

MAYOR LOUIE VALDEZ

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. PASTOR. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Louie Valdez who was recently elected mayor of Nogales, AZ. At the age of 23, Mr. Valdez has been recognized by the U.S. Conference of Mayors as the youngest mayor of an incorporated city currently holding office in the United States.

Mr. Valdez graduated from Nogales High School in 1989 and later attended Pima Community College in Tucson, AZ. He is currently a senior at the University of Arizona studying political science. In 1992, he was elected to the Nogales School Board and on January 3, 1995 he was sworn in as the 32d mayor of the city of Nogales.

While being the youngest mayor in the United States is certainly an impressive accomplishment, serving as the mayor of Nogales will be even a greater challenge. Nogales, a city with a colorful and proud history, is home to approximately 20,000 citizens. Its uniqueness stems from its location. Nogales shares its border with its sister city in Mexico, Nogales, Sonora: Los Ambos Nogales, as the two cities are often called, share much in common. Families, friends, and cultures crisscross the border and create a truly unique international community. Unfortunately, Nogales, AZ is often impacted by numerous environmental and immigration problems that originate in its sister city.

With his dedication, skills, and abilities, I am confident that Mayor Valdez will succeed in leading Nogales to unparalleled growth and prosperity. I wish him luck in his new undertaking.

MAJ. GEN. JOSEPH F. PERUGINO
HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. KANJORSKI. Mr. Speaker, on January 28, our community will gather to pay tribute to my good friend, Maj. Gen. Joseph F. Perugino, to acknowledge his many accomplishments—most recently his appointment as commanding general of the 28th Infantry Division (mechanized) of the Pennsylvania Army National Guard.

General Perugino was born in Wilkes-Barre where he attended and graduated from local schools. Joe received his bachelor's degree in business from Cumberland University in Tennessee. His military career began in 1955. He was commissioned a second lieutenant on June 12, 1966, upon his graduation from the Pennsylvania Army National Guard Officer Candidate School. As he rose through the ranks in the National Guard, he successfully completed all of the required courses for artillery staff officers. Joe served as assistant adjutant general of the Pennsylvania National Guard, Fort Indiantown Gap, from August 1988 to 1991; then commanded the 28th Infantry Division Artillery, Hershey, PA. In 1992, Joe was made major general while he was

deputy State commander and in 1994, was appointed commanding general of the 28th Infantry Division. Joe's outstanding service has been rewarded with many medals and ribbons, including the Meritorious Service Medal, the Humanitarian Service Medal, the Pennsylvania Distinguished Service Ribbon with four silver stars, and the Pennsylvania 20-year Service Medal with two silver stars.

General Perugino's service to our Nation is well documented. He also deserves recognition for his dedication to our local community. Professionally, Joe serves as vice-president of the Pennsylvania Gas and Water Co., marketing and gas supply division and as president of Pennsylvania Energy Resources, Inc. He serves as a member of the advisory board of Penn State Wilkes-Barre; chairman of the Luzerne County Community College Foundation; trustee of the Wilkes-Barre and Wyoming Valley Veterans Hospital fund. Joe is also a member of the Wilkes-Barre Chamber of Commerce, National Guard Reserve Officers Association and the Association of the United States Army. He served in a leadership capacity for the Family Service Association, Greater Wilkes-Barre Jaycees, Kingston Businessmen's Association, Kingston Lions Club, and Leadership Wilkes-Barre. In 1982, General Perugino was named a Distinguished Pennsylvanian by the William Penn Society.

Mr. Speaker, Joe Perugino has proven himself to be an outstanding leader. It is only fitting that his many achievements and contributions to our country and northeastern Pennsylvania be recognized. I am honored to participate in our community's tribute to him.

PROTECTING OUR NATIONAL
SECURITY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. MURTHA. Mr. Speaker, on January 10, the Defense Department testified before the House Judiciary Committee on the balanced budget amendment. The Defense Department's testimony should set off alarm bells for anyone who cares about America's Armed Forces.

According to the Defense Department's Comptroller, a balanced budget amendment which all but ends the congressional ability to even modestly increase revenues would force defense spending cuts over the next 7 years of between \$220 billion in the best case to \$520 billion in the worst case. The \$220 billion reduction is projected if entitlements are not exempt from cuts. But if Social Security and Medicare are shielded from reductions, the defense share of necessary spending cuts grows close to the half trillion dollar figure.

To put the magnitude of these cuts into perspective, the GAO tells us we are already \$150 billion short over the next 5 years in paying for the severely downsized force structure and modernization plan set in place by President Clinton. What does it mean for America's security if we are to double, treble, or even quadruple the size of this problem? How will we come up with an additional quarter or half trillion dollars in domestic program cuts just to maintain our current force? What if we can't?

Defense Department officials say life under the cuts this version of the balanced budget

amendment would mandate would be characterized by a hollow, demoralized force which cannot be modernized and which quickly loses its technological edge. It would mean further base closings, further personnel cuts, and further hardships on our remaining troops. It would certainly change our ability to project force globally and would leave a potentially dangerous vacuum around the world.

Everyone agrees we must move toward a balanced budget and proceed with deficit reduction. We can and we must do this through careful thought-out proposals that are fully debated in Congress. But to force further draconian cuts on our Armed Forces through an inflexible balanced budget amendment risks our troops' ability to defend our Nation, risks our standing in global affairs, and risks the entire defense structure of the United States.

During my 20 years in Congress I've consistently worked with Members on both sides of the aisle to make sure we didn't have a hollow force.

My advice now is to slow down and think carefully about what the balanced budget amendment will do to our national security.

At the very least, the impact of a balanced budget amendment on the Armed Forces should receive full hearings in the House National Security Committee and House Budget Committee. But if we vote before these hearings take place, I hope every Member of the House will carefully consider how the implementation of a balanced budget amendment would affect our Armed Forces and the most important duty we have as Members of Congress—protecting the national security of the United States.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service Agent Joseph Occhipinti, I submit into the RECORD a document I received from the Drug Enforcement Administration in response to a Freedom of Information Act request I filed last year for all DEA documents related to the Occhipinti case. The document is a memorandum written by a DEA special agent on April 16, 1991.

On April 5, 1991 Special Agent [deleted] met with Investigators [deleted] in the Southern District of New York at the request of [deleted]. The 12 p.m. meeting was arranged in order for [deleted] to meet with the two Assistant U.S. Attorneys and above investigators handling the impending trial after indictment of Immigration and Naturalization Service Special Agent Joseph Occhipinti. He was charged with various counts of violating civil rights through illegal searches and theft of money found during certain searches.

[Deleted] arrived for the interview and met with [deleted] who was alone in the eighth floor office. He explained that [deleted] and the two assistants were involved in other business at that time. [Deleted] obtained a copy of the twenty five page indictment and

briefly read through it as [deleted] asked [deleted] about a company by the name of Sea Crest, a firm that was under investigation by D.E.A. and the Manhattan District Attorney's Office in a joint investigation of Capital National Bank (C1-90-0101). [Deleted] explained the role of Sea Crest in suspected skylocking, extortion, and drug smuggling in the Bronx and Washington Heights area. The scheme involved numerous "bodegas" in the aforementioned areas and [deleted] explained how this led to his meeting S/A Occhipinti. Occhipinti had started a project called "Operation Bodega", involving the use of bodegas in the illegal immigration of various Hispanics and their employment by such stores which are also "fronts" for illegal gambling money laundering, food stamp violations and drug dealing.

[Deleted] stated that Occhipinti had been indicted on several searches which he allegedly had performed without the consent of the store owners but had reported them to INS as consent searches [deleted] advised [deleted] that [deleted] had briefly explained the background over the phone.

[Deleted] had stated that Occhipinti was in charge of a group of "young kids" and that they had very little experience in such searches. [Deleted] further stated that some "green assistants" handling the cases had raised doubts about the validity of the searches. He said the cases were then referred to the Department of Justice O.I.G. The O.I.G. found no evidence of wrongdoing and returned the cases to the Southern District of New York. The "Southern District" felt that the O.I.G. investigation was inadequate because they had done "desk investigations" rather than "field interviews". [Deleted] said they then broke down the cases into three groups. Cases involving arrests of those with criminal records were put aside. Cases where no arrest was made but a criminal record was found were put aside. Only cases where no arrest occurred and no criminal record appeared were selected for interviews. These people were "assumed" to be "legitimate" bodega owners. [Deleted] stated that it could also be assumed that these individuals were possibly smart enough not to have been caught in the past. This conversation occurred on April 4, 1991 over the telephone with [deleted].

As the interview with [deleted] continued [deleted] referred [deleted] to the indictment. Count Six alleges that on or about January 17, 1990, Occhipinti conducted a warrantless non consensual search of a grocery store at 2262 Jerome Avenue and another count charges an illegal search of the residence of the grocery manager [deleted] advised [deleted] that [deleted] and I.R.S. [deleted] were present at the grocery store and also accompanied the manager and Occhipinti to the manager's apartment to obtain his passport. [Deleted] noted [deleted] surprise on learning that [deleted] were present [deleted] said he didn't know these facts, as he was under the impression that another INS agent had gone to the apartment. [Deleted] stated that the manager [deleted] had voluntarily gone to the apartment and invited the agents to accompany him in [deleted] own vehicle. [Deleted] further stated that no search had been performed by Occhipinti at the apartment.

Shortly after this exchange [deleted] entered the office and the interview continued following a summation by [deleted] of the conversation up to that point.

[Deleted] reiterated that the January 17th search had not occurred and that due to the fact that Occhipinti did not know [deleted]

that well, it would be bizarre to believe that Occhipinti would perform an illegal search in their presence. [Deleted] expressed amazement that a charge was brought against Occhipinti on the strength of an unsubstantiated allegation without an attempt to verify the truth. [Deleted] stated that allegations were made by several bodega owners in the Washington Heights area [deleted] stated that the bodegan in Washington Heights are very often fronts for gambling and other criminal activity such as drug trafficking and money laundering. [Deleted] stated that when one sees a huge Pathmark Supermarket in the neighborhood and three bodegas directly across the street, one can assume that they are not just selling groceries. [Deleted] stated that it was indeed possible. [Deleted] stated that gambling was a common occurrence in Washington Heights and that [deleted] should not make a blanket statement about the entire neighborhood. When [deleted] asked [deleted] why he had not interviewed law enforcement personnel prior to the indictment [deleted] replied that they did not want to come up against "the blue wall of silence" that occurs where a "cop" is being investigated. [Deleted] replied that [deleted] was now blanketing the law enforcement profession in the same way he accused [deleted] of doing to Washington Heights.

Following this exchange it was revealed by [deleted] that they had interviewed all of the complainants in regard to their relationship with Sea Crest [deleted] expressed shock and dismay that they had seen fit to compromise an official investigation in the Southern District without any consultation with the agencies conducting the investigation [deleted] further stated that Occhipinti had apparently caused much uneasiness on the part of certain interests in Washington Heights and perhaps there was pressure exerted to eliminate the threat. [Deleted] stated that both he and [deleted] expressed their opposition to personally conducting an investigation of Occhipinti due to the fact that they both knew him previously but that they were overruled and ordered to conduct the probe.

[Deleted] asked if [deleted] had given an itemized list of suspect bodegas to Occhipinti [deleted] said no, that the Capital Bank case involved obtaining a list of Currency Transaction Reports from the bank and these contained numerous forms showing cash transactions in excess of \$10,000 by several bodegas. Certain targets may have resulted from referrals of such listed businesses to the Manhattan D.A.'s detectives also involved in the case. [Deleted] one of the detectives had stated that [deleted] implicated [deleted] in cocaine trafficking. [Deleted] further stated that if the rest of the indictment was based on the kind of reliability attributed to [deleted] a grave injustice was being done by indicting Occhipinti. Incredibly, at this point [deleted] stated that "he can be unindicted too." [Deleted] said he had not realized in twenty years of dealing with the law that such a phenomenon existed. [Deleted] then asked if [deleted] would check D.E.A. files for records on the businesses listed as complainants in the indictment. [Deleted] was also asked if [deleted] could be reached at [deleted] office [deleted] replied in the affirmative and the interview was terminated.

It should be noted that although [deleted] was briefly introduced to one of the two Assistant U.S. Attorneys assigned to the case neither he nor the other A.U.S.A. took any part in the interview. [Deleted] was also informed that [deleted] was not a target of the investigation.

THE RECONFIRMATION OF
FEDERAL JUDGES

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. FIELDS of Texas. Mr. Speaker, today I am introducing a proposed amendment to the Constitution requiring that Federal judges be reconfirmed by the U.S. Senate every 10 years.

Presently, Mr. Speaker, Federal judges serve life terms once they are appointed. The only constitutional mechanism for removal of these judges is impeachment. As we all know, impeachment is a long and arduous process. Historically it has been exercised on only 10 occasions, resulting in actual removal from office of only 5 judges.

In the absence of any other effective formal procedure for removal, Federal judges have been elevated to a stature unprecedented and unequaled by any other Federal official. Consequently, and to the citizenry's misfortune, there is no procedure for the removal of a judge who may be dysfunctional, dishonest or in any other way unfit to fulfill his or her constitutional responsibilities.

According to article III of the Constitution, Supreme and lower court judges are appointed to office for a term of good behavior. I certainly recognize and compliment the wisdom of the Framers of the Constitution who, by separating judicial officials from the political process, preserved and defined the principle of separate, but equal, branches of Government.

However, I continue to believe that this separation has resulted not in a more effective judicial system, but rather in a greater disparity between the various branches of Government. The life tenure of these judges has them less, not more, accountable for their actions and decisions.

Moreover, the increasing use by these judges of their judicial power as a means of effecting social policy is troubling. Our judicial system was established to interpret the law, not to formulate national policy. However, within the past 15 years, many of our Federal judges have taken to "backdoor legislating" on such controversial issues as school prayer, busing, and abortion. In my own State of Texas such "backdoor legislating" has occurred on such issues as prison overcrowding and the provision of educational services to illegal aliens.

I sincerely believe that neither this legislative body nor the American citizenry can stand by and watch this transgression of constitutional authority. National policy decisions should not be promulgated by our courts, but rather should be duly deliberated and decided by the people's elected representatives in Congress.

Mr. Speaker, I urge expeditious consideration of this legislation so that our Nation can once again be assured of three separate, but equal, branches of Government.