

103^D CONGRESS
1ST SESSION

H. CON. RES. 179

Concerning the case of Joseph Occhipinti.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 10, 1993

Mr. TRAFICANT submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

Concerning the case of Joseph Occhipinti.

Whereas Joseph Occhipinti, during his 16 years as a Federal agent with the Immigration and Naturalization Service, risked his life in pursuit of his duties on a regular basis and in so doing became the most highly decorated Federal agent in United States history, earning 78 commendations and three Attorney General awards for valor and merit;

Whereas Joseph Occhipinti entered Federal law enforcement in 1972 as a United States Customs Service agent, and, after five years of investigating drug trafficking and organized crime, compiled the highest arrest record in the history of the United States Customs Service;

Whereas Joseph Occhipinti, upon transferring from the United States Customs Service to the Immigration and

Naturalization Service in 1976, began investigating a crime syndicate organized by criminal conspirators from the Dominican Republic that operated in New York and provided counterfeit green cards for illegal aliens as well as established an illegal drug distribution and retailing network that recruited and trained children as young as 12 years old to act as drug dealers, couriers, smugglers, and crackhouse managers for the Columbian drug cartels;

Whereas Joseph Occhipinti's investigative work, much of which was conducted undercover and at great personal risk, exposed a conspiracy to distribute more than 1,000 counterfeit green cards, led to the arrest and conviction of document counterfeiters, resulted in the seizure of 62 pounds of cocaine from the Dulce Llaverias drug cartel, caused the arrest and conviction of over 40 organized crime figures, and resulted in his being named Immigration and Naturalization Service Chief of the New York Area Anti-Smuggling Unit;

Whereas Joseph Occhipinti developed "Project Intercept," a multi-agency anti-drug task force that included personnel from the Immigration and Naturalization Service, Drug Enforcement Agency, Federal Bureau of Investigation, Internal Revenue Service, State Department, and the District Attorney's office, that was put together to detain illegal and documented aliens involved in drug-related courier activity that resulted in 75 arrests, prosecutions and convictions;

Whereas Joseph Occhipinti, after being ordered by his superiors to abandon "Project Intercept," exposed and gained indictments and convictions of private vendors working under contract with the Immigration and Naturalization Service to handle the return of illegal aliens to their na-

tions of origin who, through widespread corruption, extortion and smuggling, for a price released deportees and allowed them to stay illegally in the United States;

Whereas Joseph Occhipinti, in 1988, was asked by the New York City Police Department's Chief of Detectives to launch an investigation of the murder of New York City Police Officer Michael Buczek by feuding drug gangs, an investigation that led to the initiation of "Project Bodega" by Joseph Occhipinti, which ultimately led to the positive identification of the murderer of Officer Buczek;

Whereas Joseph Occhipinti, through "Project Bodega," again headed a team of law enforcement personnel from Federal and local law enforcement agencies to identify a distribution network for counterfeit green cards, illegal telephone blue boxes which allow users to make illegal international telephone calls, illegal firearms, illegal drugs, gambling material, fencing of stolen U.S. Treasury checks, and laundering of drug cartel money through corner grocery stores called "bodegas" operated throughout the Washington Heights section of Manhattan by natives of the Dominican Republic;

Whereas "Project Bodega" resulted in the arrest of 62 illegal aliens and 39 other individuals engaged in illegal activity;

Whereas Joseph Occhipinti, through "Project Bodega," uncovered evidence of a former Federal prosecutor on the payroll of a known Dominican drug lord who allegedly used his former position and contacts as a Federal prosecutor to corrupt other Federal prosecutors, and, as a result of this information, Joseph Occhipinti initiated "Project Esquire" to fully investigate the allegations of

corruption of Federal prosecutors in the New York City area;

Whereas Joseph Occhipinti was ordered by his superiors to terminate “Project Esquire” and shortly thereafter found himself accused of civil rights violations by the Federation of Dominican Merchants and Industrialists which claimed that Joseph Occhipinti failed to secure consensual search permission in the course of “Project Bodega” investigations, an allegation that forced the highly successful “Project Bodega” to be terminated;

Whereas Joseph Occhipinti was indicted in Federal court for allegedly conducting 12 illegal searches during “Project Bodega”;

Whereas Joseph Occhipinti’s lawyers produced 55 audio tapes that supplied evidence that the witnesses who testified against him were in fact engaged in criminal activities and that the allegations lodged against Joseph Occhipinti were part of a deliberate conspiracy by the Federation of Dominican Merchants and Industrialists to shut down “Project Bodega”;

Whereas the 55 audio tapes produced by Joseph Occhipinti’s lawyers were seized by the court and barred from admission into evidence during Joseph Occhipinti’s trial;

Whereas Joseph Occhipinti’s defense attorney, during Mr. Occhipinti’s trial, was under heavy medication for a nervous breakdown and exhibited overt suicidal tendencies, unsuccessfully petitioned the court to allow Mr. Occhipinti to obtain new counsel;

Whereas Joseph Occhipinti, having been denied competent counsel and the opportunity to introduce evidence critical to his defense, was subsequently convicted of civil rights

violations stemming from “Project Bodega” and was sentenced to 37 months in prison;

Whereas Joseph Occhipinti’s trial and conviction have been the subject of independent investigations by local and Federal elected officials, and local media, which have uncovered evidence that key witnesses that testified against Mr. Occhipinti were in fact engaged in criminal activities, perjured themselves during Mr. Occhipinti’s trial, and that two of the witnesses were paid \$20,000 by the Federation of Dominican Merchants and Industrialists to perjure their testimony;

Whereas Joseph Occhipinti had, on his own behalf, an affidavit filed by former El Diario newspaper editor Manuel De Dios which stated that numerous members of the Federation of Dominican Merchants and Industrialists supplied fraudulent complaints and provided perjured testimony against Mr. Occhipinti out of fear that Dominican drug lords would kill them and their families, and, shortly after providing this affidavit to Staten Island, New York Borough President Guy Molinari, Manuel De Dios was murdered;

Whereas the conviction of Joseph Occhipinti has sent a chilling message to all law enforcement officers across the country that organized crime is still powerful enough to silence, ruin and retaliate against a zealous, courageous and effective law enforcement agent; and

Whereas as long as the many unresolved questions surrounding Joseph Occhipinti’s case remain unanswered, his case will continue to be perceived by America’s law enforcement community as an example of the untouchable power of organized crime and drug traffickers in the United States: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of the Congress that—

3 (1) the United States Attorney General appoint
4 a special prosecutor to investigate all allegations of
5 a drug cartel inspired conspiracy against Joseph
6 Occhipinti, and to determine whether or not Joseph
7 Occhipinti's conviction was justified, whether or not
8 there was perjured testimony, organized crime coer-
9 cion of witnesses, and possible prosecutorial mis-
10 conduct; and

11 (2) if the aforementioned investigation finds
12 that Joseph Occhipinti was unjustly convicted and
13 was in fact the victim of a drug cartel inspired con-
14 spiracy, then the President of the United States
15 should grant Joseph Occhipinti a full and complete
16 pardon, and restore Joseph Occhipinti to his position
17 within the Immigration and Naturalization Service.

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