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VIA EMAIL

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President Joe Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Biden,

Thank you for your leadership through the global pandemic, the Ukraine war, economics, antisemitism, and the Black Lives Matter movement on policing. An [FBI report that right-wing extremists infiltrated our nation's law enforcement](#),^u indicative of rogue police officers, that coincides with the internal Federal law enforcement concerns in this letter. I am writing regarding a race-based class lawsuit identifying decades of civil rights violations inside the United States Marshal Service (USMS), supervised by the Department of Justice (DOJ). This class action (*Matthew Fogg et al. v. Merrick Garland*) was officially [reported to the U.S. Senate](#) and exposed (January 2022) in the [Washington Post](#). This letter intends to seek a resolution in this matter before being forced to announce a major press conference in January or February (2023), requesting full support from U.S. Congress, prominent Civil Rights leaders, and the public to end this extraordinary racial injustice and imminent threat to [National Security](#).

In 2008, I retired from the USMS after 32 years in Federal service and [a decorated career](#), and a [First Responder](#) at Ground Zero in New York City. Nevertheless, in [1985](#), I filed an individual racial discrimination complaint [*Fogg v. Reno 2814 TPJ*], which has inundated my entire career through the present day (37 years). In 1994, I filed the Class Complaint noted above, indicating all African-American Deputy U.S. Marshals were facing similar racial discrimination and retaliation. In 1998, a D.C. Federal Jury issued a landmark civil rights verdict in [Fogg v. Reno 2814 TPJ](#), finding a working environment that was “racially hostile to African-American Deputy U.S. Marshals before and after November 21, 1991.” This verdict validated the systemic racial allegation in my 1994 Class Action Complaint, and later, I received the prestigious [NAACP Barrier Breaker Award](#) presented by House of Representatives Speaker, The Honorable Nancy Pelosi.

Subsequently, following ten years of unbelievable DOJ-USMS civil rights reprisals and Appeals (1998-2008), a Federal Judge issued a 2008 Final Judgement & Order in *Fogg v. Reno 2814*, supporting erroneous DOJ-USMS post-trial motions that significantly altered the 1998 binding Jury Verdict. Instead of rectifying the Agency Jury indictment for longstanding racism, the Judge tarnished my outstanding career by unfairly labeling me with “[Unclean Hands](#).” Most importantly, the Judge’s Order threatened me with a felony and reduced the Jury’s monetary Award by removing three years back pay, and salary promotion predicated on my 1999 post-trial Congressional testimony on [police brutality in minority communities](#), requested by Congressman, the honorable James Clyburn, and the Congressional Black Caucus (CBC). Noticeably, DOJ-USMS Court motions targeted me for [Class Action retaliation](#) and deterred other USMS employees from filing racial discrimination Complaints or reporting the same to Congress.

Indeed, as indicated above, my 1985 DOJ-USMS Discrimination Complaint bolstered our current 1994 Class Complaint [Fogg v. Garland, EEOC No. 570-2016-00501X; Agency Case No. 94-6376](#). Today, this Class Complaint has the dubious distinction of being the oldest unresolved litigation (28 years) in America’s history, increasing to ten thousand applicants and employees and proving that [Black lives do not matter](#) in the DOJ-USMS.

This emailed letter contains hyperlinks associated with various supporting documents. Please open it electronically to view or print any of the supporting documents.

On May 19, 2021, as stated above, the Class Attorneys wrote a class historic summary letter to the Chairman of the U.S. Senate Judiciary Committee asking him to address the internal discrimination concerns of 93 named sign-on class members with your nominee, the new USMS Director, Ronald L. Davis. As a result of that letter, some of the [93 Congressional Whistleblowers](#) are now receiving more DOJ-USMS retaliation.

On January 23, 2022, as stated above, a front-page [Washington Post](#) article globally exposed this shamefully lengthy litigation. Subsequently, the DOJ-USMS attempted to settle this Class Complaint for an inextricably low monetary amount via a signed March 8, 2022, Memorandum of Understanding (MOU), with the [Class Attorneys](#) pending Programmatic Relief negotiations and the EEOC Judge's final confirmation. As the named Class Complainant and Class Agent's appointed spokesperson, I advised our Class Attorneys that the 3/8/22 MOU was **null and void** upon receipt by the Class Agents. If equally disbursed, after fees and taxes, the MOU settlement would result in minuscule dollars per many class members or nothing. The idea that such an inadequate settlement of pervasive and well-documented U.S. Constitutional Violations lasting 28 years is inconceivable and records a disgraceful civil rights precedent. **Please consider the following actions.**

First, please direct the DOJ-USMS to immediately revisit the settlement with myself and other class members in this administrative process to negotiate with a representative directly from the POTUS with total settlement authority. We seek a fair compensation of [no less than \(700\) seven hundred million dollars](#) plus attorney fees and expenses by utilizing the U.S. Congressional 1991 Civil Rights Act as amended with a Compensatory Damage CAP of \$300,000 per individual under Title VII Law x 10,000 members = \$3 billion. Plus, Comprehensive Programmatic Relief for the inexcusable longevity of this matter affecting 10,000 USMS African-American applicants, employees, and those who have transitioned, their families, and the public at large, since 1994. These matters have officially named five (5) Equal Employment Opportunity Commission (EEOC) Judges, eleven (11) Federal Judges, and thirteen (13) U.S. Attorney Generals appointed by seven (7) U.S. Presidents from 1985 to the present. Your direct intervention would demonstrate the POTUS' condemns Federal Civil Rights Allegations and Violations that utilize endless Federal Government resources and time to embrace the shameful theme of "[justice delayed is justice denied](#)", and the opportunity for Agency reprisals.

Second, I request that you issue an Executive Order to **all Federal Agency's** mandating that EEOC Employment Discrimination cases be settled expeditiously **with deadlines**, fairly and equitably in good faith. I co-chaired the 'NoFEAR Coalition' that spearheaded promulgating the [Notification Federal Employees Anti-discrimination and Retaliation Act of 2002](#). I am offering my expertise and input from [Blacks In Government \(BIG\) Chapter](#) and other supporting affinity groups. I cannot stress enough that a mandate for **zero tolerance** against race discrimination in **all** governments is critical to ensure that citizens have full faith and confidence in the federal government, especially in law enforcement. When Black Officers cannot count on diversity and inclusion within the rank and file, the Black public will not receive equity and justice when confronted by personnel within these established biased agencies.

For decades, employment discrimination has affected thousands of Black Federal workers. An iconic photo in USMS Offices nationwide depicts fearless White deputy U.S. marshals protecting a young Black girl as she walks into a school in Little Rock, Arkansas, surrounded by White racial hatred in opposition to public school desegregation. The dichotomy created by this image depicts the USMS as a protector against hate rather than the purveyor of hate presented in African-American employee's racial discrimination Complaints.

At nearly 12 years old, I was present at Dr. Martin Luther King's August 28, 1963, speech in Washington, DC. Dr. King said, "with its (Alabama) governor having his lips dripping with the words of interposition and nullification." This translates to America's lead law enforcement DOJ spirit seeking to nullify a 1998 landmark verdict that indicted DOJ-USMS racism against African-American deputy U.S. marshals. In so doing, a Justice Integrity Agency demonstrated it is a bastion of institutionalized racism. This internal racial bias coincides with the following: a 1997 New York Post front page headline calling the USMS ["Bigots with Badges"](#); a 1999 D.C. Federal Court Judge's Final Order indicating the Jury Found ["occult racism"](#) in the USMS; the May 2020 globally televised racially motivated murder of George Floyd by law enforcement Officers.

**Congressional Black Caucus Summary and Offer of (7) Seven Steps to Resolve Matthew Fogg v. Merrick Garland - Department of Justice (DOJ), a 'Class Complaint' pending at the U.S. Equal Employment Opportunity Commission (EEOC) Administrative process.
(EEOC No. 570-2016-00501X; Agency Case No. 94-6376)**

Twenty-five years ago (1997), CBC Chairwoman, The Honorable Maxine Waters, held a hearing on Capitol Hill regarding Racial Employment Discrimination [in all major Federal Law Enforcement organizations](#). Deputy U.S. Attorney General Eric Holder and other Agency heads were present. The Hearing presented a March 1997 New York Post, a front-page comprehensive investigative article labeling the USMS as "[Bigots with Badges](#)." Current and former Black and White employees testified about racial discrimination from their perspective Federal Law Enforcement Agency. The careers of each courageous whistleblower who testified in this Hearing were tarnished or destroyed. Two CBC witnesses, USMS Inspector William "Bill" Scott and named Class Complainant Inspector Matthew Fogg, testified their lives were threatened by their USMS colleagues who [abandoned them on dangerous USMS fugitive "stakeouts."](#) Later, retired Inspector Scott, a Marine Corps veteran, died from injuries sustained in an unresolved and suspicious automobile accident. Stephen Zanowic Jr., a White-Jewish Deputy Marshal and U.S. Army veteran shocked CBC Hearing members when he displayed "a black rubber rat," characterizing him as a "snitch" by a White USMS supervisor. Zanowic was given the rat after reporting internal racism against his USMS partner, Inspector Bill Scott. Deputy Zanowic was later forced off the job and USMS Worker Compensation rolls and never recuperated

The following are the (7) seven steps for resolving this matter:

- (1). Renegotiate monetary damage relief. The 3/8/22 MOU would set an anti-civil rights low monetary precedent for future government employee race discrimination claims. The MOU is inexplicably (\$) millions less than Class Agent's requirement and will only compensate some of the approximately 10,000 Class members. [\(See October 2008, comparable USMS Class filed in Federal Court asking for 300 million dollars involving fewer class members\).](#)
- (2). Create a new MOU signed by someone from the POTUS, not an Agency witness or Alleged Discriminating Official (ADO).
- (3). Renegotiate the pending 'Programmatic' relief. It must also include the Retaliation claim filed in the original 1994 USMS Class claim and lasted for decades in this matter.
- (4). A settlement will address ALL discrimination allegations regardless of EEOC claims denied for a Hearing and restore all retired African-American retiree's badges and credentials. No Class Member will be abandoned.
- (5). Class Agents or members should be present in ALL settlement discussions and know best through experience how to address and abate institutionalized racism in the USMS.
- (6). Create a special ADHOC committee or Master via the POTUS with full settlement authority to fully negotiate to ensure each Class Member and witness are made entirely whole. Rectify all programs, policies, practices, and procedures that created civil rights violations, past and present, especially the Internal Affairs Division and the General Counsel's Office.
- (7). Fund the start-up of a non-profit 501(c)(3) USMS Class Member-initiated watchdog organization. The non-government group will provide legal representation, training, and moral and financial support to brave law enforcement Officers in the United States who ['blow the whistle' on racial disparities within their rank and file](#), including on the public goods and services they affect. The worldwide reality of George Floyd's murder by one police Officer, while other Officers were complicit, is a fundamental reason for [creating a mechanism for "good" Officers to blow the whistle on rogue COPS](#) henceforth.

Considering the USMS is the oldest Federal law enforcement department in America, led by the DOJ with decades of racial discrimination, I will amplify the words of President Abraham Lincoln as stated in 1858:

A house divided against itself cannot stand. I believe this government cannot endure, permanently half-slave and half-free. I do not expect the Union to be dissolved - I do not expect the house to fall - but I do expect it will cease to be divided. It will become all one thing or all the other.

In Closing, if this Class cannot be resolved within a reasonable time, as stated above, a Class Complaint Press Conference forthcoming in front of the Department of Justice headquarters in Washington, D.C., will invite prominent civil rights leaders, organizations, and attorneys. Our public outcry will call for [U.S., Congressional oversight to abate ongoing internal racism in Federal law enforcement](#) as a threat to National Security. We will describe the disparate impact on Black & Brown Officers, joint Task Force operations, and [the communities we protect and serve nationwide](#). In addition, speakers and victims will indicate how employment racism [fosters racial profiling, excessive force](#), death in custody, ethnic cleansing, a lack of due process with [judicial misconduct](#). In addition, we will give examples of systemic [civil rights violations in public interactions with Federal, State, and Municipal law enforcement departments](#).

The Class Agents will also consider filing this matter in D.C. Federal Court, thereby continuing this [impossible dream](#) and epic saga of race discrimination in the United States Marshals Service and Department of Justice.

Thank you for your attention to this matter.

Respectfully,

Matthew Fogg

Dr. Matthew Fogg

Named Class Complainant,

Chief, U.S. Marshal Service ([Retired](#))

Blacks In Government (BIG) – [Heritage Chapter President](#)

National Association of Black Law Enforcement Officers ([NABLEO](#))

CC:

Vice President Kamala Harris

U.S. Attorney General Merrick Garland

Congresswoman Nancy Pelosi

Senator Chuck Grassley

Senator Chris Van Hollen

Congresswoman Maxine Waters

Congressman James Clyburn

Congressman Anthony Brown

Congressman-Elect Glenn Ivey

Former Attorney General Eric Holder, Esq.

Congresswoman Shelia Jackson-Lee,

CBC Whip Congressman Hakeem Jeffries

CBC Chair Congresswoman Joyce Beatty

Tom Devine, ESQ. – Government Accountability Project (GAP)

