Congress of the United States
Washington, DC 20515

Honorable Michael Mukasey
U.S. Attorney General Nominee
1600 Pennsylvania Avenue
Washington, D.C. 20500

October 16, 2007

Dear Hon. Mukasey:

As you prepare for your Senate confirmation hearings, we would like you to consider and address our concerns related to Border Patrol Agents Ignacio Ramos and Jose Alonso Compean.

On October 19, 2006 Border Patrol agents Ramos and Compean were convicted and sentenced to eleven and twelve years in federal prison, respectively, for wounding a Mexican drug smuggler who brought 743 pounds of marijuana across the U.S. border. The two agents were prosecuted by Western District of Texas U.S. Attorney, Johnny Sutton and the illegal drug smuggler was granted immunity, provided free health care and given unconditional border crossing cards to testify against the agents. Both agents surrendered to federal authorities on January 17, 2007 and are currently serving out their sentences in solitary confinement.

The implications of this case are far reaching for the control and security of America's borders. Our Border Patrol Agents have a dangerous and difficult job, and the outcome of this case has led to agents second guessing themselves in the field. The safety of our agents and their ability to defend our borders has been materially damaged. Given the close personal relationships between Mr. Sutton, President Bush and former Attorney General Alberto Gonzales, numerous questions regarding the propriety of this prosecution remain unanswered by the Department of Justice. We are concerned that a pattern has developed by Mr. Sutton's office of prosecutorial overreach targeting law enforcement officers. We request that you conduct a fair and unbiased review of this case and take any action to rectify this injustice.

The current treatment of Agents Ramos and Compean by the Federal Bureau of Prisons is also of great concern. Both officers are being held in Special Housing Units (SHU) of medium security facilities and are confined to a single cell for 23 hours a day in conditions worse than those enjoyed by suspected terrorists in the Guantanamo Bay detention facility. Ignacio Ramos was placed in the SHU because he was assaulted in a different facility earlier this year and his assailants were never charged. While Ramos' status as a former law enforcement officer is problematic in prison, Bureau of Prisons guidelines state that administrative detention status is supposed to be "non-punitive," used for "short periods…not to exceed 90 days." Ramos has been in this unit for 10 months.

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The detrimental effects of long term solitary confinement have been well-documented and it is not only unacceptable, it is inexcusable in this case. Since Ramos himself poses no risk to others, we request that you immediately transfer Ramos from a medium security facility to a minimum security prison camp. This transfer can occur immediately with a directive from the Director of the Bureau of Prisons or the Attorney General.

As the nominee to be the next Attorney General, we urge you to investigate the case against these two agents who we believe acted in accordance with their duties to enforce the law, as well as, take action to rectify the mistreatment of Ignacio Ramos and move him to a minimum security facility. Thank you for your attention to this important matter and we look forward to working with you in the future.

Sincerely,

John Culberson
Member of Congress

Dana Rohrabacher
Member of Congress

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