

Congressional Closeup by Ronald Kokinda and Kathleen Klenetsky

Senate Judiciary to probe government abuses

The Senate passed Senate Resolution 514 by voice vote on Oct. 17, authorizing the Senate Judiciary Committee to conduct an investigation into improper investigative and prosecutorial practices by government agencies, and to make its report to the Senate before Sept. 1, 1987.

Senators William Armstrong (R-Colo.) and Daniel Patrick Moynihan (D-N.Y.), joining a group of Senators who are concerned over serious government abuse of power, led the effort on the Senate floor to get the resolution passed.

Armstrong raised the cases of constituents including a Mr. Kilpatrick. "What the court found in the Kilpatrick case was harassment, knowingly indicting Kilpatrick for offenses which did not constitute crimes, subverting the grand jury process, abusing the rights not only of Mr. Kilpatrick but of witnesses before the grand jury, abuse of pocket immunity, a general attitude of improper and unethical behavior, and a cavalier disregard for the rights of people who had business before the court," Armstrong said. The judge found for Kilpatrick but only after he spent \$6 million in his defense and had his business ruined.

Armstrong said that what he has learned about different cases now has him concerned about the "independence of the grand jury system." One trial lawyer told him that "he had often heard prosecutors make statements such as the following about grand juries: 'I could get a grand jury to indict a ham sandwich,'" he said. Armstrong said that an attempt by himself and Senator Grassley (R-Iowa) to hold

hearings on abuses in the Senate Finance Committee met a stonewall from Justice witnesses which "convinced me that there was more wrong than what I knew. . . ."

He hoped that the Attorney General would read the transcript of his remarks and that Justice would approach the Judiciary Committee "in a different spirit" than they approached the Finance Committee.

The sabotage of this investigation and the cover-up of federal law-enforcement abuse has already demonstrated its strength. Sen. John Danforth (R-Mo.) attacked Senator DeConcini's (D-Ariz.) original resolution which specifically mandated a look at "allegations" of government abuse, as being "more or less an indictment" of these federal agencies. Danforth wrote the final resolution which changed the direction of the investigation to one of looking at "procedures for protecting citizens" against abuse.

It is up to the Judiciary Committee as to how they will organize themselves to conduct the investigation. This process will not begin before the elections, which will determine control of the Senate and the Committee, and may not begin until after the swearing in of the new congress in January.

Congress passes new immigration law

Dealing with a matter that most had considered a dead issue in the 99th Congress, the House, by a vote of 238 to 173 on Oct. 15, and the Senate, by a vote of 63 to 24 on Oct. 17, passed

a sweeping reform of the nation's immigration laws.

The new laws seek to enlist average American citizens in an attempt to close U.S. borders by, for the first time, imposing severe penalties against any employer, from the largest corporation down to a housewife who hires a babysitter, who knowingly hires an individual who does not have citizenship or legal status in the United States

Employers would have to demand a U.S. passport, or a birth certificate or Social Security card in combination with a drivers license, state-issued ID card, or green card. Conviction of a hiring violation would bring the employer a \$250 to \$2,000 fine per individual for a first offense; \$2,000 to \$5,000 for the second offense; \$3,000 to \$10,000 for a third offense; and \$3,000 and six months in jail per individual hired for a "pattern" of such offenses.

Sen. Lloyd Bentsen (D-Tex.), who would close the borders, said that "the sooner we pass an immigration law, the sooner we will develop the integrity of our border." Another backer of the bill, Sen. Pete Wilson (R-Calif.), admitted, however, that the measures would probably "reduce illegal immigration at most by only 20 to 30%."

Employers could also be hit with anti-discrimination provisions, included to supposedly protect the millions of largely Hispanic citizens and legal residents who employers will likely be hesitant to hire for fear of the hiring penalties. A special office in the Justice Department is created to deal with these cases. Sen. Kennedy (D-Mass.) denounced the weakness of the anti-discrimination measures. "Whenever Congress enacts a mea-

sure with any potential for discrimination, the full potential is relentlessly realized and virulent discrimination results," he said.

Those individuals who arrived in the United States illegally before Jan. 1, 1982 could eventually achieve legal status and citizenship. Those who worked in agriculture for 90 days between May 1, 1985 and May 1, 1986, or for the last three years, could get permanent resident status. Penalties are added for use of forged documents.

Sen. Pete Domenici (R-N.M.) voted against the bill because he said it would "create an administrative nightmare" and be an "invitation to disaster." The chief architect of the bill, Sen. Alan Simpson (R-Wyo.) admitted that "there will be tremendous administration problems."

Throughout the immigration debate over the past six years, not one individual addressed the IMF-induced economic disasters in Mexico and Central America which have led to the large number of aliens arriving in the United States.

Senate liberals gut tougher anti-drug bill

Senate liberals led by retiring Sen. Charles McC. Mathias, Jr. (R-Md.) succeeded in stripping the drug bill of its tougher provisions before Congress overwhelmingly passed the legislation.

Mathias led a filibuster against the death penalty being included in the bill. An attempt to cut off the filibuster on Oct. 15, which needed 60 votes, failed 58 to 38. Mathias and others had

earlier succeeded in blocking a relaxation of judicial rules of evidence to allow into trials evidence that was obtained by law-enforcement officers "improperly, but in good faith."

On Oct. 17, the House passed the drug bill on a 378 to 16 vote, which was accompanied by a resolution in favor of the death penalty for drug-related crimes, but without the force of law. The Senate passed the bill by voice vote on the same day.

Rep. George Gekas (R-Pa.) complained that the bill without these provisions, especially the death penalty, would be "simply throwing money at the problems."

During the current year the Coast Guard, Customs Service, Drug Enforcement Agency, and others involved in drug law enforcement, will receive roughly \$500 million in additional funding. State and local law enforcement agencies will receive roughly \$690 million in grants over the next three years. Additionally there is money for prison construction, international drug control efforts, and domestic drug education programs. The bill is expected to cost about \$1.7 billion. Criminal penalties for most major drug offenses are also increased.

Gilman warns of Libyan role on Malta

"While respecting the sovereignty of Malta, we should do our utmost to ensure that the coming elections be free from fraud and return a government reflecting the will of a majority of the Maltese people," Rep. Benjamin Gilman (R-N.Y.) said in a piece

entitled "The United States-Malta relationship and Democracy in Malta: Menaced by Libyan Influence?" entered into the Oct. 17 *Congressional Record*.

Gilman warned that Malta has become a virtual Libyan client state which is not reflective of the will of the Maltese people, but attributable to "deficiencies in the democratic process." He pointed out that the pro-Western Nationalist Party won 51% of the vote in the 1981 elections, but the Socialists won a majority of parliamentary seats which was "widely attributed to gerrymandering and other irregularities." New elections are due this year or early 1987.

Among the spate of pro-Libyan actions taken by Malta, Gilman cited the following: The Maltese government said it warned Qaddafi "in advance of our raid on his terrorist facilities last April"; Maltese Prime Minister Carmelo Mifsud Bonnici's January pledge of support for Libya, allegedly given under the terms of a treaty of cooperation concluded in November 1984 which has led to Libyan supply of arms and training to Malta, and which binds the two countries to engage in "a continuous exchange of information on matters of special interest to the mutual security and defense purposes of the other side"; the recruiting of Libyan terrorists through the Maltese press, including a paid ad in the pro-government weekly *Weekend Chronicle*."

Gilman said: "It is time for the West to take a hard look at the situation on Malta before it is too late." He called on the nations of Western Europe to also "face up to their responsibilities because they are Malta's main economic partners."