

Freed Agent Vows to Seek Vindication

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Body

Joseph Occhipinti, the former Federal immigration **agent** who was released from prison on Friday by President Bush, yesterday began what he called the "second phase" of his campaign to win exoneration. He did so even as merchants and others in Washington Heights reacted with dismay and bitterness that Mr. Occhipinti, who had been convicted for violating the civil rights of neighborhood store owners by conducting illegal searches, was now **free**.

Mr. Occhipinti said that he planned to return to the streets of upper Manhattan to personally **seek** out the evidence he said would demonstrate that he had been framed.

"I was guilty of one crime," he said yesterday. "I had a naive belief in the war against the drug lords."

On Friday night, Mr. Occhipinti returned home to a hero's welcome at La Guardia Airport after he had served more than 7 months of a 37-month prison sentence. He said he was still stunned by his sudden freedom, gained mostly through the work of Guy V. Molinari, the Staten Island Borough President.

Mr. Molinari had lobbied the Justice Department to examine new evidence in the case. Three weeks ago, Deputy Attorney General George J. Terwilliger wrote a letter to Mr. Molinari, asserting that much of the evidence had been fabricated, but Mr. Terwilliger nonetheless recommended to Mr. Bush that Mr. Occhipinti receive clemency.

Some Are Outraged

But along the streets where Mr. Occhipinti, once a decorated **agent** for the Immigration and Naturalization Service, had once worked, there were expressions of outrage.

Jose Liberato, one of the merchants who filed the original complaint against Mr. Occhipinti, said that in commuting the sentence, Mr. Bush chose to disregard reams of evidence presented against the **agent**.

"Bush insulted the whole community," said Mr. Liberato, 45, who owns two bodegas in Washington Heights. "He threw the law into the garbage."

He added: "It is a plan to destroy the business people of the whole Hispanic community. The community is afraid Occhipinti will come back or someone just like him will come down."

Lying Is Alleged

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Mr. Occhipinti's argument has rested on one central point: that many of the store owners who testified that he had searched their stores without their consent were lying. Rather than ransacking their stores in wild searches, as prosecutors had said he did, Mr. Occhipinti insisted again yesterday that he had meticulously followed protocol.

Mr. Occhipinti, in a one-hour interview yesterday afternoon in Mr. Molinari's office, with his wife, Angela, at his side, said that he also planned to enlist the help of scores of residents of Washington Heights who he said had befriended him. Many, he said, had already called to volunteer their help in exposing the witnesses.

But while many law-enforcement agents and police officers described Mr. Occhipinti as a martyr who had tried to fight the growing power of drug dealers entrenched in Washington Heights, some in the community described him as an overzealous agent who bent the law and disregarded civil rights.

Juan Carlos Taveras, a dentist whose practice is at 550 West 172d Street, said that by freeing Mr. Occhipinti, Mr. Bush was sending a message that he did not believe Hispanic people who brought charges against law-enforcement officials.

"People are afraid to do anything," Dr. Taveras said.

But Mr. Occhipinti said it was the work of agents and officers that had been chilled. Hundreds, he said, had contacted him to say that they now shied away from making even simple excursions into suspected drug locations. His vindication, he said, would also help the community rid itself of drug dealers.

Mr. Occhipinto, 42 years old and a 22-year veteran of the Immigration and Naturalization Service, had received 81 commendations for his work and said he prided himself on his ability, through street contacts, to distinguish legitimate merchants from those involved in the drug trade.

At his trial, prosecutors produced 36 witnesses who testified that Mr. Occhipinti ransacked their businesses and searched their cash registers and safes and only after the fact asked them to sign consent forms.

He Describes His Methods

Mr. Occhipinti insisted yesterday that he had followed normal procedures. He said he almost always entered targeted stores accompanied by a uniformed police officer.

Most merchants did not have their green cards, he said, which he said gave him the right to search the property without their consent. But in any event, he said, he always asked the merchants to sign the consent forms before doing anything.

"I would say to them, 'Look, I know what's going on,' and I would ask them if they paid taxes or if they sold liquor without a license," he said.

He said they almost always admitted these violations, because they knew he was less interested in their crimes than in getting information from them on high-level dealers.

Then, he said, he would ask them to step behind their counters while he searched. In all, he said, he found 22 guns, and huge quantities of drugs.

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