EXTENSIONS OF REMARKS

IN SUPPORT OF JOBS THROUGH TRADE EXPANSION ACT OF 1994

HON. MARIA CANTWELL

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Ms. CANTWELL. Mr. Speaker, I rise today in strong support of H.R. 4950, the Jobs Through Trade Expansion Act of 1994.

Mr. Speaker, I commend the honorable member of the Foreign Affairs Committee, Mr. HAMILTON, for bringing this bill to the floor, and want to thank the sponsor of this bill, Chairman GEJDENSON, for his outstanding, bipartisan work on this measure. I also want to thank my good friend, the ranking member of the Subcommittee on Economic Policy, Trade, and the Environment, Mr. ROTH, for his hard work and bipartisan support of this measure.

This is an important bill that will create at least 100,000 new jobs for American workers and is another step in the right direction toward boosting export promotion abroad.

The Jobs Through Trade Expansion Act will expand the financing and insurance available to the Overseas Private Investment Corp., which has been extraordinarily successful in helping U.S. companies find overseas markets and investment opportunities. This bill also expands the Trade and Development Agency, which helps American companies get in on the ground floor of overseas construction projects. TDA estimates conservatively that for every dollar disbursed, $25 is returned to the U.S. economy.

H.R. 4590 also strengthens environmental export promotion by including language identical to Chairman GEJDENSON's Environmental Export Promotion Act. Given that the worldwide environmental technologies market is expected to grow from approximately $270 billion today to as much as $600 billion by the year 2000. Unless an intelligent and aggressive export strategy is developed, American strength in the environmental sector could be eroded by international competitors. This legislation will make it easier and more efficient for small- and medium-sized businesses to export environmental technology overseas.

Finally, this legislation will help U.S. exporters with intellectual property problems in overseas markets. By establishing a training and technical assistance program, H.R. 4950 will target countries who have expressed a willingness to improve enforcement of intellectual property rights, but which lack the expertise or resources to do so.

Mr. Speaker, H.R. 4950 is a progressive, cooperative government program that will result in increased U.S. exports, strengthen our competitive position in the world, and create more high-wage jobs for American workers. I again commend the chairman for his hard work on this bill and strongly urge my colleagues to vote in favor of this important legislation.

THE THERESA NANCE MINISTRIES, INC.

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. KLEIN. Mr. Speaker, I rise today to congratulate Theresa Nance on the opening of the Theresa Nance Ministries, Inc. Theresa has relentlessly worked in the urban neighborhoods of the Eighth Congressional District of New Jersey, bringing the needed support to the underserved as they strive to succeed in today's competitive world.

I believe the creation of the Theresa Nance Ministries, Inc. is the fruit of Theresa's hard work and will be an instrumental organization in the movement to uplift our community.

It is with great pleasure that I ask my colleagues to honor Theresa Nance on the opening of her new ministry. With her guidance and perseverance, this ministry will be a successful endeavor.

A BILL TO RATIFY A COMPACT BETWEEN THE ASSINIBOINE AND SIOUX INDIAN TRIBES OF THE FORT PECK RESERVATION AND THE STATE OF MONTANA

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. WILLIAMS. Mr. Speaker, today I am please to introduce a bill to ratify the water rights compact between Montana and the Fort Peck Tribes.

The compact was finalized more than 9 years ago to settle the tribes' water rights, which had been the subject of litigation for more than a decade in Montana. It has been ratified by the tribes and the Montana Legislature and approved by the Secretary of Interior and the Attorney General.

This compact provides final quantification of the water rights of the Assiniboine and Sioux Tribes of the Fort Peck Reservation in northeastern Montana. It also protects the rights of non-Indian water users existing in 1985, establishes a joint tribal-State board to resolve disputes, and allows for water marketing outside of the reservation subject to certain conditions.

My bill differs, in several important respects, from legislation introduced by Senators BAUCUS, BURNS, and INOUYE in this Congress as well as the 102d by prohibiting use of the tribal water right outside of the Missouri River basin, providing a waiver of all water rights claims by the tribes against the United States and establishment of an economic development fund for the tribes.

The restriction on exercise of the tribal water right outside of the basin addresses concerns raised by several States downstream from Montana, which have previously resulted in holds being placed on the compact in the Senate. Section 3(e) alleviates the basis of those objections.

This bill also provides for the waiver of all tribal water rights claims against the United States in section 3(g). In the compact, the tribes agreed to protect the irrigation rights on approximately 32,500 acres of non-Indian landowners, both on and off the reservation. Although Indian lands had a senior priority date, the U.S. Government allowed these non-Indian landowners to develop virtually all the flow of surface streams plus all of the area's ground water resources. The protection of these uses in the compact was a major legal and economic concession by the tribes. Section 3(g) precludes the tribes from making any claim against the United States because of the Government's errors.

To compensate the tribes for major economic and legal concessions this legislation establishes a tribal economic recovery fund of $50 million to be built up out of appropriated funds over a period of several years. The fund would be permanent and the principal could not be invaded, beginning in fiscal year 1999 the tribes could use the interest for economic development and land acquisition within the reservation as approved by the Secretary of the Interior. The payments into the fund would be measured as a percentage of power revenues of the Pick-Sloan Eastern Division. However payments would be by appropriation and the legislation specifically provides that power rates would never be affected by the settlement.

The United States benefits from the prohibition of out-of-basin water marketing since this ensures that Federal hydroelectric dams downstream from the reservation will have the benefit of the full flow of the Missouri River. In 1983 the Western Area Power Administration [WAPA] estimated that if the tribes marketed 50,000 acre-feet out of the basin, downstream power production would diminish by $3,500,000 to $4,000,000 annually—in 1983 dollars.

In the 1980's there was a large demand for Missouri River water for coal slurry pipelines, at one time the tribes were offered $3.6 million for 20,000 acre-feet annually. As negotiated the compact quantifies the reserved winters rights of the tribes at 1,050,000 acre-feet per year and authorizes the marketing of at least 50,000 acre-feet of water per year.

There is precedent for measuring Indian water settlements by Federal power revenues. For example, in 1992 the Three Affiliated Tribes and Standing Rock Sioux Tribe in North and South Dakota received settlement funds in connection with construction of the dams and reservoirs built on the Missouri River in the 1940's and 1950's. The act required the

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

United States to deposit appropriated money into economic development funds equal to 25 percent of the receipt from the programs of the Eastern Division of the Pick-Sloan Missouri River project over a number of years until a ceiling was reached.

Mr. Speaker, this legislation is an important final step in the tribes' effort to secure their water rights and realize the benefit of the bargain of the compact that they negotiated in good faith with the State of Montana and the United States. I urge expedited action of this important matter.

DELAURO HONORS MARGARET AND JOHN SMITH

HON. ROSA L. DELAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Ms. DELAURO. Mr. Speaker, on Friday, September 23, Margaret Coyne Smith and John Edward Smith of New Haven, CT, will mark their 50th wedding anniversary. Over the years, the Smiths have devoted themselves to the needs of their family and community. I feel privileged to be able to congratulate them on this milestone in their lives.

When the Smiths were first married, John was a fledgling member of the New Haven Fire Department. Fifty years later, at the age of 75, John continues to serve the citizens of New Haven as chief of the fire department. His devotion to his work and to his city have only grown over the years.

During a time when many families have left the city for the suburbs, the Smiths have committed themselves to supporting and enriching their community. John and Margaret were born and raised in the Newhallville section of New Haven and chose to make the city their lifelong home. Three of their four children also reside in the New Haven area.

On September 25, the Smiths will be celebrating 50 years of marriage, surrounded by their family and the many friends they have made over the years. Mr. Speaker, I am proud to acknowledge them for their commitment to each other and their community.

CONGRATULATIONS TO FLIGHT TIME INTERNATIONAL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, I was very pleased to learn that Flight Time International, an air charter service headquartered in Brookline, MA, was named the best in the Northeast region in the Best of America Awards.

These awards are sponsored by Dunn & Bradstreet Information Services, and the National Federation of Independent Business Education Foundation. The sponsors created these awards last year, in their words "to recognize excellence in small business, especially in areas of growth, innovation, and community service." Thousands of businesses were nominated, and hundreds were accepted as applicants for this award.

Flight Time International, which has been in existence for 9 years, began with only $30,000 in personal savings of the founders, three very energetic, creative, and dedicated women. Jane McBride, Dara Zapata, and Patricia Zinkowski drew on their experience in the airline business and their own inherent skills to create a successful independent air charter firm. I am pleased they were given the recognition they deserve, and I was grateful to have a chance to meet with them and talk with them when they came to Washington to receive this honor.

This sort of entrepreneurial success is very important for all of us, and I am proud to have the Northeast winners come from within my district.

H.R. 5064: THE INSURANCE TAX FAIRNESS ACT REINTRODUCTION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. FILNER. Mr. Speaker, I have reintroduced legislation that I first introduced as H.R. 4510 on May 26, 1994, to amend the Internal Revenue Code of 1986.

The legislation, the Insurance Tax Fairness Act of 1994, remains exactly the same in text and purpose with a small, though significant, addition. In section 4, the Sense of Congress Relating To Use of Increased Revenues, "additional health benefits" was added. Since there is such a tremendous need in this Nation for a caring an ' sharing health program, this addition would make the goals of the legislation more comprehensive and inclusive.

Mr. Speaker, my cosponsors and I reintroduce this legislation with a renewed sense of purpose and commitment. This has been underscored by the dramatic cuts of programs in several appropriations bills affecting the lives of many Americans who are struggling daily to make ends meet. This was emphasized when Hunger Caucus Chairman TONY HALL hosted a briefing on my legislation. This briefing dramatized the major obligation we have as legislators to find new ways to fund programs that we know work and which our constituents so strongly support.

My legislation will close an unjust loophole that has been enjoyed by the very largest mutual insurance companies. Since the mid-1980's, this loophole has cost the U.S. taxpayers about $2 billion annually, a staggering amount of money when compared to the needs in our communities. I include, Mr. Speaker, just the headline of a recent item from a small regional newspaper which, unfortunately, speaks volumes: "Meals on Wheels to Hold Yard Sale to Offset Lost Funding."

Mr. Speaker, it is difficult to tell my constituents in San Diego that we cannot provide funding for such programs that provide food to our senior citizens while the Tax Code provides extraordinary advantages to those who know how to "game" the system.

It remains a tragedy of large proportions that a nation of our stature does not provide the revenues sufficient to meet the needs of hungry children, the elderly poor, and others. This is particularly true while a few privileged corporations continue to receive favored tax treatment.

My legislation is designed to do away with section 809 of the Tax Code that both the U.S. Treasury and the GAO have termed as flawed and unworkable and contrary to what Congress intended.

In fact, Mr. Speaker, certain large mutual insurance companies have been paying no tax on earnings from business activity since approximately 1986. By being able to modulate the sale of assets, the few giant mutuals were able to increase or decrease taxes on business activities under the terms of section 809. Obviously, this was contrary to congressional intent. Congress asked the insurance industry 5 years ago to come up with a solution to the shortfall. Our request is still valid, Mr. Speaker, and we can no longer wait for a response.

We must get to the bottom of this matter by having a congressional hearing that lays all of the facts on the table and presents all sides of the issue. This legislation will lead to full disclosure of all relevant material—and settle what the U.S. Treasury and other tax experts agree is the fundamental fairness involved.

Since May 26, there has been considerable interest in my legislation, including national columns supporting the goals of the legislation. The national Coalition to Close the Loophole and Put Our Kids First has grown to approximately 160 members, and is increasing its efforts on many fronts.

In short, this is an issue which is not going away. Our constituents demand our attention to business here in the Nation's Capital. Our overwhelming obligation as Representatives is to ensure that all entities pay their fair share of taxes. By closing this loophole we can fund the programs endorsed by the Hunger Caucus and others without a general tax increase.

Hubert Humphrey challenged us to fulfill the "moral text of government" which he described as "how that government treats those who are in the dawn of life; those who are in the twilight of life; and those who are in the shadows of life." Mr. Speaker, we have no greater calling before us.

THE CENSUS ADDRESS LIST IMPROVEMENT ACT OF 1994

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. SAWYER. Mr. Speaker, today I am introducing, along with my colleague, Congressman TIM PETRI, the Census Address List Improvement Act of 1994. This legislation is an important step in preparing for the 2000 census, which is coming more quickly than many of us might imagine.

If a household is not on the Census Bureau's address list, it probably won't be counted in the census. Therefore an accurate address list is critical. This legislation will help the Census Bureau improve its address operation in order to take a more accurate and less costly census in the year 2000. In addition, it provides for a more efficient use of

local expertise and allows local officials to see that their involvement is a worthwhile part of census-taking.

In preparation for the 1990 census, the Census Bureau spent $300 million to develop an address list. However, the final product missed millions of housing units and contained millions of nonexistent or incorrectly placed housing units. The process did not allow for substantive involvement of local governments, many of whom have a great deal of local address information. In the process, many local officials grew to distrust the Bureau and the results of its efforts.

Local government involvement in prior address list development has been minimal. Today, however, we have the potential to expand that involvement significantly. In addition, we have at our disposal a comprehensive address list from the U.S. Postal Service. Combining those two sources can substantially replace the need for costly and marginally accurate field operations used by the Bureau in the past.

The legislation creates a way for the Bureau to receive standardized address information from local governments, many of whom are investing currently in modern geographic information systems. The bill also provides an efficient way for the Bureau and local governments to resolve discrepancies and verify the accuracy of census information. The bill creates a fair process for local governments to dispute the Bureau's final address list. Finally, the bill requires the Postal Service to provide address information to the Bureau, eliminating any uncertainty in current law.

It is important to emphasize that none of the address lists will contain names or other identifying information. As an extra precaution, the address information can only be shared with individuals designated by local officials as special liaisons. Those liaisons can only view the census information for the purpose of verifying its accuracy. They would be subject to heavy penalties for unauthorized disclosures.

In drafting this legislation, Mr. PETRI and I enjoyed close and constructive consultation with a wide variety of local government representatives, several organizations concerned about individual privacy, the Census Bureau, the Postal Service, and numerous independent experts.

I encourage my colleagues to support this legislation.

POLISH PEOPLES HOME, INC., 85TH ANNIVERSARY CELEBRATION

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to the 85th anniversary celebration of the Polish Peoples Home, Inc., to be held September 24, 1994, in Passaic, NJ.

I am delighted to be given this opportunity to let my colleagues know of the development of this organization. The Poles were one of many groups that came to Passaic in the first decade of the 20th century. On October 9, 1909, 15 of these individuals formed the Polish Peoples Home. The goal of the corporation was to establish and maintain a home for Polish cultural and social organizations in the city of Passaic and surrounding areas.

The first home was a small building located at 1–3 Monroe Street. Because of the growing prosperity of the home, later in 1922 the board of directors decided that a larger building was needed. Despite financial concerns, support came from several benefactors who pledged their personal assets to back the venture. This new building was dedicated on April 8, 1923, and included a large ballroom, classrooms, and meeting rooms.

Polonians continued to patronize the home in increasing numbers, so the board of directors decided to expand again in 1932. Many groups and individuals supported this development because of the needed financial assistance.

The most successful period of the Polish Peoples Home was in the 1940's and 1950's. In 1946, the home burned the mortgage and retired the preferred stock, and in the 1950's two additional parcels of land were purchased for parking. It was during this era that Polonians came and listened to the great bands, such as Tommy Dorsey, Glenn Miller, and Bobby Sherwood. Other musicians also came to the home, including polka band greats Frank Wojnarowski, Bernie Witkowski, and Ray Henry.

In the 1960's and 1970's, numerous structural repairs and improvements were made through a large mortgage. In 1979, the Chopin Singing Society brought new excitement to the Polish Peoples Home when it purchased 1,000 shares. It initiated an active role in the management and administration of the home. Moreover, new people came and brought with them changes and ideas that have renewed a remarkable interest in the home.

For 85 years, the Polish Peoples Home, Inc., has been the foundation of the Polish community in Passaic. It is with great pleasure that I ask my colleagues to join me in honoring this organization.

PLAY BASEBALL IN 1995

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce a bill designed to encourage a settlement between the baseball players and owners. This bill addresses the inability of the owners and players to collectively bargain effectively given the antitrust exemption for baseball. The bill provides for mandatory and binding arbitration to preserve the 1995 season if the parties fail to reach agreement on their own by February 1, 1995.

Collective bargaining in this country works very well. Government should intervene in that process only at times of crises, and then only when it is clear that continued voluntary negotiations will not succeed. My legislation is introduced in that spirit.

The current strike is the eighth work stoppage since 1972. One hundred and seventy-three days of play have been lost to strikes within the last 24 years. If the current impasse goes on, only 120 major league players will remain under contract for the next season. It is time for a change.

The bill provides both a carrot and stick to encourage serious negotiations between the two sides. It gives the owners and players plenty of bargaining time to reach a settlement on their own. Only if bargaining does not result in an agreement would binding arbitration be imposed.

My bill sets a target date of February 1, 1995, for the parties to reach an agreement on their own prior to the imposition of arbitration. This will ensure adequate time for the parties to negotiate on their own, while maintaining a backstop so that a decision will be reached in time to preserve baseball as we know it in 1995. The legislation provides for the establishment of an arbitration board by February 1, 1995, which will render a final, binding decision based on choosing between the final offer of each party. This decision will occur by March 15, 1995.

Again, the primary purpose of this bill is to promote an early settlement between the parties and have the 1995 baseball season begin on time.

Play ball.

JOBS THROUGH TRADE EXPANSION ACT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. HAMILTON. Mr. Speaker, as Members are aware, the House adopted H.R. 4950, the Jobs Through Trade Expansion Act of 1994, on Monday, September 19.

That bill extends and rewrites the authorities of the Overseas Private Investment Corporation. One provision of the bill falls within the jurisdiction of the Committee on Ways and Means.

I would like to include in the RECORD at this point my correspondence with the Committee on Ways and Means on this provision.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 22, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I write to you today regarding H.R. 4950, a bill to extend the authorities of the Overseas Private Investment Corporation (OPIC). It has come to my attention that one provision in the bill, as reported by the Committee on Foreign Affairs, is within the jurisdiction of the Committee on Ways and Means. I refer specifically to section 235(f) regarding the issuance of obligations.

Section 235(f) would authorize OPIC to borrow from the Department of the Treasury up to a maximum amount of $100 million of obligations outstanding at any one time. The section would require the Treasury to lend such amounts to OPIC, using for this purpose the proceeds of public debt transactions under Chapter 31 of title 31 of the United States Code.

As you know, the issuance of bonded public debt of the United States is in the exclusive

jurisdiction of the Committee on Ways and Means. In this instance, I realize that this provision has been in law since 1974 and that H.R. 4950 simply extends the applicability of that provision.

I assure you that the Committee on Ways and Means has no substantive policy interest in other aspects of the bill and does not intend to delay its progress through the legislative process. In this case, the Committee on Ways and Means will not exercise its right to a sequential referral of H.R. 4950, with the understanding that this does not in any way prejudice its jurisdictional interests.

However, I take very seriously my responsibility with regard to the jurisdiction of the Committee on Ways and Means; therefore, I felt obliged to bring to your attention this aspect of H.R. 4950. I trust that you understand my concerns in this regard. I hope that our committees can work together on this matter when similar legislation is considered in the future.

Thank you for your consideration of this matter.

Sincerely yours,

SAM M. GIBBONS,
Acting Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 22, 1994.

Hon. SAM GIBBONS,
Acting Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR SAM: I write in response to your letter regarding H.R. 4950, the Jobs Through Trade Expansion Act of 1994.

As you noted, new section 235(f) of the Foreign Assistance Act, as added by H.R. 4950, does involve the use by the Treasury of bonded public debt for OPIC. I agree that this issue falls within the jurisdiction of your committee. It was not my intention in moving this legislation to in any way impinge on your committee's jurisdiction.

Section 235(f) of H.R. 4950 restates a provision of current law, enacted in 1974. Please be assured that if the Committee on Foreign Affairs is faced with any modifications of this language during Senate consideration, I will support fully any request by the Committee on Ways and Means to be conferees on this section. In addition, if the Committee on Foreign Affairs needs to address this issue in the future in any other way, I will not hesitate to contact you.

Thank you for your cooperation to date on this matter. I look forward to continuing to work with you on this and other issues of mutual concern to our two committees.

With best regards,

Sincerely,

LEE H. HAMILTON,
Chairman.

FORMER PAKISTANI LEADER RAISES SERIOUS QUESTIONS ABOUT NARCOTERRORISM BY PAKISTAN

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. MANTON. Mr. Speaker, I would like to call to the attention of my colleagues an article which appeared in the September 12 edition of the Washington Post. In this article, former Pakistani Prime Minister Nawaz Sharif is quoted as saying that former Army Chief of Staff, Gen. Mirza Aslam Beg, and Gen. Asad Durrani, the former head of Pakistani Inter Services Intelligence Bureau [ISI] informed him that the army and ISI wanted to conduct covert activities in other countries and wanted to use the proceeds from large scale drug transactions to finance these activities. While Mr. Sharif says he assumed the plan was never carried out, there is growing evidence to the contrary.

In March 1993 the city of Bombay was shaken by a series of bombings which killed 317 innocent people in one of the most horrible acts of terrorism ever. The main bomb destroyed the Bombay Stock Exchange, the center of commerce in India. A suspect recently was arrested in this case. Yakub Memon has implicated the ISI in this act of terrorism saying the ISI provided his brother, several associates and him with explosives, arms and funds to carry out these acts of destruction. Mr. Memon said the ISI instructed his party where to place the bomb before they carried out the killings. Mr. Memon is an Indian citizen yet he was found to possess a Pakistani passport and identity card. He said the ISI provided him with travel to and from Pakistan. His brother and family, also Indian citizens, now live in a fancy home in Karachi, which Yakub Memon said also was paid for by the ISI.

Mr. Speaker, there have been other deeply disturbing developments regarding terrorism and ISI. During the past year, Indian security forces in Kashmir have arrested Pakistani, Afghani, and Libyan nationalists who admit to having been trained, funded, and armed by ISI elements in nearby Pakistan. These arrests have occurred as a result of continued acts of violence carried out by terrorist troops which have infiltrated the Indian border from camps in Pakistan.

Mr. Speaker, Pakistan currently is the source of more than 20 percent of all the heroin sold in the United States. Our Government has spent tens of billions of dollars during the past decade fighting terrorism and narcotics. The Post article raises serious questions about the activities of the Government of Pakistan at a time when terrorism is on the rise not only inside the borders of its neighbor, India, but also around the world. The issues raised by former Prime Minister Sharif demand the immediate attention of our State Department and the world community. I urge my colleagues to read the Post article and ask that it be included in the RECORD at this point.

[From the Washington Post, Sept. 12, 1994]

HEROIN PLAN BY TOP PAKISTANIS ALLEGED

FORMER PRIME MINISTER SAYS DRUG DEALS WERE TO PAY FOR COVERT MILITARY OPERATIONS

(By John Ward Anderson and Kamran Khan)

KARACHI, PAKISTAN.—Pakistan's army chief and the head of its intelligence agency proposed a detailed "blueprint" for selling heroin to pay for the country's covert military operations in early 1991, according to former prime minister, Nawaz Sharif.

In an interview, Sharif claimed that three months after his election as prime minister in November 1990, Gen. Aslam Beg, then army chief of staff, and Gen. Asad Durrani, then head of the military's Inter-Services Intelligence Bureau (ISI), told him the armed forces needed more money for covert foreign operations and wanted to raise it through large-scale drug deals.

"General Durrani told me, 'We have a blueprint ready for your approval,'" said Sharif, who lost to Benazir Bhutto in elections last October, and is now leader of the opposition in parliament.

"I was totally flabbergasted," Sharif said, adding that he called Beg a few days later to order the army officially not to launch the drug trafficking plan.

Beg, who retired in August 1991, denied Sharif's allegation, saying, "We have never been so irresponsible at any stage. Our politicians, when they're not in office and in the opposition, they say so many things. There's just no truth to it."

Durrani, now Pakistan's ambassador to Germany, said: "This is a preposterous thing for a former prime minister to say. I know nothing about it. We never ever talked on this subject at all."

Brig. Gen. S.M.A. Iqbal, a spokesman for the armed forces, said, "It's inconceivable and highly derogatory; such a thing could not happen."

The interview with Sharif, conducted at his home in Lahore in May, was part of a broad investigation into narcotics trafficking in Pakistan. It marked the first time a senior Pakistani official has publicly accused the country's military of having contingency plans to pay for covert operations through drug smuggling.

Officials with the U.S. State Department and the Drug Enforcement Administration said they have no evidence that Pakistan's military is or ever has been involved in drug trafficking. But U.S. and other officials have often complained about the country's weak efforts to curtail the spread of guns, money laundering, official corruption and other elements of the deep-rooted drug culture in Pakistan, which along with Afghanistan and Iran lies along the so-called Golden Crescent, one of the world's biggest drug-producing regions.

In a scathing report two years ago, a consultant hired by the CIA warned that drug corruption had permeated virtually all segments of Pakistani society and that drug kingpins were closely connected to the country's key institutions of power, including the president and military intelligence agencies.

About 70 tons of heroin is produced annually in Pakistan, a third of which is smuggled abroad, mostly to the West, according to the State Department's 1994 report on international drug trafficking. About 20 percent of all heroin consumed in the United States comes from Pakistan and its northern neighbor, Afghanistan, the second largest opium producer in the world after Burma. The United Nations says that as much as 80 percent of the heroin in Europe comes from the region.

It has been rumored for years that Pakistan's military has been involved in the drug trade. Pakistan's army, and particularly its intelligence agency—the equivalent of the CIA—is immensely powerful and is known for pursuing its own agenda. Over the years, civilian political leaders have accused the military—which has run Pakistan for more than half its 47 years of independence—of developing the country's nuclear technology and arming insurgents in India and other countries without their knowledge or approval and sometimes in direct violation of civilian orders. Historically, the army's chief of staff has been the most powerful person in the country.

According to military sources, the intelligence agency has been pinched for funds since the war in Afghanistan ended in 1989 and foreign governments—chiefly the United States—stopped funneling money and arms through the ISI to Afghan mujaheddin guerrillas fighting the Soviet-backed Kabul government. Without the foreign funds, the sources said, it has been difficult for the agency to continue the same level of operations in other areas, including aiding militants fighting Indian troops across the border in Kashmir. Such operations are increasingly being financed through money raised by such private organizations as the Jamiat-i-Islami, a leading fundamentalist political party.

A Western diplomat who was based in Islamabad at the time of the purported meeting and who had occasional dealings with Beg and Durani, said, "It's not inconceivable that they could come up with a plan like this."

"There were constant rumors that ISI was involved in rogue drug operations with the Afghans—not so much for ISI funding, but to help the Afghans raise money for their operations," the diplomat said.

In the interview, Sharif, claimed that the meeting between him and the generals occurred at the prime minister's official residence in Islamabad after Beg called one morning and asked to brief him personally on a sensitive matter.

"Both Beg and Durrani insisted that Pakistan's name would not be cited at any place because the whole operation would be carried out by trustworthy third parties," Sharif said. "Durrani then went on to list a series of covert military operations in desperate need of money."

Sharif, in the interview, would not discuss operational details of the proposal and refused to disclose what covert plans the intelligence agency wanted to fund with the drug money.

Sharif said he had "no sources" to verify that the ISI had obeyed his orders to abandon the plan but that he assumed the agency had complied.

"I told them categorically not to initiate any such operation, and a few days later I called Beg again to tell that I have disapproved the ISI plan to back heroin smuggling."

Embittered that his political enemies cut short his term as prime minister last year and helped engineer the return of Bhutto, Sharif has gone on an intense political offensive to destabilize her 10-month-old government. He claimed recently that Pakistan has a nuclear bomb and said he made the information public to prevent Bhutto from dismantling the program under pressure from the West. The government has denied possessing a nuclear bomb but repeated previous statements that it has the ability to build one.

Calling Sharif a "loose cannon," a second Western diplomatic source said, "I'd have a hard time believing" his allegations about the military's drug trafficking proposal. The official suggested that Sharif's disclosure might be designed to keep Bhutto and Pakistan-India relations off balance. "If anything should bring these two countries together, it is their common war against the drug problem, but this seems to fly in the face of that," he said.

PETER TORRIERI'S TRIBUTE TO OUR IMMIGRANT FOREFATHERS

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mrs. BENTLEY. Mr. Speaker, I rise today to recognize the talents of one of my constituents, Peter Torrieri, whose poem entitled "To My Father," honors not only his own Italian-American heritage, but also the legacy of all our immigrant forefathers who gave up so much in the fulfillment of the American dream.

Mr. Torrieri's father, Domenico, was one of a number of immigrants who came to America in the early 1900's in search of a better life. Just 16 and all alone, the young man from Abruzzo worked numerous jobs—from gardener to munitions factory laborer—sending his paychecks home to his parents in Italy. Indeed, after his marriage in the States, his wife then with three children and pregnant with the fourth, was sent back to his homeland so that they, too, would benefit from his toil. For 13 years, the young Peter, as well as his family, were separated from his father. In that time, Domenico's money was used to educate each and every one of them. His devotion and work ethic made it possible for the Torrieris to return to America so that they could prosper in the land of opportunity.

Domenico Torrieri was one of many immigrants who beat the odds and paved a path for his children to follow. His son, Peter, shows the pride and respect that he holds for his father's legacy and for all our other countrymen who did the same in the following eulogy.

As the daughter of immigrant parents and one who also remains dedicated to my heritage, I invite my fellow colleagues to read and enjoy Peter Torrieri's poem.

TO MY FATHER

I praise you, my father, and all your brothers a million strong.
You, dauntless ones who crossed the ocean vast at the early dawn of the century,
Came from distant lands, and gained free access to our friendly shores,
You, challengers of water and wind and the unknown in search of bread and honest toil.
I praise you, Domenico, my father, who shared
Your scant bread with me and gave me the sweat of your brow.
I praise you and your brothers a million strong.
You, anonymous, unrecognized, unsung ones,
The laborers, the toilers, the workers, the builders of America.
I honor you, my father, and all your brothers a million strong,
You, amorphous neglected masses who slept on the earth bare,
Tamed the sooty demons in the coal mines, pushed the plows in the furrows,
Made the deserts bloom, and the stingy soils yield copious crops,
Hammered the spikes that held the rails that span the continent,
And raised the skyscrapers that flirt with the sky.
I honor you, my father, and all your brothers a million strong,
The laborers, the toilers, the workers, the builders of America.
I acclaim you, my father, and all your brothers a million strong,
You, red-eyed-from-soot-and-sweat, bare-chested smiths
Who wrought the steel that forged the spine and backbone of our mighty cities
And powerful industries and ships that sailed the seven seas;
Who dug the subways and laid the roadbeds of the spacious highways;
Who quarried the stones that raised the monuments, the cathedrals, and museums,
And the schools that taught brawn and brain, races and creeds to amalgamate.
I acclaim you, my father, and all your brothers a million strong.
The laborers, the toilers, the workers, the builders of America.
I bow before you, my father, in both humility and pride.
You were just sixteen when your mother, crying,
Gave you her blessing and kissed you goodbye.
Good-bye. You never saw your mother again alive.
You were still a boy when you waved farewell
To the seagulls on the Adriatic shores of Abruzzo,
A boy unbearded, unschooled, unskilled,
But unafraid of the heights and depths,
Driven only by unbending will to find your place in the sun.
I'll always remember you with love, my father,
The barrel-chested, broad-shouldered, five-foot-five
With thick, callus-gloved hands and sinewy biceps,
Face scorched by fierce summer suns and winter icy winds,
But face that greeted friends as well as strangers with a smile.
You, my father, and all your brothers a million strong
May have passed by unnoticed, unrecognized, unappreciated, and anonymous,
But in the juster spheres above, your names are carved on immortal granite.
Millions of you have come and gone
But Someone keeps making you and growing you by the millions more,
Because that Someone loves you, my father,
All all your brothers a million strong.

PUBLIC OUTRAGED OVER GOLD GIVEAWAY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. MILLER of California. Mr. Speaker, last May, the American public was outraged—and rightly so—when the Federal Government signed away public land containing gold worth an estimated $10 billion to a foreign-owned mining company—and received less than $10,000 for the taxpayers.

This indefensible giveaway was the result of one of the most outdated and outrageous laws still on the books, the 1872 mining law.

This law was designed to help settle the West, a largely unpopulated region in the 19th century. What it has turned into is one of the worst examples of fleecing the taxpayer that anyone can imagine.

No one in Congress would dare propose such a law today. But the 1872 law endures, defended by the mining companies—who get something-for-nothing—and their powerful friends in Congress.

I am inserting into the RECORD an editorial from the St. Louis Post-Dispatch from August 31 which provides still more details about this continuing ripoff.

[From the St. Louis Post-Dispatch, Aug. 31, 1994]

THE NEW GOLD RUSH

If Interior Secretary Bruce Babbitt could make but one reform in the management of the West's natural resources, he would need only a nanosecond to decide: Repeal the 1872 mining law, an open-ended invitation to fleece the taxpayer.

Mr. Babbitt said as much in May, when under court order, he reluctantly gave Canadian-owned American Barrick Resources Corp. title to 1,949 acres of public land in Nevada to mine $10 billion worth of gold for the shamefully low price of $9,765. He called it "the biggest gold heist since the days of Butch Cassidy."

Change is on the horizon—but how much? Republican senators from the West have blocked a bill, which the House passed, to protect taxpayers and the environment. In its place, they've offered one that amounts to an industry-protection bill.

The 1872 Mining Law, a relic from the days of the homesteading act and giveaways to the railroads, governs hard-rock mining—the extraction of metals such as gold, copper, silver and zinc on public lands. It has three features that have cost the taxpayer and the environment dearly.

This relic allows mining companies to "patent," or purchase, public lands with mineral deposits for the paltry sum of, at most, $5 an acre. That may have been the market value in 1872; today it's a government-subsidized bonanza to private enterprise. Once patented, the land is private property.

Sometimes, patented land isn't even mined. Here is one example from the congressional report. "Taking From the Taxpayer: Public Subsidies for Natural Resource Development": In 1970, a developer from Arizona patented 61 acres of land. Then he sold the land to a hotel developer for $400,000 and an 11 percent share of future profits. The cagey businessman from Arizona has made about $6 million in profit so far; the American taxpayer earned a whopping $153.50 from the patent.

As a 1994 report from the Mineral Policy Center points out, the Bureau of Land Management, which handles patents, has closed off the process to public input and participation, although it is public land that's being sold off. That's unconscionable.

Right now, fearing even the most minimal reform, mining companies are rushing to patent land. Unless the government imposes a moratorium taxpayers stand to lose $34 billion worth of minerals, according to the Mineral Policy Center. Ideally, patenting should be abolished, as recommended in a House reform bill. The Senate version would retain patenting, although it would increase the price.

Under the 1872 law, mining companies do not pay a penny in royalties to the American taxpayer. Hard-rock mining companies argue that they invest millions in selecting and preparing sites and then, of course, extracting the minerals. And that is true. But oil, gas and coal companies also invest millions—and pay royalties as well.

Oil, gas and coal companies were originally covered by the 1872 law. But because the federal government wanted to maintain some control over resources crucial to national defense and economic development, the Mineral Leasing Act of 1920 was passed. It abolished patenting and substituted long-term leases of the land and imposed a 12.5 percent royalty on oil and gas; a 12.5 percent royalty on above-ground coal; and 8 percent on below-ground coal. Why should mining for gold, copper or silver be any different?

The House bill would impose an 8 percent gross royalty on hard-rock minerals. The Mineral Policy Center estimates that would produce $30 for an average ounce of gold. In April, gold sold for $375 an ounce. The Senate version would apply a 2 percent net royalty to yield about 22 cents an ounce.

The worst travesty of the 1872 mining law is that it makes no provision for land reclamation from the environmental damage caused by mining. That means that taxpayers, who get a pittance for a patent and zilch for a royalty, get stuck with the tab for environmental cleanup. Right now, the government will spend between $32.7 billion and $71.5 million to clean up 557,650 abandoned mines.

The environmental damage alone is reason enough to repeal the 1872 law. A system of leasing, instead of "patenting," would allow the government to set environmental standards as a condition of the lease; a system of royalties would provide money for reclamation. Without substantial reform, American taxpayers stand to lose the West—and their shirts.

CELEBRATING THE 15TH ANNIVERSARY OF SERENITY BAPTIST CHURCH

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. KLEIN. Mr. Speaker, on Saturday, September 24, 1994, I will have the honor of joining the Serenity Baptist Church as it celebrates its 15th anniversary. I am delighted to have the opportunity to pay tribute to the church by entering the complete history of Serenity Baptist Church provided to me by Pastor Newsome in today's CONGRESSIONAL RECORD.

Serenity Baptist Church is an American Baptist Congregation of approximately 200 members that was established fifteen years ago on September 29, 1979 at an organizational meeting in the home of the Reverend J. Worthem, the church's first pastor.

Until the church could purchase its present edifice at 142 North First Street in Paterson, services, meetings, and choir rehearsals were held in several locations throughout the Paterson area such as: Star Hope Mission, Riverside Baptist Church, and the home of Mr. and Mrs. Earl Morgan.

The Church was blessed to acquire the edifice in which it now meets for worship in 1981. Then in 1986, due to hard work and the faithfulness of the membership, God bestowed a special blessing upon this congregation and enabled it to retire the mortgage of the church in only five years.

Serenity became affiliated with the American Baptist Churches of New Jersey (ABCNJ), Paterson Pastor's Workshop, the NAACP, the Passaic County Black Caucus, the North Jersey Clergy Association, and the Progressive Baptist Convention.

Over the past fifteen years, Serenity has assisted in the needs of community based organizations such as Habitat for Humanity in providing them the use of church facilities in support of their annual walk for the homeless; supported the Paterson Partnership Community Programs by providing meeting space for the Riverside Neighborhood Coalition. Serenity continues to assist in providing service to the community through its outreach programs such as S.H.A.R.E. and a food give-away program at the church. The church's concern for the plight of the youth is met in part by IMANI, a rites of passage program that addresses the issues concerning young black males in the City of Paterson.

On April 5, 1990 Serenity Baptist Church called Reverend Newsome into service as Pastoral leader.

Serenity is a church that stresses biblical study, Christian fellowship, and spiritual service to our fellowman and to each other.

It is with great pleasure that I ask my colleagues to commemorate Serenity Baptist Church on the distinguished occasion of its 15th anniversary.

TRIBUTE TO JON ANDREW

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. DEUTSCH. Mr. Speaker, I rise today to commend Mr. Jon Andrew, an honorable man and a great public servant. Jon Andrew has been promoted to coordinator and reviewer of environmental impact statements for the Department of Interior's Southeast Regional Fish and Wildlife Office in Atlanta, GA.

Mr. Andrew's longstanding commitment to the Nation's natural environment is well-documented. After graduation with an environmental science degree from Unity College in 1978, Mr. Andrew went on to attain a master's degree in wildlife management from Frostburg State College. From his service as refuge manager at the Lower Rio Grande Valley National Wildlife Refuge in Alamo, TX, to his 5-year tenure as wildlife biologist at the U.S. Fish and Wildlife Service, Jon Andrew has dedicated his life to the preservation of the U.S. natural resources.

Throughout his career Mr. Andrew's immanently reasonable nature and conservation ethic have provided him with the tools to disarm the often heated controversies inherent in U.S. environmental policies. Most recently, Jon Andrew accepted one of the most precarious positions in resource management, Refuge manager of the Florida Keys National Wildlife Refuges. As refuge manager, Jon Andrew was embroiled in some of the most contentious battles over resource protection in the Nation, with developers and environmentalists clashing over differing development expectations of the area under his jurisdiction.

The Florida Keys, an archipelago extending over 100 miles into the Caribbean, represents a unique and diverse tropical ecology that has evolved over thousands of years to include such national treasures as the endangered Florida Key deer and the only living coral reef

in the continental United States. Federal initiatives have recognized the national significance of the Keys' natural resources and the U.S. Fish and Wildlife Service has sought to balance the detrimental impacts of growth rates which exceeded 90 percent over the last decade with the needs of federally listed endangered species.

Although the Keys' community was bitterly divided over these issues, Mr. Andrew's intelligence, grace, and wit were effective in easing tensions and building coalitions between the development and conservation communities. He enlisted the cooperation of former adversaries in crafting creative solutions to complex management challenges.

In particular, he implemented the Florida Keys' "Bad Country" Management Plan, which seeks to resolve conflicts of incompatible uses among jet skis, air boats, and inappropriate use of offshore islands and shallow water flats within the Great White Heron and Florida Keys national heritages.

Effective implementation of sound resource management practices and an improved level of cooperation within the community are the result of Jon Andrew's laborious efforts to protect the natural heritage of the Florida Keys. His will-considered approach to resource management and his humanitarian concern for the environment and habitat will enrich the natural resources under the management of the Southeast Regional Fish and Wildlife Office.

Jon Andrew's contribution to the State of Florida and the Nation demonstrate his commitment to serve in public good. He is to be congratulated and commended.

TRIBUTE TO NEAL AND BOBBI KURN

HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. COPPERSMITH. Mr. Speaker, I rise today to recognize two friends of Arizona, Bobbi and Neal Kurn. On October 9, the Jewish National Fund will present their Tree of Life Award to the Kurns in honor of their lifetime of philanthropic and community service. To quote Theodore Roosevelt, the Kurns have led lives of strenuous endeavor. They have identified problems and brought people together to solve them. Their energy and leadership have helped others understand both the power and importance of individuals acting to do what is right.

Bobbi already has received the Lee Amanda Young Women's Award, the Golda Meir Award, and the Medal of Honor, the community's most prestigious honor, for her work with the Jewish Federation of Greater Phoenix. She has served Beth El Congregation, the Bureau of Jewish Education, and Jewish Family and Children's Services. As the chair of the Wish Granting Committee of the Make-A-Wish Organization, she has helped fulfill over 2,100 wishes for their wish children.

For his part, Neal has served on the Board of Governors of the State Bar of Arizona and on the board of directors and as president of the Arizona Bar Foundation. He is a fellow of the American College of Tax Counsel, the American College of Trust and Estate Counsel, and the Arizona Bar Foundation. He is also past president of the Jewish Federation of Greater Phoenix and of the Phoenix Chapter of the American Jewish Committee, and has served as the general campaign chairman of the United Jewish Welfare Fund. He has been a member of the board of directors and the vice chair of the Arizona Community Foundation, and a member of the board of directors of the Children's Action Alliance and the National Law Center for Inter-American Free Trade. The Jewish Federation of Greater Phoenix also awarded Neal the Medal of Honor, making the Kurns a rare two medal couple.

This laundry list of boards, commissions, and awards does not, of course, tell the whole story. This list cannot reveal Neal and Bobbi Kurn's depth of caring and commitment to the community.

As a friend of both Neal and Bobbi, I am honored to speak of some of their accomplishments as they receive the Tree of Life Award from the Jewish National Fund.

INSTALLATION OF HARLAN MILLER AS PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS OF AMERICA

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. HORN. Mr. Speaker, I rise today to commend a fellow Californian and friend, Harlan Miller of Long Beach, who will be installed as president of the Independent Insurance Agents of America [IIAA] next month in Orlando. Mr. Miller is president of Hamman-Miller-Beauchamp-Deeble, Inc., an independent insurance agency located in Long Beach.

Harlan has enjoyed a long and distinguished career as an independent insurance agent. His service to both his national and State association, the Independent Insurance Agents and Brokers of California [IIABC], is equally long and impressive. Harlan held several elective offices in the California association including secretary-treasurer, vice president, and president. He began his commitment to the national organization by serving as the State association's representative to IIAA's board of directors.

Harlan was elected to IIAA's executive committee in Los Angles in 1989. In the time since then he has exhibited a spirit of dedication and concern for his 300,000 colleagues around the country.

Harlan's selfless attitude is also evident in the depth of his involvement in Long Beach-area community activities. He is a past president of the Kiwanis Club, Community Volunteer Office, the International City Club and the Long Beach Boy Scout Council and has worked with numerous other Long Beach civic groups. During my presidency of California State University, Long Beach, Harlan was a very active member of the President's Associates. Currently, he sits on the board of the Memorial Medical Center, Memorial Heart Institute and the Advisory Council Junior League of Long Beach.

I have worked closely with the Independent Insurance Agents and Brokers of California and IIAA's Capitol Hill office, and it will be a distinct pleasure for me to work with fellow Californian Harlan Miller over the coming year as he serves as president of the Nation's largest insurance association.

I have complete confidence that Harlan will serve with distinction as president of the Independent Insurance Agents of America and I wish him all the best in his new role.

HONORING THE REPUBLIC OF CHINA'S 83D NATIONAL DAY

HON. ROBERT F. (BOB) SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. SMITH of Oregon. Mr. Speaker, I rise today to honor the Republic of China's 83d National Day on October 10, 1994. Taiwan is a full democracy and its people enjoy a high standard of living. I wish Republic of China's leaders—President Li Teng-hui and Vice President Li Yuan-zu—good luck and good fortune in the years ahead as they campaign for greater international recognition and U.N. membership.

At the same time, I wish to take this occasion to bid a fond farewell to Ambassador Mou-shih Ding, who has returned to Taipei as the Secretary General of the Republic of China's National Security Council. His successor, Ambassador Benjamin Lu, a seasoned diplomat, will certainly continue to strengthen the good relations between Taipei and Washington.

SALUTING ENGLEWOOD PUBLIC SCHOOLS

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. SCHAEFER. Mr. Speaker, I have held a number of constituent conferences over the years on topics ranging from senior health care to education. My most recent conference was held on Saturday, September 17, and dealt with veterans' issues. The common thread throughout all these conferences was that they were held at Sinclair Middle School in Englewood, CO.

During each and every one of my conferences at Sinclair, I and my staff have been treated with courtesy, professionalism, and efficiency by the entire staff. I thank the principal of Sinclair, Robert Cady, for making possible the use of his school. I also want to salute his custodial staff, especially Larry Case and Juvie DeHerrera, for their superb work in making our veterans' conference a success. Larry was polite and thorough as we made preparations in the days leading up to the conference, while Juvie was equally efficient and helpful on the conference day itself. Without such fine help from these two employees, our conference would not have been so successful.

I believe that the excellence we found at Sinclair Middle School is a reflection of the entire Englewood, CO, public school system. Comprised of 4,388 students, the Englewood public school system has a tradition of excellence. For example, the recently released Iowa Test of Basic Skills scores shows all levels of Englewood students scoring above the 60th percentile in this important test. This is an increase of up to 30 points over last year and is testament to the leadership of Dr. Roscoe Davidson, superintendent of the Englewood public school system.

In short, Mr. Speaker, Colorado should be proud of Englewood's public schools, while Englewood should be proud of Sinclair and its fine staff.

WYOMING SEMINARY CELEBRATES 150TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. KANJORSKI. Mr. Speaker, as a proud alumnus of Wyoming Seminary Preparatory School in Kingston, PA, I am pleased to bring to the attention of my colleagues the celebration of the school's sesquicentennial anniversary on September 25, 1994.

One hundred and fifty years ago, 14 girls and 17 boys formed the first class at Wyoming Seminary. In 1844, little did the school's founders know that 150 years later the school would be considered one of the area's most prestigious institutions of college preparatory education. Founded by Methodist clergy and community leaders, the original buildings stood on farmland among the orchards. One of America's first coeducational boarding schools, Wyoming Seminary's earliest students came from all over Pennsylvania and New York.

During its 150 years, Wyoming Seminary, or Sem as it is affectionately called by all, became a mirror of a changing America. The student population reflected the change from a nation of farmers and pioneers, to industry, to an international economy dependent on the information highway.

Today, the student body of more than 700 is diverse, with students from throughout the United States, as well as Europe, Asia, the Middle East, and Central and South America. Sem is the only regional independent school to offer a complete education from nursery school through secondary school. Its graduates go on to attend our Nation's finest colleges and universities.

It has been my pleasure to work closely with Sem's outstanding presidents over the years. Dr. Wallace Stettler served as president for 23 years. Beloved by all, Dr. Stettler helped set the standard of excellence for which Wyoming Seminary is known. In 1990, H. Jeremy Packard became Seminary's new president, charged with leading the school into the 21st century.

Three generations of my family have been a part of Seminary's history and have benefited from its curriculum. My mother, uncle, brother and sisters, nieces and nephews, and most recently my daughter, have all graduated from Seminary.

Mr. Speaker, I won't reveal just how long ago I attended Sem, but let me just say that the knowledge and the experiences I gained there are ones I carry with me today. I wish the faculty, staff, and students of Wyoming Seminary the very best for many, many years to come.

PACIFIC REGION YOUTH OF THE YEAR

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. PASTOR. Mr. Speaker, I would like to congratulate Lawrence "Torry" Winn for being selected as one of five finalists in the Boys and Girls Clubs of America's 1994–95 National Youth of the Year Program. Torry has already been chosen Youth of the Year for the Boys and Girls Clubs of Metropolitan Phoenix, State of Arizona Youth of the Year, and Pacific Region Youth of the Year.

Growing up in a single parent home in a South Phoenix housing development, Torry helped his mother raise his younger brother and nephew. This 17-year-old senior is working his way through Brophy College Preparatory in Phoenix, AZ, and is able to maintain a 3.5 GPA. He is a member of the varsity basketball team, participates in the Brophy Christian Service Project, tutors young students at St. Thomas Elementary School, and works with the Foothills Housing Project's "Get-Up and Clean-Up" Project.

For 13 years, Torry has been involved with the Kieckhefer Boys and Girls Club in Phoenix, AZ. He participates in the Torch Club Teen Leadership Group, the Reading Club, basketball, the members' Speakers Bureau, and the Summer Work Program. For the last 4 years, Torry has worked as a supervisor where he helps organize activities for the kids. He credits the Boys and Girls Club with helping to develop his confidence in his abilities.

Mr. Speaker, Torry Winn is an outstanding individual of whom we can all be proud. He is devoted to his family, understands the importance of education and makes it a priority and is dedicated to improving his community and the people around him. He has risen above difficult circumstances and has become an example for other youths to follow.

Again, I would like to take this opportunity to send my sincerest congratulations to Torry Winn for his exemplary achievements.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. VENTO. Mr. Speaker, today I am introducing legislation to extend for 1 year only the Pennsylvania Avenue Development Corporation's [PADC] authorization for appropriations, and to require the development of a plan to phase out the Corporation. Because of a history of difficulties in obtaining information from the Corporation the bill would make the funding for the second half of fiscal year 1995 contingent on the delivery to Congress of a plan for the orderly shutdown of the Corporation.

The PADC has contributed much to the development of Washington, DC, since its creation in 1972. The genesis of this organization is said to go back to President John F. Kennedy's inaugural ride from the Capitol to the White House. Seeing the shabby condition of what should be a grand, monumental avenue, Kennedy resolved to revitalize the neighborhood. In the end Congress took up Kennedy's task and enacted legislation to create the PADC.

Since its inception, PADC has completed almost all of what was an ambitious master plan. Today, Pennsylvania Avenue is a proud Capital City corridor, brought to life by sensitive development and architectural masterpieces. On the list of PADC's accomplishments are the Willard Hotel, the Canadian Embassy, Market Square, the Landsburgh Complex, Freedom Plaza, and the International Trade Center at Federal Triangle. Only one parcel on Pennsylvania Avenue remains undeveloped; three other parcels north of Pennsylvania Avenue by several blocks but included in the original master plan are also undeveloped.

At this time, with the majority of the work completed, the PADC should be moving toward a shutting down of its activities, as envisioned in the Corporation's Organic Act. Ongoing work, such as maintenance of street scapes, can be delegated to appropriate Federal agencies.

The intent of the bill that I am introducing today is an orderly shutdown of the Corporation with no negative impact on any important work in progress. The bill requires the PADC to present to Congress no later than March 31, 1995, a plan that provides for such a transition.

Mr. Speaker, this provision reflects the fact that, while PADC has had considerable success creating new establishments on Pennsylvania Avenue, it has shown a less than adequate appreciation for its accountability, as a congressionally created and funded entity, to the body occupying this end of Pennsylvania Avenue. Congress has repeatedly requested that PADC submit a plan for a successor entity, but PADC only provided this in June and only under threat of losing its authorization. The proposal we received was entirely inadequate and would have, in effect, simply recreated PADC to continue on in perpetuity.

The PADC Organic Act contains a provision calling for the ultimate sunsetting of PADC. In 1991, PADC was authorized for only 1 year, instead of the 3 requested, and the Natural Resources Committee stated in its report that the reason for this was to provide the committee with the chance to review a successor entity plan in the next year.

The next year, PADC once again requested a 3-year extension of its authorization, but did not provide the requested successor plan. Congress approved an additional 2-year authorization, noting that the administration stated that it needed more time to prepare the

successor entity plan. Three years later, PADC finally submitted a proposal, but its idea of a successor entity was to recreate itself in its own image, with all the powers to borrow, condemn, develop, and so forth that it currently has.

Clearly, PADC and the administration require firm direction from Congress in order to move on to the next phase. For this reason, I am introducing this legislation today to bring about the transition toward the shutting down of PADC. The Corporation has all but completed its mission, and done so in a superior manner.

After all, PADC was formed to help bring something to life; just because we no longer require the services of the midwife or doctor does not mean we are unhappy with the baby.

SALUTE TO MRS. MARIAN MURTHA

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise to salute Mrs. Marian Murtha whose 100th birthday will be celebrated on October 2 at the Trinity Methodist Church in Chester, PA. Born on October 6, 1894, Mrs. Murtha, a current resident of the Belvedere in Chester, PA, has lived through a century of productivity and change. Mr. Speaker, I join with Mrs. Jean Colby, the congregation of Trinity Methodist Church, and the friends of Mrs. Murtha in wishing her a very happy 100th birthday.

BOB MICHEL SALUTES HENRY HYDE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. MICHEL. Mr. Speaker, one of the great pleasures of these past 2 years has been working with HENRY HYDE as a Member of the House Republican leadership. Of course, HENRY and I have been working side by side, not just as colleagues but as close friends, since he first came to the Congress. Over two decades and under five Presidents, we have stood together to advance the interests of our State and of the Nation.

But during this last Congress, we've worked more closely than ever. For at the very start of the 103d Congress, HENRY was unanimously chosen by his colleagues as chairman of their policy committee. That brought him officially into the ranks of the House leadership, where he had long held an unofficial place by virtue of his achievements in both foreign and domestic policy.

In his new role, HENRY energized the policy committee as never before, building consensus positions with common sense and a good dose of his famous wit. Under his auspices, House Republicans exchanged views with the heavyweights of international affairs: Jeane Kirkpatrick, Dick Cheney, Jim Baker, Cap Weinberger, as well as a host of lesser luminaries. He regularly brought together our freshman class, the largest group of newcomers in memory, with their most senior and experienced colleagues. Both groups have benefited enormously from that two-way exposure.

From the prolific Hyde pen has come a steady stream of articles, op eds, policy letters, and speeches. Whether you agree or disagree with what he has to say, a Hyde product becomes must reading in top policy circles.

You probably know that I'm leaving the Congress this year after 38 years as a Member of the House. I love this institution, for all its faults, but I want to spend more time with Corinne and with our grandchildren. As I leave, it's good to know we have Members like HENRY HYDE to keep on leading, and to keep on working for the better country we all want America to be.

NATIONAL DAY OF THE REPUBLIC OF CHINA

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. ROHRABACHER. Mr. Speaker, a few days ago I attended a farewell reception for Ambassador Mou-shih Ding of the Taipei Economic and Cultural Representative Office. Ambassador Ding has ably served his country, the Republic of China, for the last 6 years. He has brought our two peoples closer together. And I believe, his successor, Ambassador Benjamin Lu, will further strengthen the ties between the Republic of China on Taiwan and the United States.

In the meantime, I wish to offer my congratulations to our ally in the Pacific—the Republic of China on Taiwan—on the occasion of its 83d National Day. It is my hope that the Republic of China will soon be able to return to the United Nations and other international organizations.

THE NEVADA FOREST PROTECTION ACT

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mrs. VUCANOVICH, Mr. Speaker, 6 years of drought has produced large areas of dead and dying trees and other accumulated fuels in Nevada's forests. This has made 1994 the most severe wildfire season in modern history. Extreme wildfire danger exists in many of the forest lands in Nevada, including the Lake Tahoe area which, in addition to the drought, has suffered years of insect infestation, resulting in a forest that is even more dangerously overloaded with fuels.

Already this year, over 780 wildfires have occurred throughout the State, involving more than 215,000 acres affecting areas near Caliente, Hallelujah Junction, Panaca, Lone Mountain, Bull Run, Mahogany Springs, Holbrook Junction, and Verdi. Both Federal and State resources have been stretched to the limit fighting fires across Nevada as well as helping out in other States.

The risk of intense wildfires threatening the safety of people and property, like the ones that have already flared across Nevada and other Western States, can be significantly reduced by removing excessive fuels accumulations including slash piles and dead trees that become fuels ladders.

Today I am introducing the Nevada Forest Protection Act to preserve the health of Nevada's forests and to protect the lives and property of those who live in or near forests. This legislation requires the U.S. Forest Service and the Interior Department, working with State officials, to identify high-fire-risk Federal forest lands in Nevada and to clear the forest fuels in those areas. My bill also calls for a long-term fire prevention plan by the Forest Service and Interior Department, so that the dangerous build up of fuels will no longer continue unchecked.

Preemptive action now will be highly cost effective since the cost of fighting fires as they occur is significant. This legislation is vital in the process of preventing wildfires and improving the health of our Federal forest lands. I hope all my colleagues will support this effort.

CONCERNS WITH SYSTEMIC EDUCATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. CRANE. Mr. Speaker, one of the most important issues facing parents and lawmakers today is that of education. Providing for the proper education of our Nation's youth is of the utmost importance to maintaining a stable, effective democratic society. I feel that the Goals 2000 Program poses a serious threat to the pillars of our educational system: Choice and diversity.

Under the Goals 2000 Program, the Federal Government would assume a role more properly filled by parents, not bureaucrats. Instead of educating the student, this outcome-based education [OBE] would mold our youth into homogenous workers indoctrinated with OBE's political correctness. This Nation needs highly motivated and literate individuals, not politically correct students being told what to think and how to feel.

Those concerned with education desire choice and variety in academics. Systemic reform is just the opposite, and if passed will surely spark an uproar among those trying to provide for truly helpful reform.

I urge my fellow Members of Congress to read the following article, written by Robert Holland and published in the August 3 issue of the Richmond Times-Dispatch. In order to avoid harming the future of our educational system, I believe that systemic reform must be avoided.

[From the Richmond Times-Dispatch, Aug. 3, 1994]

"SYSTEMIC" EDUCATION PLANS RUN ROUGHSHOD OVER FREE INDIVIDUALS

(By Robert Holland)

The Allen administration has been giving thought to rejecting $14 million in biennial Goals 2000 money being dangled by the feds as an inducement to sign on to a totalitarian form of school reform accurately called systemic by its advocates.

Unfortunately, the decision is more complicated than that. The pending reauthorization of the Elementary and Secondary Education Act (now running to more than 900 dreary pages) could cut Virginia out of another $140 million in aid, largely to high-poverty schools, if it balks at buying into Goals 2000—national school board, national curriculum, and all.

Meanwhile, there is the question of Virginia's participation in the federal School-to-Work Opportunities Act, which Congress quietly passed last spring. Millions more will be at stake. School to Work constitutes the third leg of the triad of national systemic reform; indeed, all three of these measures are cross-referenced and tightly wired together.

An example: Goals 2000 sets up a National Skills Standards Board whereby Robert Reich's Labor functionaries can define the skills necessary for every job in the country. School to Work will specify how the schools are to inculcate and certify those workplace skills (like the notorious SCANS "competencies" of self-esteem and sociability) in children and will begin tracking them early on (through "career majors") toward employment in specific industries. Counseling would begin "at the earliest possible age, but not later than the seventh grade." (Title I, Sec. 101).

The Allen administration has accepted a $330,000 School-to-Work planning grant, and Cynthia Taylor, a Wilder holdover who heads this initiative, has announced a series of 10 community meetings in September. She plans to hire "professional facilitators" to conduct the sessions, which are to help develop a plan she says will reflect Virginia's own "interests and needs." But the Labor Department already has volumes of specific School to Work guidelines for Virginia and other states. It is possible to tap into those plans via computer by dialing 800-767-0806 with a modem.

Were this simply an effort to keep education abreast of workplace changes in a technological era and to enhance students' career options (as a product of their own free will), then there would be much to commend in School to Work. Unfortunately, however, a strong element of government coercion permeates Labor's files. A 1991 Virginia proposal, for instance, envisioned that persons under 18 who had left school without "establishing their competencies" under the Virginia Assessment of Critical Knowledge and Skills would be required to enter government Youth Work-Learning Centers. They would not be allowed to hold a job until they had mastered the so-called competencies.

Philosophically, School to Work resolves by fiat a long-running debate between the liberal arts and applied education. Workplace know-how would replace Cardinal Newman's idea of knowledge as a valuable end in itself. No longer would education be about producing well-rounded individuals; instead it would be about well-socialized workers for the global economy.

Governor Allen, who won election as an opponent of state-mandated Outcome-Based Education, has tried to keep faith with concerned citizens who want choice, variety, and strong academics—not one-size-fits-all systemic reform. In a recent letter, he explained to them that while a Governor who believes in local control cannot zap by decree all remnants of OBE-style affective education in certain localities, he stands by their right as parents to have an impact on local policies.

That such everyday parents and taxpayers—the army OBE created—are winning battles not only in Virginia but across the nation greatly offends the powerful establishment that deems its systemic reform the one model for all. Any doubt about that should have been erased by a recent alarm from the Alexandria-based National Association of State Boards of Education.

NASBE director Brenda Welburn lamented that "systemic education reform" is experiencing "setbacks in many states due to the well-organized opposition which has waged a relentless campaign of rallies and soundbites." She said the Business Roundtable, the organization of big biz CEOs, is organizing a coalition of "national education associations and businesses" to thwart this opposition.

Interestingly enough, one of the touted benefits of joining the coalition will be "tool kits" including "materials on opponents." Totalitarian reform, totalitarian methods.

Among the groups joining so far: the Council of Chief State School Officers, National Alliance of Business, National Association of Secondary School Principals, National Association of State Directors of Special Education, National Middle School Association, National School Public Relations Association, and the New American Schools Development Corporation. These worthies plan to pool their money—ours?—to hire a fancy political campaign consultant to turn public opinion their way.

These elitist pooh-bahs just don't get it. The problem is that their statist scheme stinks, and all the PR in the world won't make it smell sweeter.

In the 1980s, the idea of "outcomes" in education appealed to bottom-line business thinking, as well it should. Solid results should be expected, indeed demanded, from government schools. But as Bruno Manno points out in a trenchant briefing paper on OBE for the Hudson Institute, the outcomes concept was "hijacked" by the education bureaucracy, and the process turned on its head. With outcomes now expressed in the old progressivist mumbo-jumbo about feelings and attitudes, accountability becomes impossible. Jeanne Allen of the pro-choice Center for Education Reform believes that well-meaning business executives have been misled by their staffers and education bureaucrats.

It would be grand if Governor Allen struck a blow for liberty by making Virginia the first state to reject all aid related to the federalization of education. But that's expecting a lot, given the hue and cry sure to arise about, "shortchanging" Virginia pupils.

What's more likely is that systemic reform on the current model will be imposed in every district in the land—and as a result we will see a parents' revolt in this country that will make the current uprising seem tame. Maybe then will come true reform—not of the systemic variety, mind you, but rather one that replaces the corrupt, monopolistic system with true diversity and choice.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

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 the transcript of an interview my chief of staff, Paul Marcone, conducted with New York City Police Department [NYPD] Sgt. Lenny Lemer. Present during the interview was NYPD Sgt. Robert Kwalwasser of the NYPD Legal Bureau.

INTERVIEW WITH NYPD SGT. LENNY LEMER, JULY 15, 1994

Mr. MARCONE. The first question I have is are you currently a member of the New York City Drug Enforcement Agency Task Force?

Mr. LEMER. Yes, I am.

Mr. MARCONE. Okay. During your official duties with the task force, did you at any time independently uncover evidence that you would consider to be credible that there may have been a conspiracy on the part of Dominican drug lords in Manhattan to set up former Immigration and Naturalization Service Agent Joseph Occhipinti?

Mr. LEMER. Well, I uncovered some credible evidence that there were some groups out there.

Mr. MARCONE. Dominicans?

Mr. LEMER. Dominicans or Dominican descent, and there were actually organized groups of I guess drug dealers in the sense that had influenced, attempted to influence people in the regard of Joseph Occhipinti.

Mr. MARCONE. Sgt. Lemer?

Mr. LEMER. Yes.

Mr. MARCONE. When you make reference to credible evidence, be more specific, okay?

Mr. LEMER. Basically, I received information or we received information about different, and organization that may have been involved in having something to do with framing Joe Occhipinti as well as several——

Mr. MARCONE. Excuse me. Is that the Federation of Dominican Merchants and Industrialists?

Mr. LEMER. It was the Federation of Dominican Businessmen and Industrialists, right.

Mr. MARCONE. And these were witnesses that you were using as informants?

Mr. LEMER. Well, the original information that was relayed to me actually came from what I believe at the time was a source of information of an individual who apparently had information who didn't want to be signed up as an informant.

I later on, much later on, learned his identity after an FBI investigation apparently involving myself and the detective who had gotten the information, so at that point I was told his name.

At the time I received the information, first verbally and then it was put in writing in a report dated July 10th of 1992, just subsequent to the riots up in Washington Heights.

Mr. MARCONE. What was the nature of the information that you had?

Mr. LEMER. The information that we had listed a number of different grocery stores that were said to be run by people selling drugs, as well as an organization, a corporation by the name of Seacrest Trading.

Mr. KWALASSER. Excuse me. At this point, we had talked earlier, Mr. Marcone, that certain issues that were going to be under investigation were not going to be discussed.

Mr. MARCONE. Right.

So I can assume that Seacrest Trading is an entity that is currently under investigation by NYPD?

Mr. KWALASSER. Affirmative.

Mr. MARCONE. Okay. I want to focus in on Occhipinti. Did you, at any time through your investigations, as part of the task force, receive any information that any of the complainants against Occhipinti were coerced or bribed to testify, to offer testimony against him?

Mr. LEMER. Well, I did receive information, it turned out to be what we call a blacklisted informant, a Dominican informant who approached us, and when I did debrief him, said to me that he had proof that Occhipinti had been in fact framed and that the proof that he told me he had was that he had taped apparently a couple of the witnesses who had testified who had admitted that they had perjured themselves.

Mr. MARCONE. Were these the actual complainants, the Bodega owners?

Mr. LEMER. No. I don't recall if he was one of the Bodega owners. He had mentioned one or two names of people who had in fact apparently testified in the Occhipinti trial, and subsequently he said that he had gotten together with them and taped them and at which time they admitted to him that they had received money from an individual by the name of Jose Liberato, who owns numerous grocery stores in the Washington Heights and Bronx area.

Subsequently, we did look into Jose Liberato to a certain extent, as well as some other grocery stores of whom apparently there was a female who had testified in Occhipinti's trial and ironically enough, thereafter, I found out through checking with the Archives, the Journalist Archives, that she apparently had given an interview to Newsday regarding Occhipinti and I the quote was that he had raided her store back in August of '89.

A subsequent investigation by me as to who the owner was in August of '89 came back to an individual by the name of Freddie Then, who was, at that time, and actually who is currently apparently a federal fugitive, having been convicted, I believe, in the Southern District for cocaine distribution.

Mr. MARCONE. Was he convicted in absentia?

Mr. LEMER. Yes, he was.

Mr. MARCONE. What happened?

Mr. LEMER. What happened was apparently, in the last day of the trial, just prior to the jury coming back, he jumped bail. So that in effect the store changed names in October of '89. However, that was my preliminary check.

Mr. MARCONE. Was there any indication that the 1989 raid that Occhipinti made violated any laws?

Were there any civil rights violations that she alluded to in the Newsday article?

Mr. LEMER. Apparently, we—I didn't, it was impossible for me at that time to look into that actual raid or that arrest. From the information that I was able to see, it appears that the store was involved in some narcotics trafficking and as a result, Freddie Then was arrested.

The connection there being that when she admittedly says that it's her store in '89, although officially the store changes hands in October of '89 to I believe it's her husband, Filo Crucey. And I wouldn't have known that had it not been because she mentioned to that reporter that it was her store in August of '89, which would have associated her with Freddie Then, an obviously known drug dealer.

Mr. MARCONE. Is it safe to say then that you received information from more than one source that Mr. Occhipinti may have been set up by Dominican drug lords? Is that correct to say?

Mr. LEMER. Well, I received information from several different sources, a lot of who were just informants or actually not informants, sources who did say that he had been set up because he was doing a lot of harm to the economic business of the—well not so much necessarily only the drug dealers but me experience with what we call the Bodegas, which are the small grocery stores up in the Washington Heights area is that in order to survive economically, they have to rely on—a lot of times; I'm not going to say that all of them but a good part of them rely on illegal gambling, the Dominican lottery, the Dominican numbers, as well as other means to subsist because if anybody were to go up there and physically take a look at these places, one would realize that it's impossible for four Bodegas to exist on each corner of a particular block without having to augment—I mean, you're looking at an area that's economically deprived to a certain extent, and one would say, well, they're doing these illegal activities to augment their income, which is evident and has been evident since I worked up there in 1982.

So, I mean, when somebody, when a source of information——

Mr. MARCONE. Could you just kind of elaborate more on the source. Are these confidential CIs that have been registered by the department, or are they people that just talked to you during the course of an investigation?

Mr. LEMER. Most of them were just people that we spoke to who we didn't really, who we didn't sign up.

Mr. MARCONE. Well, what were the circumstances for which you were speaking to them? Was it in your office or was it on the street?

Mr. LEMER. No, no. Most of the time we would meet them up in the Washington Heights area.

Mr. MARCONE. At what types of locations?

Mr. LEMER. We'd—you know, on a street corner, we'd put them in a car.

Mr. MARCONE. And talk to them?

Mr. LEMER. Just talk to them.

You see, we weren't really, I wasn't investigating whether or not Occhipinti was or was not set up. I was investigating other matters.

Mr. MARCONE. Related to drugs?

Mr. LEMER. Foremost yes, related to drugs and whether or not the information that we had been receiving that the riots that occurred up there were in fact an organized venture by a group of narcotics dealers who were trying to get the police presence out of there.

Mr. MARCONE. Okay. Was there any, did you ever come across evidence that, in connection to the riots, that the federation was involved in any way in trying to organize the riots?

Mr. LEMER. No, I did not. I didn't come up with any concise information.

Mr. MARCONE. Relating to information that you uncovered through these informants and discussions relative to a possible set up of Occhipinti, did you report your findings to anyone at NYPD or DEA and through the chain of command, through officials reports?

Mr. LEMER. No. Actually, the only report that actually mentions the fact that Occhipinti may have been set up or something to that effect was the original reported, dated July 12th—July 10th, excuse me, 1992, which was the basis for my group being formed, and which made a correlation between, from the source of information between what had happened to Joseph Occhipinti and what was being perceived at that time as to what they were trying to do, or was being tried to have done to Michael O'Keefe, who was the police officer at the 34th Precinct who had shot the drug dealer and basically supposedly precipitated the riots.

But that was the only report that was ever written. You know, we——

Mr. MARCONE. But Occhipinti's name was mentioned in that report.

Mr. LEMER. Yes, it was. His name was mentioned as it related to the similarities between what had happened there in his case and what was apparently happening in the Michael O'Keefe case.

Mr. MARCONE. Who compiled the report? Was it an NYPD report or was it a joint NYPD/DEA report?

Mr. LEMER. It's a DEA report. We, working under the auspices of the DEA task force, do DEA reports.

Mr. MARCONE. So it's considered a federal document?

Mr. LEMER. That is correct.

Mr. MARCONE. To your knowledge, is the document considered classified?

Mr. KWALASSER. Do you normally—I just want to interrupt one second—Sgt. Lemer, do you normally classify the documents there? Or is that done by DEA analysts?

Mr. LEMER. We would just write the report.

Mr. MARCONE. Who was the report written to?

Mr. LEMER. The report is written actually to a general file. It's just a report of information. It's actually, I think it was titled "The debriefing of a source of information," I believe it was an eight-page report that Detective Garrido wrote at my request.

Mr. MARCONE. And that report emotions Occhipinti?

Mr. LEMER. Yes, it does.

Mr. MARCONE. So you wouldn't play any role in tagging the report as classified? You just submit the report and it will be up to your superiors to determine whether or not a report of that nature will be considered classified?

Mr. LEMER. That is correct.

Mr. MARCONE. Because we, I want to state for the record that we sent a Freedom of Information request to the DEA for all files they had during that time period that you mentioned that related to the Occhipinti case. And we did not get that particular document.

They did state that there were certain documents that they had that they were not providing to us for security reasons.

Is there anything in that report——

Mr. KWALASSER. For the record, Mr. Marcone?

Mr. MARCONE. Yes?

Mr. KWALASSER. Sgt. Lemer, when, in the normal course of DEA Drug Enforcement Task Force business, there are times when Sgt. Lemer has to answer—in other words, a Freedom of Information request is made to the agency. Then the agency will reach out to the various units within that. This is my understanding, not being in the Drug Enforcement Administration.

This is the way it's been explained to me. The agency will reach out to the field units

to gather documents, and then the agency records officer down in Washington makes the final determination as to whether——

Mr. MARCONE. Right. I'm not questioning whether or not, I have every confidence that all relevant documents are forwarded to Washington.

I just want to get, from Sgt. Lemer, his feelings as to whether or not anything in the report, at this time frame, will be considered classified or would it involve any ongoing——

Mr. KWALASSER. You're asking for an opinion, you're asking Sgt. Lemer as to what someone else would determine.

Mr. MARCONE. How about this.

Sgt. Lemer, was there anything in the report that made reference to investigations that the NYPD DEA Task Force is still currently engaged in?

Mr. LEMER. Well, the reports referred to—I gathered the reports. There were many reports that I did send to Washington. Actually, the whole case file as well as the memo that I discovered relating to Occhipinti.

Mr. MARCONE. But that was not provided. So a determination must have been made at a higher level not to provide that?

Mr. LEMER. It has to be made—I'd imagine I sent it to the—at—Washington. They may be, I guess the final determination as to what they would release.

I did send whatever materials I had available.

Mr. MARCONE. Okay.

Let's move on.

In terms of the Occhipinti case, at any time, were you ever told by a superior or any member of the task force to stop or not to investigate any aspect of the Occhipinti case?

Were you ever told by anyone not to investigate any further on Occhipinti or any other matters that related to Occhipinti?

Mr. LEMER. Well, let me just clear this up probably from its inception.

I wasn't investigating Occhipinti.

Mr. MARCONE. Okay, I understand that, but at any point when you mentioned Occhipinti in your reports, did anyone ever come to you and say anything to you about the Occhipinti case in terms of don't investigate this, or you're not supposed to be investigating the Occhipinti case?

Mr. LEMER. Well, a matter of course, when we first started, okay, the thrust and my mandate was really to investigate whether or not the allegations that were made initially regarding all the criminal activity in the Washington Heights area was in fact credible. And actually the idea was to stay away from a direct investigation of whether or not Joseph Occhipinti was guilty or not guilty.

Mr. MARCONE. Who made that determination?

Mr. LEMER. That was made at the initial inception by the powers that be, I guess the boss, you know, because of the fact——

Mr. KWALASSER. Mr. Marcone?

Mr. MARCONE. Yes?

Mr. KWALASSER. Sgt. Lemer's task force was formed for a specific purpose, okay? And while during the course of an investigation, the task force might uncover other information, but there are only a limited number of individuals in the group, and they have to stay focused on the mission, which was to investigate one item, and not to go off in different directions.

Mr. MARCONE. I understand that.

As a matter of practice, though, if, in the course of an investigation that's focused on one issue, they uncover evidence on another case, would it be normal practice for them to turn over their findings to the relevant, either federal, state, or local law enforcement entity to handle that, or is that something that you would turn over to the U.S. Attorney's office and say, we uncovered this evidence?

Mr. LEMER. Let me say, as it related to the Joseph Occhipinti situation, there was in reality no—I uncovered no direct—well, at the time, let's say, because subsequent to that in the earlier part of this year, I did uncover a DEA memo which, in my estimation, shows a gross, well, shows that something wasn't right as far as the investigation in the Southern District as it related to a DEA agent who worked among them.

Mr. MARCONE. Right. Now was that finding simply turned over to DEA, or did you refer that to the U.S. Attorney's office or the Office of Professional Responsibility inside the Justice Department?

Mr. LEMER. When I found this particular memo, which had been written by a DEA special agent, after having spoken to him verbally where he recounted to me what had happened in 1991, I really didn't know, to be honest with you, I didn't know who to turn to because of the fact that the main focus of the memo was the, well, I can't call it anything else, apparent misconduct on the part of the Southern District of New York.

Mr. KWALASSER. Let's go back into perspective. If this is a memo written by a DEA agent, it's already been filed. This is part of the DEA's record. Sgt. Lemer just uncovered something that he's assuming that DEA knew about also.

Mr. MARCONE. Right. So the memo was written from a DEA agent to his superior?

Mr. LEMER. That's correct.

Mr. MARCONE. If the DEA was aware of, let me just, I want to focus for the record on what exactly, at the time, 1992, is when you uncovered informants mentioning Occhipinti and the fact that he may have been set up.

At that time, what was the focus of the task force and what were you exactly investigating, and what was the mission of the task force, just so I know what your mission was.

Mr. LEMER. My mission, or our mission was to investigate if in fact the allegations that organized groups of narcotics dealers were in fact responsible for fueling the riots, and that was our primary focus.

And what we tried to do was, as it related to the original report of July 10th, which Detective Garrido wrote, which had—the idea at the time was we needed to find out whether or not the source of information was in fact credible. And in order to do that, what we set out to do was take apart the report, piece by piece, and see if in fact the allegations against certain either businesses or individuals were legitimate.

And the way to do that was, and this is what we discussed and the way to go about it, was to isolate each allegation and see if in fact that person or place or corporation had been or should have been a target of an investigation.

And so that's what we—you know, we never looked into the—the Occhipinti situation was something that was nebulous to us because there was no way for us to really look into whether or not he was set up from what we were doing.

In actuality, that was not our focus at all. We were staying away from that because we needed to find out whether or not a source of information was credible or legitimate.

Mr. MARCONE. On the riots?

Mr. LEMER. On the riots because what happens is, if we were able to determine that the allegations he made about different companies or different people were in fact legitimate, then one could surmise that the rest of his information was also credible. That was the only way to actually do that.

We couldn't——

Mr. MARCONE. You and the task force, other members of the task force would, as a matter of course, work very closely with prosecutors, correct, in formulating a case?

Mr. LEMER. Yes, that is correct.

Mr. MARCONE. Okay. In formulating a case, let's say you found a pattern that there was an organized group that was in fact responsible for the riots.

Would you try to enter into evidence the fact that the same group was responsible for organizing another type of effort to frame a federal agent? And that would indicate a pattern of illegal behavior? Or would that be considered inadmissible?

I know you're not a lawyer and you can't make that determination, but is that something that you would try to collect information of that nature and that would certainly help your case?

Mr. LEMER. Yes.

You've got to realize, Mr. Marcone, a lot of the information that you're getting is hearsay. You're getting people's statements with no real factual corroborating evidence.

Mr. MARCONE. What if you had sworn affidavits from individuals?

Mr. LEMER. I never had any, I never got any affidavits.

Mr. MARCONE. Were you aware of the fact that the Staten Island Borought President's office did collect numerous sworn affidavits from individuals that attest to the fact that there was in fact a conspiracy to frame Mr. Occhipinti?

Were you made aware of that fact?

Mr. LEMER. Well, I became aware of that after our investigation was pretty much coming to an end, and I was apprised by Robert Knapp and Valerie Caproni.

Let me just give you a little background.

When it became apparent to me that a lot of the individuals who I was looking at from an investigative perspective were—I became aware that the FBI had been tasked by apparently the president, President Bush, at the time, to look into whether or not there was wrongdoing in Occhipinit's situation.

When I became aware of that, I said to myself, and continued in that mode, that I needed to speak to those agents so that they would know that I myself was doing an investigation in which these people had been named and I might in fact be looking at them from the drug aspect.

In other words, were they in fact narcotics dealers, are they in fact laundering narcotics money.

And I went to the FBI because I didn't want to step on their toes.

Mr. MARCONE. Are you talking about the investigation that was initiated in July of '92 by the FBI?

Mr. LEMER. Yes. Yes.

Mr. MARCONE. Okay, go ahead.

Mr. LEMER. So I went to them and said to them that I had, myself and the ASAC, my boss, and we had a meeting with the agent who was running the investigation out in Queens, and basically we explained our position, that we don't want to step on their toes, and at the same time, I didn't want them scaring my subjects into going underground.

And at that point, I became aware that—this is subsequent to speaking to that blacklisted informant—and then I became aware that apparently there were tapes, and

I was told by the FBI that they had polygraphed the informant and that the informant had failed the poly.

And basically my answer to that was well, you know, I haven't dealt with too many informants who could pass a poly.

But the agent in charge of the organization did say to me, because we were going to use this blacklisted informant at the time, said to me that I could in fact use it. He'd failed the poly but as far as he was concerned, I could go ahead and use him.

Mr. KWALASSER. Why don't you explain to Mr. Marcone what a blacklisted informant really is.

Mr. LEMER. A blacklisted informant is an informant that has been registered prior and for any one of many reasons has been deactivated for negative reasons.

In this particular instance, the informant who contacted us, and after relating his story, had said that he had been blacklisted by the DEA, I looked at his file to see exactly what the reasoning was, and spoke to the agents who had controlled him.

And from doing that little line, I found out that he had been blacklisted for, you know, non—what I would consider not a real serious reason. There are no real—in one instance, apparently, was for failure to tell a U.S. Attorney about somebody, a defendant. However, he had, once on the stand had actually told the judge that what he'd done and was found to be a credible witness and in fact the defendant was convicted.

Mr. MARCONE. You had confidence in the witness?

Mr. LEMER. Yes. I found him to be credible. I looked at his file.

Mr. KWALASSER. Just in total perspective, while the witness might be credible and we might believe what he's saying, the evidentiary value is very minimal because——

Mr. MARCONE. It's hearsay.

Mr. KWALASSER. No. Even the witness, should he ever be called to testify, is going to be shredded.

Mr. MARCONE. Is this the same witness who had information about Occhipinti?

Mr. LEMER. Yes. Right. It's the same one. And he had been doing work for Mr. Molinari. So that's—and we were going to utilize him because he was in fact going to be a good informant for us.

But then there was a problem where Mr. Molinari made a phone call to Mr. Fox about—there was apparently a misunderstanding that this particular informant had related back to Mr. Molinari that the FBI was precluding us from using him, which was not in fact the case.

The FBI, after our meeting, had said, listen, he failed the polygraph, we don't believe him, but if you want to use him, go ahead and use him.

But in total retrospect, that's telling you, we don't believe him and, by the way, anything that he gives you, you have to tell everyone that the FBI was going to use him but——

Mr. MARCONE. So when you go to court, you really can't use him?

Mr. LEMER. You can't use him.

Mr. MARCONE. Although you could use him to get information about other, other——

Mr. LEMER. But you're risking people's lives with someone that's not—would have been especially with the CI that has been—in the past, would have been to corroborate and investigate anything he said prior to us taking any kind of proactive action.

Mr. MARCONE. And you can use an informant like that for leads that would lead you to other informants who might be more credible?

Mr. LEMER. We had decided, at the time, and confirmed with my bosses that we were in fact going to use him. It was only that when it became apparent to us that the CI was going back and reporting to Mr. Molinari and this particular instance, it was not true, therefore we said it was more trouble than it needed to be, and in fact we might end up hurting our own credibility.

Mr. MARCONE. Let me ask you one more question about this informant.

In your opinion, did the FBI make a determination that the said informant was not credible based entirely on the fact that that informant failed a polygraph test?

Or as far as you know?

Mr. LEMER. My impression was that after he failed the polygraph, they felt that he was lying.

Mr. MARCONE. So their impression of the informant was based, was framed on—very heavily by the fact that he failed the polygraph?

Mr. LEMER. Yes. I don't know that, I mean——

Mr. MARCONE. But that was your impression, though?

Mr. LEMER. That seemed to be, you know, and my question then was, well, if I were to try to determine whether or not a particular person was telling the truth, especially as it related to audio tapes, as an investigator, the first thing I would do would be, instead of giving him the poly, would be to get an expert to do what we call a voice exemplar and match and say, if this informant is saying that this Witness X who testified in a trial told me that he lied, or that he made it up because he was paid money, what I would do to check the authenticity would be to have an expert say is this in fact Witness X.

I don't believe that that——

Mr. MARCONE. All right. One more question.

In July 1992, the FBI——

Is Sgt. Lemer there?

Mr. LEMER. Yes, this is me.

Mr. MARCONE. I want to pick on something.

Your initial investigation in '92 was investigating whether or not there were any organized groups behind the riots?

Mr. LEMER. That was the primary thing.

Mr. MARCONE. Was that investigation ever concluded, and did it result in any indictments?

Mr. LEMER. No, it resulted in no indictments. We did get information from an informant at the time that he was aware of knowing what he considered drug dealers to him or paying young street guys a hundred dollars to burn cars and continue to fuel the riots.

We never got any concrete proof of that, either from an informant or on anybody, but that was what we determined. But there wasn't enough to make any arrests or indict anybody.

Mr. MARCONE. You didn't have enough evidence to go to indictment?

Mr. LEMER. That's correct.

Mr. MARCONE. Okay. At any point, did any other law enforcement officers, from 1992 to the present, have any other current active law enforcement officers ever come to you and told you that they were either influenced or intimidated by federal prosecutors not to investigate the Occhipinti case?

Mr. LEMER. Well, Detective Garrido, who worked for me, who had authored the original report and gotten the information, was called down to the Eastern District of New York and questioned by the U.S. Attorney and the FBI, as well as myself.

And at the time, he was one defendant out of I believe what was seven or eight in a civil case brought about by three convicted drug dealers who were alleging that they were beaten at the time of their arrest, I believe in 1988, and the case was being handled by the U.S. Attorney's office in the Southern District.

He was, had prepared the case with the U.S. Attorney for two years. We first became aware that the FBI and the Eastern District was looking at any of this was, I believe it was the beginning of '93, January of '93, when he was informed by the U.S. Attorney handling his case that she could no longer represent him because of a possible conflict of interest.

She said that, when queried by him, she said she couldn't divulge anything further because it was an ethical question.

So I—through the records of DEA made attempts to find out what was going on, and it became apparent that Frank Garrido, Detective Garrido might be the subject of an investigation.

Mr. MARCONE. Related to Occhipinti?

Mr. LEMER. Related to, related to what we had been doing and what we had probably, I don't know for sure, what we had been doing as it related to the FBI investigation.

What happened then was that the Department of Justice authorized private counsel for Detective Garrido. However, what happened was, obviously, if you're the only defendant in one of these cases, sitting by yourself with private counsel and everybody else has got the U.S. Attorney, one would look around and say, there might be a problem.

Mr. MARCONE. Right.

Mr. LEMER. So ultimately, the case was decided in about 48 minutes, I think, because the people making the lawsuit, the convicted drug dealers apparently had—the injuries that they claimed were proven to be from the high school. So there was no merit to that case.

Mr. MARCONE. Okay, but were there any law enforcement officers that ever came to you and told you that they were either intimidated or influenced not to investigate the Occhipinti case, any law enforcement officer that you are aware of?

Mr. LEMER. No, besides Frank Garrido and——

Mr. MARCONE. Was Detective Garrido, did he tell you that he was intimidated or someone told him not to, I'm talking about the Occhipinti case, do not investigate or push this case further or maybe you shouldn't investigate this case?

Mr. LEMER. Well, we both discussed what was going on, you know, in relationship to their situation and my being called down there, and we sat there and discussed it openly and we looked at it and said, obviously, you know, if we continue with this, nobody came out and said, nobody ever came out and said, don't investigate this. The FBI didn't say it to me. The U.S. Attorney for the Eastern District who was handling it, the assistant didn't say it to me.

However, I mean, we're not dumb either, and, you know, when you see there's passive intimidation such that if you hit your head against the wall long enough, maybe, you know, you stop going in that direction.

So we looked at it and said, if we want to be on the hot seat, we'll continue to push this issue, and if we don't——

Mr. MARCONE. When you say on the hot seat, what do you mean by that?

Mr. LEMER. Well, to be scrutinized, to be called down to the U.S. Attorney's office.

Mr. MARCONE. And when you're called down there, they actually ask you questions about Occhipinti or was it?

Mr. LEMER. They asked questions about Occhipinti, they asked questions about——

Mr. MARCONE. They did ask questions about Occhipinti?

Mr. LEMER. Yes, yes.

Mr. MARCONE. And Molinari?

Mr. LEMER. And Molinari.

Mr. MARCONE. What kind of questions did they ask you?

Mr. KWALASSER. One second.

Detective Lemer, was any of this information ever put before a grand jury?

Mr. LEMER. No, it was not. As far as I know.

Mr. KWALASSER. Mr. Marcone, I'm just making sure that there's no other violations.

Mr. LEMER. As far as I know, it was never put into the grand jury, but we were asked whether or not we knew Mr. Molinari, whether or not—well, I can only attest to what I was questioned about—whether or not I knew Joe Occhipinti.

Mr. MARCONE. And this was in when, in 1992?

Mr. LEMER. Early 1993.

Mr. MARCONE. After the FBI completed its report?

Mr. LEMER. Yes, yes.

Mr. MARCONE. Okay, so this was in early 1993, and they're asking you if you knew Joseph Occhipinti?

Mr. LEMER. They asked me if I knew Joseph Occhipinti, they asked me if I knew Guy Molinari, and originally we went down there, I went down there voluntarily, and they didn't subpoena me or anything.

I thought, my big thing was, plus the agent who was investigating the case, Steve Jarrett, was the same agent who was assigned to the original investigation back in July or June of '92.

Mr. MARCONE. Getting back to Jarrett, we understand the FBI began investigating the Occhipinti case in July of '92 to determine whether or not Mr. Occhipinti's allegations had any validity.

You went to the FBI, or did they come to you?

Mr. LEMER. They wouldn't have found me. I went to them.

Mr. MARCONE. Okay. And were you interviewed by Special Agent Jarrett during that investigation?

Mr. LEMER. No, he was not present.

It wasn't an interview actually. At that time, myself and the——

Mr. MARCONE. What time frame is this?

Mr. LEMER. This is in August.

Mr. MARCONE. Of '92?

Mr. LEMER. Of '92.

Mr. MARCONE. Okay.

Mr. LEMER. When I found out that the FBI had been tasked with this investigation, I went to the Special Agent in charge of DEA at the time, Mr. Bryden, who was familiar with what I was doing there because he authorized my reassignment to the task force on a temporary basis to investigate this.

I spoke to him and asked him to call his counterpart in the FBI and see if, you know, we could have a meeting because I did not want to interfere with their investigation and at the same time, I didn't want them interfering with my investigation.

Well, subsequently, we were given, I received a call from Bob Knapp who is the agent in charge of the investigation and we set up a meeting. It was a meeting, it wasn't an interview, it was a meeting where I went there with my boss, and Jarrett wasn't present that day.

And he and I discussed what we were doing and at that time was when he mentioned to me about this informant having failed the polygraph.

So I went to them in an open manner to say, listen, I'm looking at these people for drugs, for narcotic and money laundering violations.

Mr. MARCONE. Okay. When you initially went to the FBI then, Jarrett was not there?

Mr. LEMER. No. He was assigned to the case because he——

Mr. MARCONE. Who did you meet with?

Mr. LEMER. I met with Bob Knapp, Robert Knapp who was the agent in charge of the case.

Mr. MARCONE. Okay. And how did he react to the information? You gave him obviously information you had about Occhipinti?

Mr. LEMER. Right.

Mr. MARCONE. What was his initial reaction?

Mr. LEMER. He was very open-minded. He looked at it, and he said—I explained to him as I explained to you earlier about the grocery stores and how I've known that they conduct illegal activities for years because of the economic situation, and he said he wasn't from New York but, you know, he could understand it, et cetera. He was very open.

He said, as a matter of fact, he asked me, he said do you want the transcripts of the trial. He says you can take a look at them, and maybe that can help you. I said, and to this date, I've never seen the transcripts of the trial nor do I even know who exactly testified in that trial, other than one or two people that I've learned about subsequently, and one of them in particular related to this memo that this DEA agent wrote.

And I want to state for the record, Robert Knapp was a gentleman and, you know, he was very open about everything, and——

Mr. MARCONE. He was unbiased.

Mr. LEMER. Unbiased.

Mr. MARCONE. You got the impression that he was simply collecting information?

Mr. LEMER. He was simply doing a case that he had been tasked to do and nothing more and nothing less.

Mr. MARCONE. Okay. Now under what circumstances did you speak with FBI Special Agent Jarrett?

Mr. LEMER. Shortly, I guess this was January, when I found out——

Mr. MARCONE. January of '93?

Mr. LEMER. '93.

Mr. MARCONE. And what were the circumstances that you ended up speaking with him?

Mr. LEMER. I called him to find out what exactly was going on with Detective Garrido and also to tell him that I thought we were doing a semi- a joint gentlemen's investigation. In other words, we were doing ours and he was doing his, but it was——

Mr. MARCONE. Were you aware in January of '93 that the FBI concluded its investigation of the Occhipinti matter?

Mr. LEMER. No, no.

Mr. MARCONE. So you were not aware that the investigation had been completed?

Mr. LEMER. I don't think so. I remember when I did find out, it was because in the press they stated about the report, that they wouldn't release the report. I don't know when that was exactly.

Mr. MARCONE. It was December of '92.

Mr. LEMER. All right, so I may have been aware of it.

Mr. MARCONE. Okay, now when you went with Jarrett?

Mr. LEMER. I called Jarrett. He asked me to go to the Eastern District.

Mr. MARCONE. Did you do that?

Mr. LEMER. Yes, I went down there basically voluntarily.

Mr. MARCONE. And who did you meet with?

Mr. LEMER. I met with Steve Jarrett and Valerie Caproni, the Assistant who at that time was handling the case.

Mr. MARCONE. Who is Ms. Caproni? Was she with the U.S. Attorney's office?

Mr. LEMER. She was with the U.S. Attorney's office in the Eastern District.

Mr. MARCONE. And at that meeting, did you discuss the Occhipinti case?

Mr. LEMER. Yes. We discussed, I gave them the background. Initially, I thought there was some sort of misunderstanding. I said, obviously there's got to be a misunderstanding because we're on the same side, at least I thought we were on the same side.

And at that, you know, and I started, I gave them a review of the case. In other words, I told them how we were formed.

They told me that they thought we were acting on our own and I explained to them, I said, no, you know, I said Mr. Bryden and we were put together by the Commissioner and we were sanctioned by the Commissioner, at the time. Lee Brown.

I said we don't just walk into the DEA and set up shop. I said this was, and this was a legitimate investigation into the events that occurred during the riots and them being narcotics-related.

Mr. MARCONE. At any time, did Special Agent Jarrett, at that meeting, pressure you in any way or try to intimidate you by threatening an IAD investigation to terminate your Occhipinti investigation?

Mr. LEMER. No.

Mr. MARCONE. Or intimidate you or press you not to press any further with the Occhipinti matter?

Mr. LEMER. As I said, he never, he nor did Valerie Caproni say anything that we should cease the investigation.

They did ask me if I was still conducting the investigation and at the time, we were in a lull because one of the main witnesses had gotten killed.

So I answered their questions and said——

Mr. MARCONE. One of your main witnesses in the—investigation?

Mr. LEMER. No, one of the targets of our original. I guess I'm not allowed to talk. about it. There was a reason——

Mr. MARCONE. But the murder of the witness was not related to the Occhipinti case?

Mr. KWALASSER. No. I think it was related to an on-going investigation.

Mr. MARCONE. So you were at a lull at that point.

Mr. LEMER. Yes, I explained to him I was at a lull.

Mr. MARCONE. And did you explain, did you tell them, when they asked you, did they ask you directly, are you still investigating the Occhipinti case?

Mr. LEMER. No. They asked me if I was still investigating the Seacrest case.

Mr. MARCONE. Okay, but at any point, did either Jarrett or Caproni ever mention Occhipinti at that meeting in January?

Mr. LEMER. Yes. They asked me, I think they asked me if I knew Occhipinti. As a matter of fact, they made some comments about Occhipinti during, just at the end of the interview.

Mr. MARCONE. What kind of comments did they make about Occhipinti?

Mr. LEMER. Very derogatory comments.

At one point, towards the end, my attorney, my SBA, Sergeant's Benevolent Association Union Attorney, who was present with me, George Cerrone, I was giving them a background basically as I said to you, and I said to Bob Knapp at the time, I said, you know, have you been up to the Heights, have

you ever been up there to look around, and about the economic situation.

So my lawyer turned and said, well, I guess you can see, plus I've worked in the Washington Heights area since 1982 on patrol, and in narcotics as well. And I went back there as a sergeant when I got promoted in June of 1992 and then was reassigned after that back to the DEA to do this investigation.

But, so my lawyer turned to them and said, well, I guess you can see, Sgt. Lemer is very well versed in the narcotics goings on up in the Washington Heights area, and then Jarrett turned around and said, no, he's not. Our number one expert is Occhipinti.

So then she turned around and said, well, the number one expert that hasn't been indicted, you know, so to me, I took offense at that.

We were there as professionals, number one. Number two, I was there voluntarily.

Mr. MARCONE. Did you construe that statement by Caproni as trying to intimidate you not to, to lay off the Occhipinti investigation?

Did the impression that you get was that if you continue to press, that these two would not be cooperative and that they would cause problems for you?

Mr. LEMER. Oh, definitely, definitely.

Mr. MARCONE. That was the impression that you got personally?

Mr. LEMER. Definitely. My personal impression was that they were going to make my life as miserable as possible if I kept pushing with this issue.

And, you know, and the idea was that having, you know, they, from the questions that they gave me, it became apparent to me that they thought that I had something to do with Mr. Molinari or that I was doing his—they had a copy of the original report in their hand.

Mr. MARCONE. The 1992 report?

Mr. LEMER. July 10th, 1992, in which Detective Garrido had delineated all those allegations. They had a copy that was unsigned and they kept asking questions about it, and I gave them the explanation.

So the fact that they had an unsigned copy meant, you know, I realized that they had gotten that from the Southern District because the only person I knew who had that unsigned copy or was given an unsigned copy was Otto Obbermeier, who was the U.S. Attorney for the district, and he was given a copy of it by Bob Bryden who was the SAC, you know, so he could see what was going on.

Mr. MARCONE. Did Special Agent Jarrett, either at that meeting or any other meetings you might have had with him or conversations that you had with him, make any derogatory statements about either Mr. Occhipinti or Mr. Molinari?

Mr. LEMER. He didn't make any derogatory about Mr. Molinari. Occhipinti, as I said, it became evident to me, I'm trying to think if I recall any other statements. That was the first meeting.

I had a second meeting and some things came up again. Caproni was saying something about how, you know, Occhipinti was a liar and how she had such disgust for—she even mentioned some cops who would knock down doors illegally, etcetera, etcetera, which I found, number one, quite unprofessional, and number two, I was taken aback, because I said, I was there to explain. I thought there was a perfect explanation, and once they realized that this was——

Apparently, they thought that this was something that was not sanctioned and that we had been formed to get Joe Occhipinti out of jail at the time, or to create some sort of evidence that would show that Occhipinti was in fact framed.

And I explained it to them that that was not the case. But they didn't want to hear it.

Let me put it to you this way. Probably the most succinct way that I can do it, and that is as an investigator, having done many hundreds of investigations, I know that when I and other prosecutors, you gather facts, okay. You gather facts and the idea being that sometimes the facts are going to be good for your case and sometimes they're going to be bad for your case.

It became evident to me that what they were doing in this thing was that they had a predetermined theory or let's say a puzzle all right, that they were filling in, and whatever I said to them that didn't fit their puzzle, they just disregarded.

In other words, when I was giving them all this information, I could look—they could care less, they weren't even taking notes half the time.

Mr. MARCONE. When you mentioned things that could be construed as exculpatory for Occhipinti, they did not take notes?

Mr. LEMER. Well, exculpatory for us, for me, in the sense of that validated our investigation and therefore whatever we had come up with. It became evident that they didn't want to hear whatever facts, and there were facts.

As a matter of fact, at one point, I had mentioned to them that there was some evidence about—I looked at that July 10th report on the whole. As I said, there were many allegations about many different people and companies that were involved in illegal activity.

And as I said, if nine out of ten allegations are fact-founded, one would surmise that the tenth is also founded, okay.

However, when I told them about one particular case, a part of that report, where an allegation I found to be totally correct, and it had been substantiated by the fact that DEA in Bogota had executed search warrants on Columbian money launderers and come up with hard evidence, paper work that related back to this company, I explained that to them.

They looked at me like I might as well have been talking to the wall. And I said to them, I said, geez, they continued as if this hadn't been documented. Apparently, they couldn't find the file. They asked me if there was a file on this case. I said there was.

And they told me they couldn't find it. And I said, why didn't you just ask me? I had no problem showing it to them.

As a matter of fact, after the second meeting, I made arrangements with Steve Jarrett and did show him the file with the IAB lieutenant as well as showed him in the computer system where the date of the entries, so that he would know that the date of the entries were back in September of '92, because I said to him that I didn't want him to think that I back-dated any kind of report, all right.

So it became evident to me that, I thought when I gave them this concrete evidence, that they would say, my question was, you're the FBI, there's a case here that begs to be——

Mr. MARCONE. When you say concrete evidence, concrete evidence of what?

Mr. LEMER. That this particular company was involved in money laundering due to the fact that this information had come out of Bogota, Colombia.

Mr. MARCONE. You did not give them any concrete evidence relative to Occhipinti?

Mr. LEMER. No, no.

Mr. MARCONE. What you had on Occhipinti was basically hearsay?

Mr. LEMER. Correct.

Mr. MARCONE. But the hearsay could have been enough—in other words, let's say you're conducting an investigation.

Let me ask you a hypothetical.

What if you superior said, I want you to go in an investigate whether or not there was a conspiracy to indict Occhipinti.

You start investigating and you come back and say, well, I have four or five witnesses who have hearsay evidence, but would that be enough for you to investigate further, or would they say, shut it down, you don't have enough?

Mr. LEMER. Well, if you have four or five witnesses who independently are telling you that something's going on, one would continue. I mean, you'd be remiss if you walked away.

Mr. MARCONE. All right. A question here about the U.S. Attorney's office.

Mr. LEMER. Well, if I could just mention one thing?

Mr. MARCONE. Okay, good.

Mr. LEMER. I asked, regarding this particular company that was the subject of a big party of it, I wondered, why the FBI wasn't investigating it. It seemed like to me it was tailor made for an FBI investigation.

Mr. KWALASSER. I think we're touching on something that we probably should not really go into.

Mr. MARCONE. Is that because of the ongoing investigation of Seacrest?

Mr. LEMER. Well, this is something about, you know, I guess you could say that, that either relates to why they aren't looking at it. Why is that Capronia and Jarrett never looked at that company?

Mr. MARCONE. Right.

Mr. LEMER. I asked that question, I mean——

Mr. MARCONE. What did they say?

Mr. LEMER. No, I ask that question. I never asked them.

I got a call from an FBI agent regarding Seacrest who told me it was the best case he ever saw cross his desk, asking if he could see my file.

I got permission from DEA to show it to him. The next thing you know, he never called me again. He disappeared off the face of the earth.

Mr. MARCONE. For the record, I'm aware of the fact that there is an on-going investigation of Seacrest, I'm also aware of the fact that there have been several investigations at several levels that we terminated, and my purpose here today is not Seacrest. I may be in the future, but I'm here on Occhipinti and I'd like to focus in on that.

I understand what you're saying about Seacrest.

Were you, subsequent to your January '93 meeting with Special Agent Jarrett and Attorney Caproni, since that time, have you ever had any discussions or meetings with anyone from the U.S. Attorney's office, either of the Southern District or the Eastern District, regarding Occhipinti?

Mr. LEMER. I believe, I have it written down too, later on in '93, I was called and asked to go back down to the Eastern District.

Mr. MARCONE. Who called you?

Mr. LEMER. Steve Jarrett called me, the agent.

Mr. MARCONE. And this was regarding Occhipinti?

Mr. LEMER. Regarding the whole situation, and there was a new U.S. Attorney assigned to the case. Faith Gaye was her name.

And let me see, I have——

Mr. MARCONE. Did you actually go down to the Eastern District and meet with them?

Mr. LEMER. Yes, I went down there and met with Faith Gaye and Steve Jarrett again.

Mr. MARCONE. What was the nature of the—what was discussed at the meeting relative to Occhipinti?

Mr. LEMER. Well, they wanted to know, one of the things that came up was, Jarrett had said that, asked me if I had, you know, since I had spoken to him last, if I had met with or met either Molinari or Occhipinti.

So my answer to that was that, yes, I had.

And so then they asked me—okay, hold on a second——

(Pause.) I'm looking at some notes. My date was wrong on the first meeting. It's actually March 3rd of '93 that I met with Caproni and Jarrett for the first time.

Mr. MARCONE. Okay. So this is a good three months after they had issued their final report?

Mr. LEMER. Right.

Mr. MARCONE. When did this second meeting take place?

Mr. LEMER. August 23rd.

Mr. MARCONE. Of '93?

Mr. LEMER. Of '93—excuse me—'93, correct.

Mr. MARCONE. Of '93.

And at that point, they asked you questions about whether or not you had met with Molinari and Occhipinti?

Mr. LEMER. Right.

Mr. MARCONE. What else did they ask you?

Mr. LEMER. Well, they asked me whether I was still investigating the case or not. And I told them, no, that at that time that I——

Mr. MARCONE. Whether or not you were investigating the Occhipinti case?

Mr. LEMER. No, Seacrest.

Mr. MARCONE. Did they ever mention Occhipinti?

Mr. LEMER. No, no. They never actually came out and said that they thought I was investigating Occhipinti.

Mr. MARCONE. At the August '93 meeting, did they mention Occhipinti at all?

Mr. LEMER. Yes. They asked me, they asked me if I met with them, and I said that I met him at a foundation, Michael Buczek Foundation dinner, which was in early May. When I told them, then Jarrett said, oh, you mean the Joseph Occhipinti legal defense fund?

And I said, no, I don't mean that. I said, I know exactly what I mean. I said I was introduced to Joseph Occhipinti at the Michael Buczek Foundation dinner. He was there and so was Mrs. Molinari. I met both of them.

So then he says, well, the Joseph Occhipinti Fund Dinner was maybe like a week later. And I said, no, I was——

And he says, did you attend that?

I said, no, I didn't, you know, but everything was, you know, as if I was in bed with Joe Occhipinti, you know, and——

Mr. MARCONE. In terms of when the conversation turned to the Occhipinti matter, did you feel that they were, that Jarrett was being coercive or intimidating to you relative to that particular matter?

Mr. LEMER. Yes, oh, yes.

He was——

Mr. MARCONE. Was he hostile?

Mr. LEMER. Not really. He's not that type. He was just, you know, he wasn't hostile, you know, he just asked me—the way he put it, making comments. You made a comment at the first meeting about the riots when I had said that I was assigned to investigate the thing about the riots, he says, oh, he was trying to pinpoint the date, he said, oh, was that the day the Lieutenant threw the guy off the roof?

And I looked at him and said, what are you talking about? I said it was, you know, as a matter of fact, you know, it was made clear that that wasn't the case in that particular instance, and as a matter of fact, the FBI was the one they rappelled off the roof because Bob Knapp told me that when I first met him. I mean, Bob Knapp was a gentleman.

You know, so when he made that comment to me, it became obvious that they were being hostile. That was when we sat down. So I said, obviously, you know, this is not a meeting of fellow professionals, that's for sure.

Mr. MARCONE. What else did they ask you at the August 1993 meeting about Occhipinti, other than whether or not you had met with Occhipinti and Molinari, did they ask you any other questions?

Did they ask you if you were still investigating the Occhipinti case?

Mr. LEMER. They asked me if my group, if I still had my group, and I told them no, that my group had been disbanded.

So they said you're doing regular work now?

I said, yes, I'm assigned to the DEA task force in a regular group doing regular narcotics cases.

Mr. MARCONE. Okay. Did they say anything further about the Occhipinti case at that meeting?

Mr. LEMER. About the Occhipinti case?

Mr. MARCONE. Yes.

Mr. LEMER. They just went over some things about how my group was formed and all that, and then they asked me, I said to them that, you know, Lee Brown had sanctioned it, that then Commissioner Ray Kelly was the first Deputy at that time, and then the U.S. Attorney said well, I should put you all in the Grand Jury.

And I said, whatever, that's your prerogative, whatever you wish.

I was trying to explain to them that this was, you know, that we were doing a legitimate investigation and we weren't there, we were not there to investigate Joseph Occhipinti as to whether or not he was clean or not. That was not our function, and that's not what we did.

You know, if something had come up, and I told him that, if something had come up that showed any kind of exculpatory type of factual evidence, we would have, you know, done something or we would have passed it along, but that was not our objective, and it definitely wasn't our mission.

Mr. MARCONE. I only have two more questions. This question has to do with the Federation of Dominican Businessmen and Industrialists.

In the course of your work with the task force, have you ever come across credible evidence that key members of the Federation—and by key members, I would mean Board members—were involved in drug distribution and money laundering?

Mr. LEMER. In December of '92, I interviewed a defendant, okay, who was cooperating who was a past president of the Federation of Dominican Businessmen and Industrialists.

At that time, he was out on the street wearing an ankle bracelet and he was going to become a witness for the prosecution in a major drug case.

At that time, I asked him about Seacrest Trading. I asked him about the Federation and what they did, et cetera. He had said that he was a past president, that he wasn't involved any longer, et cetera.

I never specifically asked him about the Federation. I did basically ask him whether or not they were legitimate, okay. And he said that he wasn't involved with them any longer, that he'd had some sort of a falling out—well, it seemed to point, substantiated that one of the original companies that I was investigating in the original report was in fact loan sharking. And he explained to me precisely how they went about it.

And at that point, I couldn't speak to him any longer because he hadn't signed a cooperation agreement and the U.S. Attorney said she didn't want to get into a position where he would later on not sign the agreement but yet go to the judge and say, I did this and I did this.

So we held off and two weeks later, he was shot and killed in front of his office.

Mr. MARCONE. Okay. Are you saying that, yes, you did have evidence, credible evidence that members of the Federation were involved in——

Mr. LEMER. Well, no, I didn't. He never came out specifically and said it, but I was going to leave that for another time and there was no other time.

Mr. MARCONE. Did you ever indict—were indictments ever handed down against any Federation members?

Mr. LEMER. No, there weren't.

Mr. MARCONE. Did you ever come across any evidence that any of the complainants in the Occhipinti case were engaged in illegal activity?

I'll give you one specific name and maybe make it easier.

Did you ever come across any credible evidence, or are you aware of any indictments that were made against one Jose Liberato?

Mr. LEMER. No. No, there were none.

Mr. MARCONE. Never indicted?

Mr. LEMER. No, he was never indicted. A close family member was for narcotics and I believe it was narcotics. I don't think it was money laundering. It was definitely narcotics. His brother was and his other brother apparently was arrested for gambling.

Mr. MARCONE. Have you ever spoken to any law enforcement officials at any level that believed or told you that they had evidence that there was in fact a conspiracy by the Dominican drug cartel to frame Mr. Occhipinti?

Mr. LEMER. I spoke to one DEA agent who provided me verbally with information that in 1991, he became aware that the Southern District of New York, while conducting their grand jury investigation, had a witness testify, who had in fact perjured himself, and to that end, he notified them having been at a particular incident, he was in prison when it was alleged that Occhipinti had searched both the person's store, this guy Richard Knipping, or Nipping, Richard's store and his home.

And the DEA agent said when he——

Mr. MARCONE. Was the DEA agent's name John Dowd?

Mr. LEMER. Yes.

Mr. MARCONE. Okay.

Mr. LEMER. Yes. When he was present at the Southern District and he read the indictment, this post-indictment, he saw these two counts which related to this particular date and these particular events, he told the two investigators that that did not in fact occur.

And they apparently said to him that, how did he know, he wasn't there.

He then informed them that he was in fact there along with an IRS agent as well, and that not only had they received permission to search the individual's store and that they hadn't searched the individual's apartment because he had invited them to get his

passport and at no time had they searched his apartment.

Their answer to him was, well, are you sure you were there.

He said did something happen in the elevator, and the agent, John Dowd, said, yes, there was some powder on the floor, soap powder, and I made the comment that, Geez, look at the building you live in, there's even stuff on the floor. And they all chuckled about it.

And then they responded, oh, you were there, in total amazement, and so he said, yes. He said, and none of this is true.

Mr. MARCONE. As far as you know, were the charges against Mr. Knipping dropped, the charges that that particular part of the indictment, was that subsequently dropped?

Mr. LEMER. Those two counts of the indictment were dropped and John Dowd to this date, asked me, he said, if they were dropped, number one, why wasn't he charged with perjury? It's obvious he lied to the grand jury.

And number two, was anybody informed about this? Dowd kept saying he expected somebody to call him because he had gone on a couple of these things with them and he realized that if this one individual had perjured himself, and nobody had bothered to check, you know, as a matter of fact, John Dowd mentioned to me that he had said to the two investigators, why don't you check with the people who are present at these things.

And they said, their answer to him was something to the effect well, you know the blue wall of silence we get. We can't count on that.

Mr. MARCONE. How long have you been a law enforcement officer?

Mr. LEMER. Twelve and a half years.

Mr. MARCONE. Prior to Mr. Occhipinti's indictment, were you ever aware of an instance where a law enforcement officer was indicted and tried on charges related to illegal search and seizure?

Mr. LEMER. No. As a matter of fact, it's my understanding that this is the first law enforcement officer ever brought up on those charges.

Mr. KWALASSER. Let's qualify that to remain that it's Sgt. Lemer's knowledge, not——

Mr. LEMER. Right.

Mr. MARCONE. Okay, that should be recorded.

In your experience, how normally is a charge of illegal search handled?

Is it handled administratively, and within the New York City Police Department, how would they, if they had evidence that an officer had illegally obtained information in a search, how is that normally handled, in your experience?

Mr. KWALASSER. Well, I don't think Sgt. Lemer's in a position to answer that.

Mr. MARCONE. Well, I'll withdraw that.

I have a question about this—have you been contacted by a superior or any official who told you not to cooperate with this particular Congressional investigation?

Mr. LEMER. No.

Mr. MARCONE. No. Okay.

The only other question I have is have you ever been involved in an instance where you worked closely with the U.S. Attorney's office on an indictment of an individual?

Mr. LEMER. Yes. In the course of my normal business, I normally either work closely with a U.S. Attorney, an Assistant U.S. Attorney or a district attorney.

Mr. MARCONE. And is it your experience in investigations of illegal activity by an individual that it is standard practice, before an indictment is handed down, for the U.S. Attorney's office to interview all potential witnesses who may have actually witnessed an illegal act?

In other words, let me pose a hypothetical.

Let's say you're investigating someone for dealing drugs and this person has dealt drugs on 20 different occasions.

Would it be standard procedure for the U.S. Attorney's office, in your experience, for them to interview any witnesses that they are made aware of, prior to the indictment, that may have witnessed the individual performing the illegal act?

Mr. LEMER. Yes, that's standard procedure.

Mr. MARCONE. They would interview every witness that they were aware of?

Mr. KWALASSER. Now you're asking Sgt. Lemer in his own experience.

Mr. LEMER. I can only say that I would interview.

Mr. MARCONE. But you would consider that to be good law enforcement?

Mr. LEMER. Yes.

As an investigator, I would interview everybody that I felt had information.

Mr. MARCONE. And according to DEA Agent Dowd, that was not done in the Occhipinti case?

Mr. LEMER. No. According to John Dowd, as a matter of fact, he made mention of it to me specifically that he made mention of it to them, that that hadn't been done obviously in this case.

Mr. MARCONE. That law enforcement officers who accompanied Mr. Occhipinti on many of these searches in question, that were direct eye witnesses to the incident, were never interviewed by the U.S. Attorney's office?

Mr. LEMER. That is correct.

Mr. MARCONE. Okay. At this point, this is all the questions I have. Okay?

Mr. LEMER. Okay.

Mr. MARCONE. All right. I appreciate your time, and like I said, I will make a transcript of this entire interview, and I will send both you and Sgt. Kawlasser a draft of it, and ask you to make any corrections, and to look at it before we actually make it a final copy of the transcript.

Mr. LEMER. Okay, fine.

Mr. KWALASSER. Is this going to be edited into the record?

Mr. MARCONE. We don't know yet. Certainly we'd like to take a look at the transcript and I would say that there's a good chance that we might insert this into the Congressional Record.

Mr. LEMER. Mr. Marcone, I just want to make it clear that we were in fact not investigating Occhipinti.

Mr. MARCONE. Right.

Mr. LEMER. And so, and we never came up with any concrete information or evidence that he was in fact framed. Just that, you know, through different sources who now a lot of them are not available, and then all the other instances, as I've delineated them to you.

Mr. MARCONE. But from what I gather, from what you've told me today, that in the course of your investigation, which had nothing to do with the Occhipinti case, some of the people you spoke to voluntarily offered information concerning the Occhipinti case and the information they offered me was hearsay evidence, but nonetheless they voluntarily came forward with evidence and information that Occhipinti may have been the victim of a Dominican drug cartel conspiracy?

Is that correct?

Mr. LEMER. That is correct, yes.

Mr. MARCONE. Okay, that's all I have.

Thank you very much.

Mr. LEMER. Okay, Mr. Marcone.

(Whereupon, the interview with Mr. Lemer was concluded.)