

110TH CONGRESS
1ST SESSION

H. CON. RES. 267

Calling on the President to commute the sentences of United States Border Patrol Agents Ignacio Ramos and Jose Compean to time served.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2007

Mr. DELAHUNT (for himself, Mr. REYES, Mr. ROHRABACHER, Mr. MEEKS of New York, Mr. JONES of North Carolina, Mr. CROWLEY, Mr. HILL, Mr. POE, Mr. MCGOVERN, Mr. CULBERSON, and Mr. PAYNE) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

Calling on the President to commute the sentences of United States Border Patrol Agents Ignacio Ramos and Jose Compean to time served.

Whereas United States Border Patrol Agents Ignacio Ramos and Jose Compean worked on the United States border with Mexico;

Whereas David Aguilar, the Chief of the Office of Border Patrol, testified before the Senate that “Border violence incidents are perpetrated against our agents on an all too frequent basis . . . from February 1, 2005, through June 30, 2007, there have been 1,982 incidents where Border Patrol Agents have been assaulted. These assaults include rockings, physical assaults, vehicular as-

saults as well as shootings and assaults with other weapons. . . . Border Patrol Agents have responded with the use of deadly force on 116 occasions, with 144 agents discharging their weapons during these 116 incidents.”;

Whereas this information would support the premise that Border Patrol Agents operate in a climate of tension, danger, and even fear for the safety of themselves and others;

Whereas 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;

Whereas after a high speed vehicle chase, Aldrete-Davila abandoned the van he was driving on the United States side of the border and fled on foot towards the border with Mexico;

Whereas Agents Ramos and Compean also exited their respective vehicles and continued the pursuit on foot, with Agent Compean attempting to intercept Aldrete-Davila while Agent Ramos chased Aldrete-Davila directly;

Whereas during the incident, both Agents Ramos and Compean discharged their weapons, and Agent Ramos testified later that he believed Aldrete-Davila had a gun in his hand, while Agent Compean testified that he saw something “shiny” in Aldrete-Davila’s hand, but no weapon was recovered;

Whereas according to forensic evidence, Aldrete-Davila was struck by a bullet from the gun of Agent Ramos, but both agents later testified that they did not realize at the time that he had been hit;

Whereas Aldrete-Davila fled across the border into Mexico;

Whereas the van driven by Aldrete-Davila was discovered by other Border Patrol agents to contain 743 pounds of marijuana, worth approximately \$1,000,000;

Whereas following an investigation by the Department of Homeland Security's Inspector General and the office of the United States Attorney for the Western District of Texas, Agents Ramos and Compean were arrested approximately a month after the incident;

Whereas serious questions have been raised about the manner in which the office of the United States Attorney, Johnny Sutton, prosecuted the agents, basing his cases largely on the testimony of Aldrete-Davila, testimony for which he was granted "limited use immunity" by United States Attorney Sutton's office;

Whereas Aldrete-Davila was not required to fully honor his immunity agreement and testify about his alleged involvement in drug trafficking after the events of February 17, 2005, and before the trial of Agents Ramos and Compean began;

Whereas Aldrete-Davila was arrested in the United States on November 15, 2007, and charged with conspiracy to possess marijuana between June 1, 2005, and November 30, 2005, and also charged with smuggling approximately 750 pounds of marijuana, worth over \$1,000,000, in October 2005, during the period he possessed "limited use immunity" for his testimony against Agents Ramos and Compean;

Whereas among other charges, Border Patrol Agents Ramos and Compean were charged by the United States Attorney's office under section 924(c) of title 18, United

States Code, “Discharge of a firearm in commission of a crime of violence”, which carries a 10-year mandatory minimum sentence;

Whereas Agents 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;

Whereas Agents Ramos and Compean were found guilty of violating section 924(c) of title 18, United States Code, and received the 10-year mandatory minimum sentence;

Whereas Agents Ramos and Compean were also convicted on other charges, so that their total sentences amounted to 11- and 12-year terms, respectively;

Whereas according to the United States Sentencing Commission, the average sentences in Federal cases of sexual abuse averaged 8 and one third years in 2006 (the latest year for which data was available);

Whereas according to the United States Sentencing Commission, sentences in Federal cases for manslaughter averaged just less than 4 years in 2006;

Whereas according to the United States Sentencing Commission, sentences in Federal cases of assault averaged just less than 3 years in 2006;

Whereas according to the United States Sentencing Commission, sentences in Federal cases involving firearms charges averaged 3 years in 2006;

Whereas the sentences imposed on Agents Ramos and Compean are profoundly disproportionate based on the totality of the circumstances and sentencing guidelines;

Whereas these disproportionate sentences constitute a miscarriage of justice;

Whereas 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 the penalty received by Agents Ramos and Compean was disproportionate;

Whereas United States Attorney Sutton, referring to the sentences received by Agents Ramos and Compean, said “Some say it’s just too much time, and I have some sympathy for that.”;

Whereas Aldrete-Davila was reported in a press account to have stated that he thought the sentences were excessive;

Whereas Agents Ramos’s and Compean’s motions to remain free on bond while they appeal their sentences were denied;

Whereas Agents Ramos and Compean have been imprisoned since January 17, 2007, awaiting appeal; and

Whereas Agent Ramos has been assaulted by other inmates in prison, and both men are at risk in prison given their law enforcement background: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
 2 *concurring)*, That Congress calls on the President to im-
 3 mediately commute the sentences of Agents Ramos and
 4 Compean to time served.

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