

Joe Occhipinti Interview

The Social Contract talks with a hero (and victim) of America's battle with alien organized crime

by Kevin Jenks

The Social Contract engaged Kevin Jenks to interview Joseph Occhipinti who currently heads the National Police Defense Foundation. Occhipinti has spent twenty-two years as a decorated investigator for the Immigration and Naturalization Service (INS) but that career came to an end when he found himself the victim of America's climate of wariness about the civil rights of minorities as they are being used by organized criminal aliens.

KEVIN JENKS: *Joe, you are one of the most highly decorated investigators in the history of the U.S. Immigration and Naturalization Service. Can you tell us a little about your career and duties with the INS?*

JOSEPH OCCHIPINTI: As the chief of the INS's Anti-Smuggling Unit in New York City, I was primarily responsible for investigating international crime syndicates. From 1978 until 1991, when I left the Immigration Service, I conducted hundreds of criminal investigations into a variety of ethnic crime syndicates that resulted in hundreds of convictions and the seizure of millions of dollars of contraband. For example, I spearheaded Project Hester, the investigation of the Asian smuggling group behind the bringing in of the *Golden Venture* in 1995. I led investigations into suspected Middle East terrorist groups, as well as into such international crime syndicates as the Colombian drug cartel, Dominican organized crime, the Jamaican posses, and Asian youth gangs.

KJ: *How significant is alien-generated crime in the United States today?*

JO: It's a well-established fact that we've lost control of our borders. Not only are organized crime syndicates

exploiting this to enter illegally, but known terrorist groups are also coming here. If you're a big crime lord looking to expand your operations, the U.S. is the perfect place to come.

Today ninety percent of organized crime activity in the United States is being generated by international crime syndicates. Yet the government is targeting only traditional Italian organized crime — which has been largely dismantled. Why aren't these other organized crime groups being targeted? Because it's politically incorrect — the government fears that investigating alien crime syndicates will be labeled as "racially motivated."

To illustrate the point, if you were to call up the Department of Justice to find out their priorities for the Organized Crime Strike Force [a program within the DOJ to target crime syndicates], you would see from these that they're not targeting the Third World ethnic organized crime groups. They're still targeting the Italian crime families, which, as I've said, have been effectively dismantled.

KJ: *You yourself began your career in law enforcement working on Italian organized crime...*

JO: Yes, I started my career as an agent of the U.S. Customs Service, and because I spoke the Sicilian dialect fluently, I was assigned to Italian organized crime and various wire taps.

KJ: *How successful were you, and the Anti-Smuggling Unit, against alien crime?*

JO: We were very successful in targeting alien crime. I realized in the course of my career that using my half-dozen agents just to go in after an illegal alien in a factory was a waste of time. So I used my resources to target the crime syndicates. I went after the big guys, and for the first time INS was actively involved in major criminal investigations, and the statistics will show we were making criminal cases under the RICO, or criminal

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racketeering, law: for drug violations; on terrorist charges; for alien smuggling. We also broke up rings that specialized in kidnaping, smuggling, money laundering and other racketeering activity.

KJ: What sort of backing were you getting from the higher-ups in the INS?

JO: My investigations from 1980 to about 1989 were very well received by INS. I was beginning to find that INS headquarters was very receptive to my targeting the crime syndicates. INS headquarters began to use the results of my investigations to get increased budgeting. My cases were being sold to Congress to support increased enforcement financing.

When I took over as head of the Anti-Smuggling Unit in 1984, there was somewhat of a hesitancy on the part of my superiors regarding targeting the alien syndicates. But for five or six years there were no major problems — we had never been sued, and we were getting favorable media publicity. For example, when I broke the Wells Fargo case in Project Square Badge, in which I got the entire Wells Fargo security force at Kennedy Airport indicted, prosecuted and convicted for involvement in alien smuggling and a variety of other criminal violations, INS got a great deal of favorable publicity.

I had the support of my superiors, we were making tremendous inroads against international criminals operating on the streets of America, and we were building a record for increased budgeting. By that time I had received three Attorney General awards, the highest honor the Department of Justice confers.

KJ: Yet there were problems within the INS regarding enforcement even then...

JO: I realized early in the game that there was never a commitment for immigration enforcement. For example, in New York, where we know there are several million illegal aliens, they gave me a unit that had no more than seven agents. How could you target, in New York City, illegal immigration and the smuggling of illegal aliens with only seven agents? If you looked at my budget, there were occasions, at the end of the fiscal year, when we didn't have enough money to buy gasoline. I would have to give my agents subway tokens to conduct investigations. There were instances almost every day when we would apprehend criminal aliens and have no jail space for them. We'd have to simply give them a pass

and hope that they'd "self-surrender" in the future.

KJ: How did enforcement rate in the INS as opposed to other priorities?

JO: One of the operating problems in the INS is that there are two types of management set-ups: in the cities, there is a district office set-up, and in the border areas, a chief patrol agent, who is in charge of the anti-smuggling programs and the Border Patrol. You don't find any finer

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But when you get into the bigger cities like New York and Chicago, there is no Border Patrol presence. The investigations unit is only one of several different departments that report to the district director. The district director has to wear several hats. He's in charge of citizenship; he's in charge of enforcement, or investigations; he's in charge of examinations; and he's in charge of detention and deportation. What that means is that the district director has several other priorities on which his or her raises, bonuses, and career are contingent — and, unfortunately, investigation and enforcement have been the lowest priorities for district directors.

By the early 1980's the district director was not only putting more emphasis on the service-oriented programs, such as citizenship, but was being pressured to take trained INS criminal investigators and re-assign them as naturalization examiners and detention officers.

KJ: Was this just in New York or throughout the country?

JO: I believe that this took place in many offices, but

especially in New York. Men and women who went into INS to be law enforcement officers found themselves working as examiners, in citizenship.

The INS's inadequate budget created other problems as well.

For example, when I made a major smuggling bust — say I arrested thirty Mexicans that had been smuggled into the United States for prostitution and I was able to convince the U.S. attorney to prosecute the smuggler — in order to make that prosecution case a viable one, I'd have to keep the witnesses in the United States. What would happen was that the U.S. attorney would tell me, "I need those thirty witnesses here to testify." But when I would go back to the district director and tell him, "We have a prosecution of a major smuggler. I have to hold these thirty witnesses for the next six months," the district director would explode, because he didn't have the money to detain these people. So the district director would tell the U.S. attorney, "Sorry, but we're deporting these people next week" — and the charges against the smuggler would be immediately dismissed.

So there were many instances in which viable criminal prosecutions were not made because the district director couldn't accommodate immigration law enforcement necessities, and because more priority and emphasis was being put on INS service functions.

KJ: What recourse did you have?

JO: To show how serious things had become: in 1987, as chief of the Anti-Smuggling Unit, I filed a civil suit against the district director of Immigration in New York City. I charged him with not allowing my unit to conduct investigations against the alien crime syndicates.

As an example, we were attempting to make a case on Project Hester. We knew that smugglers were bringing in Chinese nationals, many of whom they were charging up to \$30,000 to come to America, through JFK Airport. Now, JFK Airport was worked by the INS district office's inspections unit, and for almost a year and a half the Anti-Smuggling Unit had been under a directive prohibiting us from operating at Kennedy Airport. That meant that if an inspector encountered a smuggling operation, he was prevented from notifying us to come out, conduct an independent investigation, and develop a case. In most cases, the smuggler went unprosecuted and was allowed to engage in future criminal activities.

KJ: Many Americans are unaware that INS investigators can and do work together with other U.S. law enforcement agents — federal, state and local — to investigate and apprehend criminals. How did your work with other agencies go?

JO: For the most part we had a great working relationship with law enforcement. But there were normal interagency rivalries and increasing problems related to political intervention and concern for alleged civil rights violations.

To give you an example of how things worked: in the late 1980s I was assigned to Project Redeye, which was a Washington-initiated investigation to target smuggling operations at major transportation centers across the country.

To use INS's unique ability to interview aliens and to arrest aliens that might be in violation of the law, I decided to concentrate my efforts on criminal alien drug couriers. Most of the drug cartels use illegal aliens to do the actual carrying of drugs. For example, in New York City, from Washington Heights, where Dominican organized crime is based, they send drug couriers, every day, through the bus terminals, the train stations, the airports to major cities across the country.

I approached the chief of the criminal division at the Southern District of New York, David Lawrence. I told Lawrence, who had been supportive of me in the past, that we wanted to work with him on Operation Redeye. In fact we had already started and were responsible for many drug seizures and arrests.

KJ: What was his reaction?

JO: Lawrence agreed. He asked me if I could put together a task force from the various law enforcement groups to participate in Redeye. His goal was to triple federal drug convictions in New York, particularly in the Southern District. I told him I thought I could do it, with his support, and if he assigned certain U.S. attorneys to the task force.

At a conference with the representatives of the several agencies involved, my superior, Walter Connery, and I explained that our statutory authority as INS agents is to target whoever we believe is an illegal alien. Several of the attorneys had problems with that. They were concerned that our interviewing of Hispanics, Blacks, and

Asians would not look good.

I tried to explain that as immigration officers we can't go out seeking to arrest U.S. citizens. We can't stop Americans in business suits, just to make it look politically correct — we could be sued. Our role is to target aliens that are in violation of federal law.

I said, "If you're concerned about this 'profile,' then maybe you should give INS agents deputy U.S. marshal status, or Drug Enforcement Administration authority, to take away the Immigration restriction on us and enable us to make stops of U.S. citizens." In essence, what they wanted us to do was to stop twenty people in order to show that ten of them were native-born American whites and dispel the impression we were focusing on minorities. They were unwilling to give us DEA status, because the DEA opposed that, and at that point my supervisor said, out of legal reservations, "I think we have to back away."

Once we pulled out of Operation Redeye, the other or the seizures **we were making significant seizures, and almost immediately the U.S. attorney's office backed away from it, out of concern for the racial overtones."** a legitimate operation — Operation Redeye, — where we were making significant seizures, and almost immediately the U.S. attorney's office backed away from it, out of concern for the racial overtones." I was later told that Mr. Lawrence, who authorized my own prosecution, was upset at me because of the failure of the operation.

KJ: There is a seeming paradox in your career: You had good rapport with the immigrant and minority communities in which you worked, you speak fluent Spanish — yet you were convicted and sent to prison for civil rights violations. How did that happen?

JO: Let's go back to 1990. At that time I was targeting a convicted Dominican drug lord named Then, Freddie Antonio Then, who is currently a federal fugitive for drug trafficking based on my arrest. We had determined that

Freddie Then had been the intended victim of a drug ripoff that resulted in the fatal shooting of NYPD officer Michael Buczek in Washington Heights, in northern Manhattan, on October 18, 1988. It was my goal to flip, or turn around, Freddie Then, and get him to testify against Daniel Mirambeaux, who killed Officer Buczek after he attempted to apprehend Mirambeaux and his accomplices.

I knew that in order to do this I had to put enough pressure on Freddie Then to put him in a situation where he would want to cooperate. Detectives at the 34th Precinct, which I was working out of, provided me with a list of bodegas, or small groceries, as well as travel agencies that they believed belonged to Freddie Then, and were involved in his drug trafficking activity. This, as well as other intelligence we had gathered from confidential operations, was the genesis of Operation Bodega.

KJ: What were you able to find?

JO: When we searched these businesses, after obtaining permission, we found various sorts of contraband connected with drug trafficking, money laundering, and other illegal enterprises. Freddie Then came in voluntarily, and allowed us to search his home; both he and his wife had committed immigration violations, and he admitted to owning an illegal weapon we found at his store, as well as employing illegal aliens. Meanwhile, we discovered the leases to several drug houses he owned. A month into the operation, we discovered \$136,000 bundled with invoices showing it was to be sent to Sea Crest Trading Corporation, a licensed Greenwich, Connecticut money lending institution. That money was later ordered forfeited by the courts as drug money.

KJ: And soon afterward you began to encounter pressure...

JO: Complaints began coming in from *bodega* owners who were members of something called the Federation of Dominican Merchants and Industrialists, which according to the New York Police Department is the front for the Dominican drug cartel. It is believed that the Federation gave substantial monetary support to the campaign of David Dinkins, who was elected mayor of New York City later that year. In addition, the Federation was reported to have generated large numbers of votes which were critical to Dinkins's election over Rudy

Giuliani. Many of these votes were reportedly cast illegally by impostors and by non-U.S. citizens. After his election, Dinkins explicitly prohibited INS agents from access to voter registration records, which could have identified illegal aliens.

KJ: *Didn't Dinkins claim that you and your fellow officers were working to disrupt the 1990 census?*

JO: They called Project Bodega a "Republican conspiracy" to sabotage the census, and immediately after that I became the subject of an investigation by the Justice Department.

KJ: *What were the charges brought against you?*

JO: I was the first law enforcement agent ever tried and convicted on federal civil rights charges for unlawful search and seizure. I wasn't accused of brutality, or even of using ethnic slurs. The accusation was that I had made several searches before obtaining the consent of the shopkeepers, which doesn't make much sense — why would they have signed the consent-to-search form after I had found the illegal contraband?

What needs to be understood is that in every other case alleged search and seizure violations are handled administratively, not criminally, as in my case. It was never the intent of Congress that an officer be prosecuted for good faith search and seizure.

KJ: *Were any other officers or agents participating in Project Bodega charged?*

JO: No, I was the only agent charged out of over fifty police and federal agents who carried out searches in Project Bodega. I certainly carried out my searches in the presence of other officers at all times. Later, the agents involved were interviewed by the U.S. Attorney, and every one of them stated that my searches had been lawful, that I had obtained consent to search in advance. I should point out, by the way, that I was cleared by two independent federal investigations: one by the Office of the Inspector General, and another by the Regional Director of Immigration. Note too that I was convicted of conspiracy — without any co-conspirator ever being

charged!

KJ: *Many readers will no doubt wonder — despite all the political pressure for open borders and for "civil rights" — how a federal agent with seventy-six official commendations could have been so railroaded.*

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JO: I believe that there were the political and civil rights pressures in New York City, a situation the Dominican cartel was able to exploit to the fullest. For example, my trial judge was Constance Baker Motley, a longtime political associate of Dinkins; my

prosecutor was Jeh Johnson, with whom I had actually worked against Freddie Then — he turned out to have close family connections with Motley.

I think, too, that my case was sold to the Department of Justice as the case of a dirty cop. Why? Because several of the *bodega* owners claimed that I took money from them.

KJ: *Haven't you spent a fair amount of your career aggressively targeting bribery operations?*

JO: Yes, I spent nearly five years undercover posing as a corrupt agent working together with the FBI and the Organized Crime Strike Force in operations that convicted dozens of Dominican criminals. And from the start of Operation Bodega, I was working very closely with the FBI and other law enforcement authorities to report and prosecute any bribery attempts.

KJ: *In any case, were you not acquitted of any such charge, when it turned out you actually had vouchered in more money than the shopkeepers accused you of taking?*

JO: That's correct.

KJ: *Did you have a fair trial?*

JO: No. To make a long story short, I was able to discover that the *bodega* owners who were accusing me had lied to the grand jury about their criminal records — but that fact was excluded. (They were also caught on tape by a team from the TV show *Inside Edition* engaging in exactly the illegal activities they had denied under oath.) My attorney suffered a nervous breakdown

that was evident in court — and Judge Motley refused me leave to get another attorney. Later, the jury foreman in my trial told an interviewer from the National Television Empowerment Network that the jury had misunderstood the law and believed that INS officers were not empowered to seize drugs. The Justice Department dismissed that fact as "irrelevant." The point is that INS agents can make arrests and seizures for drug violations.

KJ: After you were convicted, and then sent to prison, there was a great outpouring of support for you — from politicians like the Molinaris and Congressman Jim Traficant, from journalists like Mike McAlary, a Pulitzer Prize winner, from entertainers like Jackie Mason, to black civil rights leaders like Roy Innis and Betty Neale of the Ministers of Harlem, just to name a few — that helped result in your being granted clemency by President George Bush in January 1993. Why did it take so long for your support to crystallize?

JO: First, it's not true that I didn't have support from the beginning. Men and women in law enforcement, such as Jim Fox of the FBI and John Dowd from the DEA believed very strongly in my innocence. (It's worth mentioning here that the FBI never conducted my investigation as required by law. According to an article on my case that appeared in *Spy* magazine, a high-ranking Justice Department official revealed that the FBI was prevented from carrying out the investigation because federal prosecutors thought they would "lie" for me!) Then I had a number of leaders from the Hispanic community, such as Angel Nunez, of the National Hispanic Coalition, and Robert Calderin, president of the Somos Unos Foundation, come forward to help me, often at great personal risk. One of them, Miguel de Dios, a Hispanic journalist who made it his mission to expose the Dominican and Colombian drug cartels, was assassinated shortly after he had produced evidence that I had been targeted by the cartels, and had agreed to testify about it before Congress.

Second, Judge Motley had imposed a gag order on me from the time of my indictment in 1991 until I was scheduled to surrender for incarceration in a minimum security prison in Kentucky. When I went public on Jackie Mason's show in June 1992, Judge Motley canceled the minimum-security arrangement, and ordered

me to be taken into immediate custody by the U.S. Marshals, transported in shackles to a maximum security penitentiary in Oklahoma, where I was slated to be put into the general population and assigned a cell with a Dominican drug pusher.

KJ: Fortunately for you, your family, and those of us concerned about immigration reform, you came through it. Although your federal career is over, you are still very actively involved in the field of law enforcement, are you not?

JO: Now I devote a hundred percent of my time in

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developing the National Police Defense Foundation, which has become one of the largest police foundations in the country, recognized by the IRS, with over 100,000 members. We come to the defense of police officers who may have been unjustly prosecuted, as well as providing counseling to disabled law enforcement officers. In addition, we post awards for information leading to the arrest of anyone who shoots a police officer. We also initiated Operation Kids, which provides free, disposable fingerprint kits for parents — over the years it's been my concern to prevent the victimization of our children.

KJ: In recent weeks, newspapers such as the New York Times and the Hackensack, NJ Record have run big stories on how the Dominican drug cartels are spreading across the Northeast, and money laundering by the cartels is growing at an appalling rate. Less than a year ago, the book Wild Cowboys vindicated you and your story. How does all this make you feel?

JO: I foresaw everything predicted in the *New York Times* story years ago. I spent much of my career in immigration enforcement combating the Dominican cartels: I earned two of my three Department of Justice

awards for making cases against Dominican organized crime — one of them resulted in the biggest seizure of cocaine up to that point in U.S. history, the other resulted in the seizure of millions of dollars worth of fraudulent immigration documents.

I'm no longer bitter over the way things worked out with my career. My work with the National Police Defense Foundation allows me to continue to speak out, to testify, and to bring the problem of illegal aliens and — I supplied the *Times* with information for their story. The fact, however, that the federal government still has no task force on Dominican drug size deportation. Yet the Attorney General has ordered that the FBI not

input this data into the National Crime Identification Computer."
 KJ: *What should be done to make the INS more effective in carrying out its mission of securing our borders and preventing*

JO: The reorganization of the INS and the transfer of its non-enforcement units to other federal agencies is critical in winning the war against illegal immigration. INS inspection and enforcement functions must be consolidated with its sister border agency, U.S. Customs, under the auspices of the traditionally well-funded U.S. Department of the Treasury.

KJ: What do you think can be done that's not being done now to target alien crime directly?

JO: There are many criminal statutes in the U.S. Code that could act as a deterrent to immigration violators. Unfortunately, U.S. attorneys give the prosecution of INS violations the lowest priority. In fact, when INS Special Agents arrest immigrant violators for such

offenses as smuggling, counterfeiting, visa fraud, etc., they present them with a written declination of prosecution prepared in advance. I recommend that the Attorney General direct all U.S. attorneys, for a one year period, to prosecute all criminal violators of our immigration laws. Effective criminal prosecution would seriously reduce illegal immigration and bring respect to INS laws.

KJ: Is it true that the records of fugitives from the INS, many of them criminals, are withheld from other American law agencies?

JO: The INS has built up a data base containing the identities of hundreds of thousands of illegal aliens with outstanding warrants for arrest and deportation. Many of these deportation warrants are based upon criminal convictions for felony drug and violent crimes. Yet the Attorney General has ordered that the FBI not input this data into the National Crime Identification Computer. The purported reason is that only INS officials can detain, arrest, and deport illegal aliens. The real reason is that there is a lack of detention space and of INS officials to handle the expected apprehensions of these alien fugitives.

KJ: What do you think of the practice of using private security firms to carry out various duties of the INS?

JO: The new immigration service must immediately terminate subcontracting their lawful duties to private security firms. In 1988 I spearheaded an investigation into a private security force from Wells Fargo that had been hired by the air carriers at Kennedy Airport to assure that detainees they had brought in would appear for their hearings and later be deported, if necessary. Our investigation, which resulted in convictions of the Wells Fargo officers for alien smuggling and other crimes, verified that approximately 75 percent of excludable and deportable aliens were never deported. INS continues to sub-contract out its lawful obligations to private security firms — and today we continue to experience the same alien smuggling activity and alien abuses from INS security contractors. I believe that the Bureau of Prisons should assume custody of illegal aliens.

KJ: Certain airlines and steamship lines have been lax in complying with their statutory duties in controlling immigration. What should be done to bring them into compliance?

JO: INS has the statutory authority to levy substantial fines against air carriers and steamship lines that fail to take precautionary measures to stop illegal immigration. INS has identified numerous carriers suspected of being involved in alien smuggling activity. Similar violations of U.S. Customs or Drug Enforcement Administration statutes would have resulted in the immediate seizure of ships and aircraft: I recommend that INS effectively use their seizure laws to change the attitudes of certain carriers. For example, during the Wells Fargo investigation, over one million dollars in fines were never levied against the airlines.

KJ: *Do you have any enforcement recommendations for regaining control of our borders — and by now our interior — by containing illegal immigration?*

JO: It's a federal misdemeanor under Title 8, United States Code, Section 1325 for an alien to enter the United States without inspection. There is now a blanket declination of prosecution under this statute. During the 1970s numerous judicial districts along the Mexican border prosecuted entry without inspection (EWI) violators, generally sentencing them to six months in a work camp. Intelligence showed that this practice resulted in a decrease of smuggling within those jurisdictions. I urge that the Attorney General reinstate the policy of prosecuting EWI violators, and also that the pursuit of INS related-prosecutions be prioritized.

Second, it used to be a federal misdemeanor for an alien to fail to register annually with the INS. That statute was later removed from the U.S. Code for no good reason. It continues to be a misdemeanor for an alien not to notify INS within ten days of his change of address or to fail to carry his immigration registration documents. During my tenure with INS, I used these laws to arrest and convict over a hundred criminal alien drug couriers and terrorists. Strict enforcement of these laws, and reinstatement of the registration statute, would be a very effective weapon against alien organized crime and terrorism.

Finally, the key for successful law enforcement and crime prevention is the deployment of a uniformed patrol force which acts as a deterrent for crime. In major cities like New York, where there are an estimated two million illegal aliens, the physical presence of a uniformed Border Patrol force would be a strong and visible deterrent. Its mere deployment and liaison with metropolitan police departments, the courts and the prison

system would result in the apprehension of many thousands of illegal aliens.

KJ: *Do you have any regrets about your career?*

JO: I can look back in retrospect and say to myself, "I had a great twenty-two years." I loved every minute of law enforcement, and in my own heart I know I made a difference. I helped a lot of victims. I've come to realize that, after posing a viable threat to the Dominican drug cartel, I'm fortunate to have come through it all with my life and my family intact.

KJ: *You're still working to overturn your unjust conviction. How can persons wishing to help one of the most decorated enforcement agents in U.S. Immigration history convince our government to do the decent thing?*

JO: I am applying for a full presidential pardon from President Clinton. Anyone wishing to write on my behalf should address a letter of support to Attorney General Janet Reno and send it to P.O. Box 318, Englishtown, NJ 07726. I would also strongly encourage readers to contact their legislators to request congressional hearings on the operations of ethnic organized crime in the United States. -//-

[Persons wishing to learn more about the National Police Defense Foundation can write to 1422 "K" Street, NW, Washington, DC 20005, or call 1-800-556-0597.]