

Testimony of

The Honorable Dana Rohrabacher

July 17, 2007

STATEMENT OF REPRESENTATIVE DANA ROHRABACHER (CA-46)
MEMBER OF THE U.S. CONGRESS
BEFORE THE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
CONCERNING "A HEARING TO EXAMINE THE PROSECUTION OF IGNACIO RAMOS AND JOSE COMPEAN"
7-17-07

First and foremost, I'd like to express my respect and appreciation for Sen. Feinstein's leadership in holding this hearing.

As we meet today, two veteran border patrol agents languish in their 180th day of solitary confinement. These men for five and ten years, respectively, put their lives at risk doing what is arguably one of America's toughest law enforcement jobs. Both are military veterans, both have unblemished work records. Officer Ramos, in fact, was nominated to be Border Patrol Agent of the year.

Then on Feb, 17, 2005 Officers Ramos and Compean interdicted a drug smuggler who had just penetrated our border with 743 pounds of narcotics. A high speed chase ensued followed by a physical altercation. Agent Compean ended up on the ground. The drug dealer ran toward the border, turning as he did and, according to the officers, appeared to have a shiny object in his hand. There is no reason to believe that object was not a gun.

Shots were fired and in the aftermath, the prescribed Border Patrol procedure was not followed. Ramos and Compean and their supervisors, not believing the drug dealer to be hit, decide to forego the hours of laborious paperwork that is required after shooting incidents. That procedural violation, which deserved a reprimand, was turned into a felony by the US Attorney's office.

Prosecutors in this country are given great discretion. Who will be granted immunity and who will be prosecuted is their call. In this case the U.S. Attorney's office decided to give immunity to a professional drug smuggler, accept his word that, even though he was in possession of a million dollars in drugs, that he was unarmed and then throw the book at the border patrol agents, turning into a felony what should have been addressed, at most, by a 5-day suspension for the violation of internal procedures.

It is totally disingenuous for anyone involved with prosecuting Ramos and Compean to suggest that they had no choice. The choice was prosecuting the drug smuggler for his heinous crimes or prosecuting the border patrol agents, which required turning reality on its head, turning our protectors into the bad guys, exaggerating the importance of not spending hours muddling through a shooting report when they thought no one had been hit.

The prosecutors end up vilifying the border patrol agents. Mr. Sutton, for example, has repeatedly referred to them as "corrupt" in broadcast interviews. He stood by as Congress was lied to with the claim that these two fine Americans of Mexican decent, supposedly claimed they wanted to go out and "shoot a Mexican" that day. This later was proven to be a bold faced lie. Who is being prosecuted for lying to Congress? This lie was in print on numerous occasions, why did Mr. Sutton let such a vicious lie stand? Why didn't he correct the record?

Then the most often repeated lie, Mr. Sutton has continuously described the incident as Ramos and Compean shooting an unarmed man in the back and lying about it. Was he an unarmed man? Whose word do you take? He was not just a man. He was a member of a drug cartel. He was not shot in the back, he was shot in the buttock and

the entry wound of the bullet was consistent with the agents' testimony, as well as that of the army surgeon who removed the bullet, that he was turned, possibly with something in his hand.

And finally, let us not forget the worst lie of all, the one to the jury, when the US Attorney's office permitted the prosecutor to describe the drug smuggler as a one time criminal trying to earn enough to pay for medicine for his sick mother. Mr. Sutton may use pejorative words to describe the drug smuggler now, but it was his prosecutors who insisted to the judge that the jury not be permitted to hear information about a second narcotics shipment in which the drug smuggler in question was clearly identified. Someone is getting railroaded here.

This committee may want to ask Mr. Sutton, about the dates on the free border crossing pass he gave to the drug smuggler and determine if the date on the pass coincides with the date of the second drug shipment. We can't get an answer out of him.

Mr. Sutton's office has stonewalled our investigation in the House on this issue. Even telling us to get a privacy waiver signed by the drug smuggler before they will release this information!

This committee may want to ask Mr. Sutton if all the facts remained the same, but instead Mr. Davila turned out to be a terrorist, with dirty bomb materials left behind in the van that day instead of marijuana, would agents Ramos and Compean be sitting in federal prison right now for violating a terrorist's civil rights or would they be heralded as the true heroes they really are?

In summary, the Ramos and Compean case is the worst miscarriage of justice I have witnessed in the 30 years I've been in Washington. The decision to give immunity to the drug dealer and throw the book at the border patrol agents was a prosecutorial travesty. The whole episode stinks to high heaven. Two of America's brave border patrol defenders have had their lives and the lives of their families destroyed by elitists, arrogant and overreaching prosecutors who believe protecting the civil rights of illegal alien criminals is worth destroying the lives of our law enforcement officers for procedural violations.

With that I appreciate at long last the opportunity to try to correct a horrific wrong that has been done to these and other brave law enforcement officers.