we cornered these guys on the streets of Baltimore. And when we took them on, my team—now, we had every right to fill them so full of holes, honestly, it could have been hell of a gun battle. But the bottom line was this, as I told my team, I said, I get killed before any of your die and, "We don't kill unless it's absolutely necessary and we all know what that means. We don't shoot unless it's absolutely necessary." When you put that bulletproof vest on, and you put that badge on, you are trained that you're supposed to put your life on the line for the sake of others.

That's what it's about when you take the oath. You're putting your life on the line. So, you have to know whether it's a gun or get out the way. You can't tell me, I think it was a gun. You know how many people I could have put a hole in, by thinking they had pulled a gun? I recall a lady on an eviction in D.C. She was sitting in a closet with her back to me and refused to come out of the closet. Suddenly she screamed turning around with a shoe in her hand. My gun was out because she was not complying, and I thought she may have had a gun. She was trying to make me and my partner shoot her, and we did not fire a shot although in my mind I saw my life flash being shot by her. She had a black high heeled shoe; it looked like a gun as she pointed it at us.

But I had to look and determine first whether it was a gun. This is not an excuse. You're fighting someone and shoot them and you say, "I thought it was a gun," and he's got a wallet in his hand—I'm sorry, that is a problem from the top down for black suspects. And this is for Mr. Howard Safir; you used to be my old boss (Associate Director) in the U.S. Marshals: You left legacy of discrimination in my department, and you brought it up here to New York City. It's like a disease. I say racism and corruption is a disease. And if you don't go in and cut it out, it will come back to haunt you later wherever you go. So that's how we have to look at this thing. Mr. Safir, you came here, and you infected this department. Well, I want to say something to you now, and I think the people realize who you are:

“Your time is up. Your time and everybody’s around you.”

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We have to cut this cancer out of this department, out of Baltimore, out of New York, out of Los Angeles—and other U.S. cities which is rampant. We’ve got to stop looking at the people and saying zero-tolerance level is against the people. No, zero-tolerance level is against corruption inside the law enforcement departments. Because if you take it and make that zero, I guarantee you, the black public will fall in line with law enforcement. Oh, we’re going to enforce the law. We’re going to do what we have to do to enforce the law; but we enforce it, with the idea that all men were created equal. And that’s what we have to do.

And that’s why, when we look at our prisons today, it’s 70-80% people of color and mainly on drug charges. If I look at that, I would say, that means people of color are basically criminally minded people. Now how many people here believe that? So, what’s the problem? There’s something going on. There’s something wrong with our criminal justice system. And I’m saying here, it’s time for us to take hold of this.

When we arrested these fugitives in Baltimore, we did not fire one shot. Michael Lucas was armed, he was holding a gun (380 semi-automatic) in his pocket. We didn’t fire one shot. His partner Freddie Artist had a Mach-10 machine-gun: The also had 357 handgun, two bulletproof Vest, a bag of handcuffs and a bag of cyanide powder in their vehicle. We jumped out surprising the fugitives and took these guys off the streets. We could have loaded them up with shots fired.

But you see, it’s not just about killing the fugitives. It’s about that little boy I might hit down the street, or that little girl I might hit down the street. We’ve got to understand, that when we serve and protect, it’s about the community. It’s not about us. It’s about protecting the community, and that’s what we have to do. So, I’m saying to you today, if we the people who are called to be here; “We the People,” as they said in the U.S. Constitution -- it is our job to stand up for justice. And if we see that our police officials are in the wrong, we as comrade police have to be willing to make the sacrifice. You know why? Because too many have paid the ultimate sacrifice for us to be where we are today. Too many have paid it. And I don’t care what race you are, if you get in my way when we’re going for justice, you’ve got to go too. The bottom line is, it’s about equal justice under the law and that is true justice.

And some of my best friends are white, black, red, yellow, and brown. It’s not about that. It’s about, if you can’t treat us all fair, leave the police force, we don’t have any room for you.

And what I’m saying is, let’s prosecute these police personnel. Let’s not let them just walk away and go to another department. Put a felony charge on them, and three strikes, you’re out.

God bless you.

This original [EIR article \(Page 30-33\) linked here](#) was edited above for clarification by ~ Dr. Matthew Fogg