

Agents broke law, White House says

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President Bush's spokesman yesterday said the case of two U.S. Border Patrol agents who are seeking a pardon for having shot a fleeing suspected drug dealer has been mischaracterized and the agents violated regulations.

White House press secretary Tony Snow said there has been "a characterization that somehow the government is turning a blind eye toward the law in enforcing the law," but said the facts of the case show the two agents broke the law.

Agents Ignacio Ramos, 37, and Jose Alonso Compean, 28, were sentenced in October in federal court in El Paso, Texas, to 11 and 12 years, respectively, for causing serious bodily injury, assault with a deadly weapon, discharge of a firearm in relation to a crime of violence and a civil rights violation.

Border Patrol advocates say the punishment is too harsh, particularly compared with more lenient penalties for more serious offenses by other immigration authorities. Some Republicans in Congress want Mr. Bush to pardon the agents or, short of that, allow the men to remain free while an appeal is pending.

"We're going to find out whose side you're on ... the American people or the side of our enemies," Rep. Dana Rohrabacher, California Republican, said of Mr. Bush in a press conference this week. "If you let these two men go to jail for defending us, then we'll know you're on the side of our enemies."

The government brought the charges after Osbaldo Aldrete-Davila, a Mexican national, agreed to testify against the agents in exchange for a grant of immunity in a potential drug case. Ramos and Compean found 743 pounds of marijuana in a van Mr. Aldrete-Davila abandoned near Fabens, Texas, near the U.S.-Mexico border.

Mr. Aldrete-Davila was shot after he ignored efforts by the agents to stop the van. Court records show he jumped from the vehicle and ran south to the Rio Grande. Although wounded, Mr. Aldrete-Davila crossed the border and escaped in a waiting van.

Mr. Snow would not comment on a pardon yesterday when asked about the case, but said the government is not coddling a drug dealer.

"We think it's incumbent to go after drug dealers, and we also think that it's vitally important to make sure that we provide border security so our people are secure," he said. "We also believe that the people who are working to secure that border themselves obey the law."

The spokesman said the agents picked up their shell casings after the shooting and didn't make the proper report -- both violations of regulations.

"Now, at the time this happened, they did not know if he was an illegal. They did not know that there were 700 pounds of marijuana. They didn't know any of those things," Mr. Snow said.

In a statement released as the case proceeded, U.S. Attorney Johnny Sutton said he prosecuted the agents "because they had fired their weapons at a man who had attempted to surrender by holding his open hands in the air, at which time Agent Compean attempted to hit the man with the butt of Compean's shotgun, causing the man to run in fear of what the agents would do to him next."

He said both agents saw the man was not armed.

• *Jerry Seper contributed to this article.*