Open Letter To President Bush

by Phyllis Schlafly April 4, 2007

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To: President George W. Bush, The White House, Washington, DC 20500, Dear Mr. President:

I am glad to see that you fired some U.S. Attorneys. But you missed one: U.S. Attorney Johnny Sutton, who prosecuted Border Guards Ignacio Ramos and Jose Compean instead of a professional drug smuggler, and who prosecuted Texas Deputy Sheriff Gilmer Hernandez instead of a professional people smuggler.

Yes, you have the presidential prerogative to hire and fire U.S. Attorneys for any reason or for no reason. Any prosecutor has large discretion in whether to bring a case to trial or not, and the public has the right to know why he made that decision.

So much has come out since the Ramos and Compean trial which proves that the decision to criminally prosecute them was a gross miscarriage of justice. Their alleged violation, if true, deserved, at most, an administrative reprimand.

Ramos and Compean did not get a fair trial, and that's a terrible blot on your administration. It's hard to say which was more shocking: the withholding of exculpatory evidence or giving a professional drug smuggler immunity and other

goodies to be the star witness against them and withholding evidence that would have discredited his credibility.

Keeping Ramos and Compean in solitary confinement instead of letting them go home pending their appeal shows a maliciousness that is unworthy of your administration.

Is it really the policy of your administration that our Border Guards are not permitted to use force against fleeing illegal aliens, but should allow them to flee across the border with impunity? If so, you should change the rules of engagement.

Is it really the policy of your administration that our border guards, in the act of apprehending a smuggler, may not use their weapons unless they first get permission from headquarters, and that they must assume that drug smugglers are not armed? If so, you should change the rules of engagement to protect our border guys who are risking their lives every day to protect us.

It's not enough to grant a pardon to Ramos and Compean. I hope you will publicly admit that they never should have been prosecuted for using their weapons in the course of doing their dangerous jobs.

I hope your administration will instruct U.S. Attorney Sutton to ask the court, first, that they be freed pending their appeals (so they won't be beaten up again by the criminal illegal aliens housed in the same prison), and second, that Sutton should ask the judge to vacate the convictions on the basis of prosecutorial illegalities in the first trial.

It's become pretty clear that the Ramos-Compean prosecution is not an anomaly but is part of a policy pattern. In the district adjacent to Johnny Sutton's, Border Patrol agent David Sipe was convicted in 2001 for using excessive force against an illegal alien coyote.

The U.S. prosecutor gave immunity to the Mexican criminal in exchange for his testimony and also withheld exculpatory evidence from Sipe. Because of this prosecutorial misconduct, the district court granted Sipe's motion for new trial, but incredibly, the U.S. prosecutor appealed that decision.

The Fifth Circuit upheld the order for a new trial and, instead of dropping the case, the U.S. Attorney forced Sipe to stand trial again. He was finally acquitted on Jan. 26, 2007.

Sipe is now free, after losing seven years of his life and all his savings, while the illegal alien coyote bought a ranch in Mexico with the $80,000 payoff he was given by the U.S. government.

Deputy Sheriff Gilmer Hernandez of Edwards County, Texas, was prosecuted by Johnny Sutton for a 2005 incident in which Hernandez allegedly used excessive force against a fleeing carload of illegal aliens. He was convicted on Dec. 1, 2006.

Sutton requested a prison term of seven years, but fortunately the judge sentenced him to only one year. Maybe that was a rebuke to Sutton.

We want to know if these unjust prosecutions were demanded by the Mexican government. You should make public the messages between your Justice Department and Mexico in regard to these cases.

We simply can't have a national policy of intimidating our border guards from arresting drug smugglers -- or even defending themselves against smugglers (who should be presumed to be armed and dangerous). We don't want Ramos and Compean to be the hallmark of your administration's border policy.

Respectfully, Phyllis Schlafly