

A Few Bad Apples: The Ballad of a Victim – Chief U.S. Marshal

DR. MATTHEW F. FOGG

Dr. Venita Ann Kelley (Ph.D.)
Editorial Contributor

Gwendolyn Price (Ret. DEA Agent)
Editorial Contributor

Injustice anywhere grieves me everywhere. My passion is justice ... as a decorated career Federal Law Enforcement Officer, and I was a bad apple by default. Like many cops and colleagues, we did not directly participate in human and civil rights abuses of citizens, but we are all very complicit with our silence, as we acquiesced. *We sell out, we stand still in shock, hands tied, and in silence.*

We witness abhorrent actions by racist co-workers who change the rules of engagement and practice extraordinary biases in enforcement operations. These lawless individuals destroy our ethical intentions to be officers of peace and protection from the inside out. These bullies are the bowels of policing and they remain unchecked.

“I can’t breathe”. “My stomach hurts”. “I’m in pain all over”. “Please help me”. “Don’t kill me”. “Mama”. “Please help”. These were virtually the cries from George Floyd in the hands of four Minneapolis Police Officers. His words have been heard around the world. The actions of those officers like others are witnessed with and without cameras. This is the unfortunate culture of our work. Yes, the same attitude that killed Mr. George Floyd exists inside the nation’s law enforcement rank and file. And we always say, **“it’s just a few bad apples!”**

My name is Dr. Matthew Fogg. I am a lifetime career law enforcement analyst and a retired Chief of the United States Marshals Service (USMS). Again, I am a bad apple by default. My first call to duty in 1978, fresh in the field, I was clearly instructed to disregard what I was taught at the esteemed ‘Glynco’ Academy. “Forget that stuff they taught you - this is how we do things here so, fall in rank,” said my supervisor. ‘Welcome aboard the Enterprise and culture of indifference’ is what I heard. One of my first encounters with this was when I saw a prisoner detainee being abused and I stopped it! Consequently, I was reported for interfering in his abuse. <https://tinyurl.com/y7hsxmou>

We the people – the police, bounty hunters, prosecutors, judges, wardens, lawyers, legislators, and society, have aided and abetted our national criminal justice’s atrocities where the death and demise of black and brown citizens is standard operating procedure (SOP). We keep saying, **“it’s just a few bad apples”** and **“they are just doing their job.”** These dismissive attitudes are nowhere near the truth and a far cry from justice. With the death of Mr. Floyd, the undeniable witnessed video and subsequent protests in virtually every state, we are positioned to bring down a giant bully. That is, if we decide to address the police aggressions and put an end to the corrupt,

and systemic targeting of marginalized and often innocent men, women and young people in our black communities. <https://youtu.be/OCDIYA19zzw>

As an employee, to challenge internal bigotry within the U.S. Department of Justice, our nation's premiere law enforcement agency was a lion's share of effort. Still, I did it. I named internal bias procedures affecting me, my colleagues and the citizens we swore to protect and serve. I broke the code of silence and was downcast vehemently by my colleagues and friends to not do it. They said, "Fogg, (aka Batman) you are rare. A black Marshal with a degree and a distinguished enforcement record you are most likely to succeed. So, please don't destroy your career by reporting racism in the rank and file. They said "you cannot police America's ongoing ageless crime. So, just turn your head from injustice and wait until you get to the top - then fix it". Fix it from inside, fix it from the top, fix it one battle and one bigot colleague at a time they advised me. Thinking through their evils, I rotted on the tree with the other men in blue, quietly falling into the bad apples' basket. <https://www.usmarshals.gov/careers/index.html>

Eventually, I did not turn my head. Rather, I turned my discontent and anger instead against those who commissioned me, holding onto the belief that GOD would protect me. And so, the good apples in their fear of retribution allowed the bad apples to turn all guns to bear upon me and others. Those who dared to challenge the infectious racism from within the command and control environment were chastised at the behest of the highest levels of the U.S. Marshal's Service. <http://tinyurl.com/ycbvym7b>

We who spoke up were terrorized. One deputy Marshal died after retirement in a suspicious car accident. Another white, Jewish **deputy** Marshal was forced off the job while dodging threats on his life. Myself, deserted by my white subordinates, who did not give me cover support while on an 'America's Most Wanted' dangerous fugitive operation in Baltimore. And this - in the line of duty for reporting law enforcement's bad apples. <https://youtu.be/6eCk2HlkWUo>

A 1998 Federal Jury's verdict sustained that I had been subjected to a racially hostile environment since 1985 (original case filing) and that it affected all black deputy U.S. Marshals, nationwide. The Court's 'Memorandum And Order' stated, "Nevertheless the jury obviously inferred from the evidence of the endemic atmosphere of racial disharmony and mistrust within the USMS that all explanations were suspect, and that occult racism was more likely the reason than any other for Fogg's misadventures with the Marshal's Service Hierarchy" [Civil Action No. 94-2814 (TPJ)] https://youtu.be/Esrit_NM9ns

The jury agreed that black U.S. Marshals were operating under a racial, hostile environment supporting a dangerous, racially motivated, hostile aggression toward us while in the commission of executing our duties albeit fugitive and other daily operations. Today, I am the lead plaintiff in a class action lawsuit [Matthew Fogg, et al., v. William Barr, Attorney General, US/DOJ EEOC NO. 579-2016-0050X] that has been in litigation since 1994.

The federal Whistleblowers Protection Act (WPA) of 1989 and the enhancements to the act in 2012, "protects Federal employees and applicants for employment who lawfully disclose information they reasonably believe evidences:

- a violation of law, rule, or regulation;

- gross mismanagement;
- a gross waste of funds;
- an abuse of authority;
- or a substantial and specific danger to public health or safety.

Under the WPA, certain federal employees may not take or fail to take, or threaten to take or fail to take; any personnel action against an employee or applicant for employment because of the employee or applicant's protected whistleblowing" (www.cpsc.gov).

Until whistleblowing cops are fully protected and all federal and local police departments are thoroughly investigated for civil and human rights violations on black and brown citizens, and other groups, the good apples will fall prey to the worst among us. Until police departments in every region are required by federal mandate to prove equal opportunity enforcement, we will continue to experience "*no justice, no peace*" and "*racist policing*" in America.

<https://youtu.be/wCLgayygr78>

Dr. Matthew Fogg is a 30-year retired veteran; Chief Inspector Deputy U.S. Marshal who was cross designated as a Drug Enforcement Administration (DEA) Group Supervisor on a Fugitive Task Force, and who directed the nationwide apprehension of hundreds of America's Most Wanted fugitives. Dr. Fogg is a recognized First Responder for 9/11 Ground Zero, and won the country's largest law enforcement Civil Rights, Title VII verdict against the U.S. Department of Justice (2007), and continues to fight injustices and inequities as the current Class Representative in an ongoing federal lawsuit. Dr. Fogg has been a guest law enforcement analyst for CNN, MSNBC, FOX News and other TV news forums. He is writing his memoirs based on his experiences entitled, "**Bigots With Badges**". Dr. Fogg resides in Washington, DC. Visit www.BigotWithBadges.com. Contact Dr. Fogg at USMarshal.Fogg@Gmail.com or 1-301-899-8153.