

# THE U.S. MARSHALS

The FBA Southern District of New York and Eastern District of New York Chapters honored the U.S. Marshals Service at a reception in Federal Hall on April 17. Speeches from the reception are reprinted here. Articles about the history of Federal Hall, the U.S. Marshals Service, and the Posse tradition along with profiles of Marshals Director John F. Clark and Marshals Eugene J. Corcoran and Joseph Guccione of the Eastern District of New York and Southern District of New York, respectively, follow.

## WELCOME TO FEDERAL HALL BY JOHN LENOIR

It was here, on Sept. 24, 1789, that Congress enacted the Judiciary Act of 1789, which launched the federal courts and created the office of U.S. marshal. The marshals were ready on day one, ensuring the security of the judiciary and the authority of federal judicial process. Our purpose here this evening is to honor that steadfast service by recognizing our current U.S. marshals and the men and women of the U.S. Marshals Service nationally.

I am John Lenoir, and my colleague Glenn Cunningham of Connecticut and I serve as Second Circuit vice presidents for the Federal Bar Association. We welcome you on behalf of the Southern and Eastern District of New York Chapters of the Federal Bar Association.

It is hard to acknowledge special guests in an audience like this where most have gone through Senate confirmation. I must, of course, thank Chief Judge Dennis Jacobs of the Second Circuit, who was particularly helpful in getting the word of this event out to the court community.

District Court Chief Judges Kimba Wood and Raymond Dearie are attending a chiefs' conference in California, and asked that I convey their sincere regrets at missing this opportunity to honor the U.S. marshals.

In addition, Judge José A. Cabranes of the Second Circuit asked that I convey his regrets by reading a letter addressed to the occasion:

Our Chief Judge Dennis Jacobs has kindly shared with his colleagues your letter of February 29, 2008, inviting the [c]ourt family to the FBA reception of April 17, 2008, in honor of the U.S. Marshals Service, at Federal Hall. I very much regret that I will not be able to be in New York City that day, and thus will not be able to attend this well-deserved tribute to the USMS. I especially regret not being able to express to the U.S. Marshals for the Southern and Eastern District of New York my personal admiration and respect, and my gratitude for all that they and their colleagues do every day for the cause of justice. I hope you will convey to them my best wishes on this happy occasion.

The presence of such distinguished company—judges



George Washington statue at Federal Hall.

of every federal court in the city, U.S. attorneys, practicing attorneys, and court staff, all of you and all of us—is an extraordinary testimonial in itself to the respect accorded to the men and women of the U.S. Marshals Service.

I thank you all for your participation and invite you to examine the historical materials on the second floor; they were brought here by David Turk, the official historian of the U.S. Marshals Service.

I also want to acknowledge the work of the FBA chapter officers and board members in putting this program together: Ray Dowd, Steve King, Judge Arlene Lindsay, Rob Rando, Guillermo Suescum, and Jeff Richardson.

I want to thank the National Park Service hosts who have restored and maintain this national treasure—Federal Hall: Ranger Michael Callahan, curator; Steve Laise; and Michael Darden, manager. Finally, I want to acknowledge the generous support of Kroll Government Services, represented here by its president, Jeffrey Schlanger. Thank you. **TFL**

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*John Lenoir is managing director of Kroll Government Services in New York City. From 1985 to 2007, he was an assistant U.S. attorney, serving as counsel to the director of the U.S.*



John Lenoir, FBA vice president for the Second Circuit (left) and FBA President Jim Richardson (right) present a Distinguished Service Award to the director of the U.S. Marshals Service, John Clark, (center).

*Marshals Service on special assignment from 2001 to 2002.*

## **INTRODUCTION TO MARSHAL JOSEPH R. GUCCIONE**

**BY HON. LORETTA A. PRESKA**

It is my distinct pleasure to introduce to you the U.S. marshal for the Southern District of New York, Joseph R. Guccione. Joe came to the Southern District as a deputy in 1992. Upon his appointment by President George W. Bush in 2002, Joe became the only deputy marshal in this district to attain the post of U.S. marshal.

During his tenure with the U.S. Marshals Service, Joe supervised the protective detail for Supreme Court justices, and he had occasion to serve Justice Scalia. Justice Scalia returned the favor by swearing Joe in as marshal in New York.

It is not for his attention to the high and the mighty, however, that Joe is known and loved in our district but for the enthusiasm and professionalism with which he does his job. Recently, following my sentencing of a defendant to 97 months and issuing an order for immediate remand, the defendant asked to go to Brooklyn to see his ailing mother. It was 1 p.m., and I gave him permission to do so and ordered him to surrender to the marshals by 6 p.m. Six o'clock came and went and—surprise, surprise—no defendant. I proceeded to go to dinner in Little Italy with my husband and son. As they were berating me for releasing that defendant, Joe Guccione appeared and asked me what had happened. Hearing the story, he got on his cell phone, obtained a picture of the defendant, issued a “Wanted” poster, alerted the airports, and sent his deputies to Brooklyn. The next thing I knew, a warrant was presented for the



Hon. Loretta A. Preska of the Southern District of New York introduces Marshal Joseph R. Guccione and Raymond Dowd, president of the FBA Southern District of New York Chapter, presents Marshal Guccione with a Distinguished Service Award.

defendant's e-mail traffic, and it was discovered that, prior to sentencing, he had posted the following in a chat room: “I am driving to Mexico, does anyone have directions?” Needless to say, that defendant promptly reappeared in my courtroom. At that time, Joe promised me an “Apprehended” banner for the “Wanted” poster, and, because there are great coincidences, Joe presented the banner to me five minutes ago. So, ladies and gentlemen, I invite you to view the “Wanted” poster with the “Apprehended” banner made possible by the consistently excellent work of Marshal Joseph Guccione and his deputies.

Joe Guccione is the ultimate professional, and his service is indeed distinguished. **TFL**

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*Hon. Loretta A. Preska is a U.S. district judge for the Southern District of New York.*

## **INTRODUCTION TO MARSHAL EUGENE J. CORCORAN**

**BY HON. CAROL AMON**

I am so pleased to be able to join in this celebration of the U.S. Marshals Service and to speak on behalf of the U.S. marshal for the Eastern District of New York, Eugene J. Corcoran. He is truly a product of the Eastern District of New York, having been born in Brooklyn and raised on Long Island. In the true spirit of the borough of Brooklyn, he is a man of great competence and no pretensions.

Eugene has a very impressive background. A graduate of State University of New York, Empire State College, he received his master's degree in public administration from Marist College. He is a graduate of the FBI National Academy at Quantico, Va. He began his career in 1978 as a state trooper with the New York State Police. I have two pieces of corroboration for this last credential.



Hon. Carol Amon of the Eastern District of New York introduces Marshal Eugene J. Corcoran and Stephen King, president of the FBA Eastern District of New York Chapter presents Marshal Corcoran with Distinguished Service Award.

- The marshal showed me his worn-out pair of blue-mirrored sunglasses.
- My husband remembered him as being very kind when he

stopped him for doing 90 m.p.h. in a 65 m.p.h. zone on the New York State Thruway. Apparently the marshal was nice enough to cuff my husband in front. Actually, that is a joke. It wasn't Marshal Corcoran who stopped him.

Marshal Corcoran rose through the ranks during his 21-year career with the New York State Police to the positions of lieutenant of the Bureau of Criminal Investigation and later captain and Suffolk County zone commander. As lieutenant, he supervised several high-profile cases, including the Joel Rifkin serial murder investigation. In Corcoran's position as captain, he supervised the response of the New York State Police to the crash of TWA Flight 800.

In April 1999, he was appointed deputy chief of the Metropolitan Transit Authority (MTA) Police Department. In that position, he oversaw the merger of the police departments of the Long Island Railroad and the Metro North Railroad. He had responsibility for all uniform, detective, and administrative operations of the MTA Police Department. And finally—and most important—on March 23, 2004, he became only the 30th person to serve as U.S. marshal for the Eastern District of New York, the office having been established on March 9, 1865. Eugene Corcoran was officially a “fed,” although some of his former colleagues may have not thought this was a good thing.

You have seen all the movies where the FBI marches into a crime scene, dismisses the local cops with the back of the hand, and completely messes up the investigation; then, the local police have to come in and save the day. For goodness' sake, in the movie “Die Hard,” people actually cheered when the bad guys shot down the FBI helicopter. Then, of course, there was the movie that put the contemporary U.S. Marshals Service in the spotlight—“The Fugitive.” Here, the marshals are shown to be equally haughty but more competent. Who can forget the scene in which Marshal Sam Gerard, played by Tommy Lee Jones, takes over the search for the infamous Dr. Kimble? Gerard dismisses the local investigators and shouts to his men: “We are going to do a hard target search of every farmhouse, henhouse, doghouse, and outhouse in the area to find Dr. Kimble”; a search, I might add, that wouldn't take long in downtown Brooklyn.

Now, of course, we all know that all this Hollywood stuff about the superior attitude of the feds is pretty much true. So what happens when a state guy becomes a fed? Well, when that fellow is Eugene Corcoran, only good things happen. We have been enormously fortunate here in the Eastern District of New York to have him as our marshal. Effective law enforcement requires that all the agencies—local, state, and federal—work together. Because of his background and, most important, because of the kind of leader he is, he commands the respect of all the agencies, and he has used that respect to run an incredibly effective and efficient office.

Most of all, he commands the respect and devotion of the Eastern District of New York marshals and our bench. These are just a few of the things the men and women who work for him have to say:

- “He resolves issues before they become issues.”
- “He recognizes performance.”
- “He has the biggest heart in the world.”
- “He's the kind of guy that when we are short on staff he will come to the courtroom himself to help out.”

The experience of the bench has been the same. If a judge needs something done, the marshal is there. Judge Dearie says of Marshal Corcoran: “He gives you confidence—he's a real pro—and makes you feel like the court and its personnel are in good hands.”

His ethic is reflected in the marshals he commands. When I have problems with a prisoner, a court appearance, or a juror, the answer is never “Sorry, judge, we can't do anything about it;” it is, in most instances, simply the comforting statement: “Don't worry, judge, we will take care of it.” I know it will be taken care of. And it is because of this attitude that when they tell me that something cannot be done, I do not think of second-guessing them or inquiring further, and this comes from a person who has turned second-guessing into an art form.

I had an incident at a sentencing only last week that reflects that the wisdom and compassion of their leader is part of the broader culture of the Eastern District of New York's marshals. We had a very lengthy sentencing proceeding. The defendant in a fraud case stood, and when I asked if he wanted to say anything, he began to speak and was overcome with emotion. He sat down and asked his lawyer to read his remarks; it was at this point that he grabbed his chest and said his heart was racing. Although my suspicion was that it was just anxiety, I was nonetheless concerned since he had previously had a heart attack during the trial of the case. I called the nurse who attended to him and then she came up to chambers to tell me she thought he was all right to proceed. She explained that the young marshal who was with him had done more to help than she had. She said that the marshal spoke to him in the most compassionate terms, explaining that he needed to get this over with and that he would feel better just having it finally resolved. The marshal explained that he needed to be strong for his sons, who were in the courtroom. The nurse said that, after a few minutes of speaking with the young marshal, the defendant's blood pressure returned to normal, and he told the nurse he wanted to be sentenced. I gave the prisoner every opportunity to adjourn the matter, but the marshal assigned to my courtroom that day had given him something far more important: The marshal gave him back his self-respect; the marshal gave him the courage to stand up in the courtroom before his sons and accept his sentence.

Let me just say a final word about the enormous responsibility the marshal has. In charge of 68 operational employees, he is responsible for the day-to-day operations of our courthouse. On any given day, that means transporting 80 to 96 prisoners to court from as many as four different correctional facilities to the courtrooms of 25 judges, all of whom see themselves as the only judge

- “He listens to what people have to say.”

**WELCOME** *continued on page 27*



later protected freedmen from the post-Civil War Ku Klux Klan in the early 1870s. In the wake of the *Brown* decision, deputy marshals were castigated—even threatened—for their participation in enforcing integration orders. Three years after the initial integration at Little Rock, Ark., in late 1957, the U.S. marshals enforced the integration of public schools in New Orleans. These activities were followed by enforcement of civil rights legislation in Montgomery, Ala., in 1961; Oxford, Miss., in 1962; Tuscaloosa, Ala., in 1963; and Selma, Ala., in 1965. The eruption of riots at the University of Mississippi, in which the U.S. marshals bravely withstood thousands of rioting citizens, was the organization's modern watershed moment.

Change occurred internally as well. Formally, each appointed U.S. marshal ran his or her own district as a separate entity. Even marshals' badges lacked uniformity until 1941, when the first nationwide issue, known as the "eagle top," was distributed. The Executive Office of the U.S. Marshals, formed in the 1940s, planted the seeds of new headquarters for the organization. It also led to the creation of the position of chief marshal, which was first held by a Department of Justice official named Clive Palmer. In 1962, the mantle of leadership fell to a man from New York City, James J.P. McShane, a former boxer and city police officer. Just after Chief Marshal McShane died in office in December 1968, an official seal was approved, showcasing the three words that most define the U.S. Marshals Service: justice, integrity, and service.

The title of chief marshal was formally changed to director in early 1970. New formal branches were formed in the areas of prisoner transportation, special operations, and witness security. In the mid-1970s, the organization experienced a short-lived attempt to divide its authority into regions, but by the end of the decade, it was apparent that headquarters remained centralized. The U.S. Marshals Service became the agency's permanent name.

As the country and the world faced various crises, the U.S. Marshals Service lived up to its motto. In October 1967, U.S. marshals defended the Pentagon against potential damage at the hands of crowds protesting the Vietnam war. In 1973, deputies withstood a three-month standoff with members of the American Indian Movement

at Wounded Knee, S.D. Marshals organized and enforced the law among thousands of Cuban refugees during the boat lifts that occurred in 1980. When the tragedies of 9/11 wreaked havoc in New York and Washington, D.C., the deputies were right there to help.

By a Memorandum of Understanding with the FBI in 1979, the U.S. Marshals Service gained the authority to apprehend fugitives, and that power involved marshals in many high-profile cases. Under two directors, William Hall and Stanley Morris, as well as the chief of investigations (later assistant director), Howard Safir, and his team, the agency undertook a plan for mass apprehension of criminals on the streets, using organized, interagency sweeps—originally called Fugitive Investigative Strike Teams (FISTs). The "Fifteen Most Wanted" program brought greater public attention to the U.S. Marshals Service. Finally, Safir sought to bring in the big national and international lawbreakers, including Josef Mengele, the Nazi fugitive; Christopher "the Falcon" Boyce, the accused spy; and Alphonse "Allie Boy" Persico, accused member of an organized crime family. Under the current director, John F. Clark, U.S. Marshals' involvement in such apprehensions has progressed into modern-day task forces and tightly organized sweeps, such as Operation FALCON.

The U.S. Marshals Service of 2008 still reflects the core values of its predecessors, including that of U.S. Marshal William S. Smith. Marshals' federal duties are still as widespread as ever, as seen in its primary functions of providing security in courtrooms, apprehending fugitives, transporting prisoners, protecting witnesses, and administering seized assets. Today the U.S. Marshals Service consists of 6,500 talented people working under the first director who hails from a full career as deputy U.S. marshal, John F. Clark. The organization continues to serve the heritage its members invoke daily. The Southern District of New York and Eastern District of New York Chapters of the Federal Bar Association did that heritage a great honor when they celebrated the U.S. Marshals Service and its director in the organization's birthplace—Federal Hall. **TFL**

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*David S. Turk has been the historian of the U.S. Marshals Service since 2001, after serving as a researcher and assistant to the agency's first historian and as an intelligence*

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## **WELCOME** *continued from page 24*

in the courthouse. It is an enormous undertaking, and it is only a part of the responsibility of the office. Marshals are also charged with conducting fugitive investigations. Indeed, in December 2007, working with Suffolk County, the marshals arrested 64 fugitives in "Operation Rolling Thunder." The marshals also have the responsibility to conduct threat assessments as well as added duties under the Adam Walsh Act.

The security of our courtrooms and of all of its participants is yet another difficult and important function of the marshals. Because our dockets are increasingly composed of cases with very dangerous defendants who have little to lose—a departure from the court's history—this job has

become increasingly more difficult.

There is the sense in our courthouse that we are all in this together. We appreciate our different roles. I have the power to send someone to prison for life without parole; but, believe me, I well understand that the defendant is not going to go unless the marshals take him. We often take for granted how smoothly things run in our courts. The fact that we operate as efficiently as we do and the fact that we have had no serious injuries to anyone in our courtrooms is not simply a matter of blind luck; it is because, as one of the marshals said of his boss, "He resolves issues before they become issues."

I am pleased to celebrate Marshal Corcoran this eve-