

**Congress of the United States**  
**Washington, DC 20515**

December 19, 2007

The Honorable George W. Bush  
President of the United States of America  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC

Dear Mr. President:

We recognize that it is customary during the holiday season for the President to grant clemency in criminal cases. You recently announced 29 pardons and one commutation for individuals who were convicted of crimes ranging from possession of stolen mail to embezzlement to drug dealing.

We are writing today to ask you to issue two more commutations in the cases of Ignacio Ramos and Jose Compean. As you may be aware, we have filed a bipartisan resolution with this same request. Since its introduction, the list of cosponsors of H Con Res 267 has grown daily, and its supporters represent the entire political spectrum of this body.

However, we recognize that this resolution does not bind the executive branch, and the prerogative to issue commutations rests with the President, not with Congress. You have the power to free these men immediately, and we encourage you to do so, in order that they can be reunited with their families for Christmas.

We feel a brief summary is important to explain the rationale for our request.

Ignacio Ramos and Jose Compean were United States Border Patrol Agents who worked on the U.S. border with Mexico. On February 17, 2005, near Fabens, Texas, Agents Ramos and Compean, along with other Border Patrol Agents, were involved in the pursuit of Osvaldo Aldrete-Davila, a Mexican national they suspected of smuggling drugs.

After a high speed vehicle chase, Aldrete-Davila abandoned the van he was driving – which was later discovered to contain 743 pounds of marijuana, worth approximately \$1 million – on the U.S. side of the border and fled on foot towards the border with Mexico.

Ramos and Compean exited their vehicles and continued the pursuit on foot, with Compean attempting to intercept Aldrete-Davila while Ramos chased Aldrete-Davila directly.

During the course of the effort to apprehend Aldrete-Davila, both Ramos and Compean discharged their service weapons. Ramos testified later that he believed Aldrete-Davila had a gun in his hand, while Compean testified that he saw something “shiny” in Aldrete-Davila’s hand. But no weapon was recovered.

According to forensic evidence, Aldrete-Davila was struck by a bullet from the gun of Agent Ramos. However, both Agents later testified that they did not realize at the time that he had been hit, and Aldrete-Davila fled across the border into Mexico.

When the Department of Homeland Security learned of the incident – via a Border Patrol Agent who was a childhood friend of Aldrete-Davila’s – an investigation was launched in conjunction with the office of the U.S. Attorney for West Texas.

Ramos and Compean were arrested and charged with multiple crimes. Months after the original charges were obtained, the Government drastically increased the charges by securing a superseding indictment pursuant to 18 U.S.C. 924 (c), “discharge of a firearm in commission of a crime of violence,” which carries a mandatory 10-year minimum sentence.

The U.S. Attorney’s office based its prosecution primarily on the testimony of Aldrete-Davila, to whom it had given a broad grant of immunity – but who was arrested this November and charged with smuggling drugs subsequent to that grant of immunity.

During the trial, Ramos and Compean admitted that they did not fully adhere to Border Patrol policies with regard to reporting the incident, an error that usually would have led to a written reprimand, suspension, or dismissal.

But at the trial’s conclusion, Ramos and Compean were found guilty of several charges, including violating 18 U.S.C. 924 (c). With the 10-year mandatory minimum sentence for that violation, their total punishment amounted to 11 years and one day for Ramos and 12 years for Compean.

Mr. President, we feel that it is important to inform you of the average sentences for other crimes in federal courts, so that you can understand why the punishment received by Agents Ramos and Compean troubles us so deeply. According to the United States Sentencing Commission, in 2006 (the latest year for which data was available):

- In cases of sexual abuse, the average sentence was eight and one third years;
- For manslaughter, it was just less than four years;
- For assault, it just less than three years; and
- For cases involving firearms, the average sentence was three years.

Mr. President, in this light, it is clear that the sentences imposed on Agents Ramos and Compean are profoundly disproportionate based on the totality of the circumstances and sentencing guidelines. Their sentences were, quite simply, a gross miscarriage of justice.

Numerous observers have agreed that the penalty was unwarranted. Former Deputy Chief Luis Barker, who headed the Border Patrol office in the El Paso sector at the time of the incident, stated before the Senate that he agreed that their sentence was disproportionate. U.S. Attorney Johnny Sutton – whose office prosecuted Agents Ramos and Compean – said of their prison terms that “Some say it’s just too much time, and I have some sympathy for that.” **Even Aldrete-Davila told a reporter that he thought the penalties were excessive.**

Nevertheless, the request by Ramos and Compean to remain free on bail pending appeal was denied, and they have been incarcerated since January, 2007. Ramos has been assaulted in prison. Both are now in solitary confinement because of the danger they face due to their law enforcement background.

Mr. President, as of this writing, Ignacio Ramos will have served his punishment for all of the crimes for which he was found guilty – except for the charge imposing the mandatory minimum. Jose Compean will be halfway through his prison term – except for the charge carrying the mandatory minimum. These men have already lost their jobs and had their lives ruined, and their families have suffered terribly. No useful purpose is served by their continued incarceration.

Mr. President, we respectfully request that you correct this injustice. We ask that you immediately commute the sentences of Ramos and Compean to time served so that they can spend Christmas at home with their families.

Thank you, and we wish you a Merry Christmas.

  
Bill Delahunt

  
Dana Rohrabacher

  
Silvestre Reyes

  
Ted Poe