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September 21, 2006

The Honorable Alberto R. Gonzales
Attorney General of the United States
U. S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 4400
Washington, DC 20530-0001

Dear Mr. Attorney General:

I am writing today to ask you to personally intervene in the prosecution of U.S. Border Patrol Agents Compean and Ramos. This proceeding has garnered national attention calling into question the Administration's commitment to secure our borders and demoralizing the frontline men and women of the U.S. Border Patrol.

I have examined the statement by U.S. Attorney Johnny Sutton regarding the conviction of Border Patrol agents Compean and Ramos. It is disturbing to see that the limited resources available for investigation and prosecution were directed not at drug smugglers, but rather aimed at two veteran border patrol agents. These agents, who have risked their lives guarding our borders, did not follow the prescribed procedure concerning the discharge of their weapons. However, their lapse of compliance occurred during a tumultuous confrontation with an illegal immigrant, a criminal who was in the process of smuggling 743 pounds of illegal drugs into the United States. Subsequently, the agents did not fully report what had happened, which also violated standard operating procedures. Such violations certainly deserve a reprimand. Instead of a measured response, the U.S. Attorney has demanded the harshest possible punishment on two otherwise outstanding Border Patrol agents. There seems to be an uncompromising commitment to bring down these two border guards, while an illegal drug smuggler is being treated with great respect and elevated to the status of victim. If there ever was a classic example of distorted priorities, this it.

As to the specifics of the case: The two border agents intercepted a suspicious vehicle. The driver fled on foot, running toward the border. Officer Compean, armed with a shotgun, cut off the drug smuggler. A witness heard someone yell "hit him, hit him" and then Compean shouted for the fleeing criminal to stop. Officer Compean could have shot him at close range. Instead, he refrained from deadly force by using the butt of his shotgun. A struggle ensued with Officer Compean ending up on the ground with dirt in his eyes, rendering the Officer vulnerable and at risk. Officer Ramos, seeing his partner laying bloodied on the ground, only then shot at the assailant as he ran toward the border. The fleeing criminal was wounded in the buttocks as he raced away from the altercation. After the incident the officers did not report the discharging

of their weapons and failure to do so was a violation of standard operation procedures. Furthermore, they attempted to conceal this mistake, which dug them in even deeper.

Bad decisions or mistakes are never easy to acknowledge to superiors. The desire to cover up bad decisions is a human temptation and always makes an error even worse. Nevertheless, the Herculean prosecutorial effort and huge allocation of time and resources mobilized against Officers Compean and Ramos was not justified. Nor was the prosecution's demand for a sentence that could put these two officers in prison for twenty years. This action will destroy not only their careers, but the lives of two veteran patrol agents and their families. The statement made by U.S. Attorney Sutton is not persuasive enough to warrant the severity of the penalty being sought against Officers Compean and Ramos.

Did the two officers make a mistake? Yes. Did they violate procedures, not report those errors, and then obscure the facts? Yes. Does this case justify a severe reprimand, or perhaps a month long suspension? Yes. Does it justify the egregious legal retaliation demanded by the U.S. Attorney? NO!

Common sense should guide authorities in such matters.. Throw the book at criminals who threaten our families and society, not at public servants protecting us because they've made an error and not admitted it. Of course, had the fleeing drug dealer been an honest U.S. citizen peaceably surrendering to authorities, shooting him would then justify the severe punishment sought by the U.S. Attorney's Office. But that's not what happened!

The criminal was clearly not a benign individual who Border Patrol agents erroneously targeted. An honest citizen doesn't abandon his car, run for the border, and flee from a law enforcement officer. This was not an attack on an innocent victim. He was an illegal alien, a criminal involved in smuggling 743 pounds of illicit narcotics into our country that could have ended up in the hands of our children.

The border patrol agents are heroes, good guys who protect us. In this one case they did not follow the prescribed procedures when they discharged their weapons and then tried to conceal their error. So, let these two public servants who risk their lives to protect us, be properly disciplined, not destroyed.

The American people see this case as an illustration of the Administration's inexplicable support of illegal immigration. Please demonstrate this is not true by personally intervening in this case. The sentencing of Agents Compean and Ramos should be postponed so there can be a more thorough investigation of the facts and a more rational, balanced and just response from the U.S. Attorney's Office.

Sincerely



Dana Rohrabacher
Member of Congress

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