We Need Compassion For Our Border Guards

by Phyllis Schlafly January 3, 2007

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President George W. Bush pardoned 16 criminals including five drug dealers at Christmastime, but so far has refused to pardon the two U.S. Border Patrol agents who were trying to defend Americans against drug smugglers. It makes us wonder which side the self-proclaimed "compassionate" President is on.

Border Patrol agents Ignacio Ramos and Jose Compean were guarding the Mexican border near El Paso on February 17, 2005 when they intercepted a van carrying 743 pounds of marijuana. For what happened next, they were convicted and sentenced under a statute that was designed to impose heavy punishment on criminal drug smugglers caught in the commission of a crime.

The two agents are scheduled to start 11- and 12-year prison terms, respectively, on January 17, for the crime of putting one bullet in the buttocks of the admitted drug smuggler, Osvaldo Aldrete-Davila, and failing to report the discharge of their firearms. The non-fatal bullet didn't stop the smuggler from running to escape in a van waiting for him on the Mexican side of the border.

Rep. Dana Rohrabacher called the two agents heroes. "Because of their actions, more than a million dollars in illegal drugs were stopped from being sold to our children. Bringing felony charges against them is a travesty of justice beyond description."

The White House and the U.S. Department of Justice are stonewalling requests for a presidential pardon from 55 Members of Congress and U.S. citizens who have sent at least 160,000 petitions and 15,000 faxes. When the Bush Administration deigns to respond at all, the official line is that the Border Patrol agents got a fair trial.

But that's not true; they didn't get a fair trial. They were convicted because the Justice Department sent investigators into Mexico, tracked down the drug smuggler, and gave him immunity from all prosecution for his drug smuggling crimes if he would please come back and testify against Ramos and Compean.

It was massively unfair to give immunity to an illegal alien narcotics trafficker while destroying the lives and families of two Border Patrol agents who risked their lives to stop him. Ramos and Compean were convicted mainly on the testimony of the immunity-sheltered drug smuggler, whose integrity should have been called into question, but Ramos and Compean were forbidden to do that during the trial.

The prosecutor even tried to get Ramos and Compean convicted of attempted murder! The jury acquitted them of that outlandish charge, but the government still asked for a sentence of 20 years for the other counts on which they were convicted.

How did the prosecution go from an administrative violation for failing to report a firearm discharge, with the penalty of perhaps a 5-day suspension, to prosecution for intent to commit murder?

After the trial, two jurors gave sworn statements that they had been pressured to render a guilty verdict and did not understand that a hung jury was possible.

A major argument used by the prosecution during the trial was that our government has a policy forbidding agents from chasing suspected drug smugglers without first getting permission from supervisors. That sounds like a no-arrest policy; by the time an agent gets permission, a smuggler can be out of sight and safely back over the border.

There were a couple of factual discrepancies between the smuggler's story and the agents' testimony, but the government chose to believe the immunity-motivated repeat drug smuggler rather than Border Patrol agents with clean records. Ramos was nominated for Border Patrol Agent of the year in 2005, and Compean served honorably in the U.S. Navy before joining the Border Patrol.

The Bush Administration tidied up Aldrete's wound at a U.S. hospital at our expense and opened the way for him to sue the U.S. government for $5 million for violating his civil rights, which he is now doing.

This case exposes the misplaced priorities of the Bush Administration. The case also reminds us that our Border Patrol agents are in daily danger from hardened criminals.

The Department of Homeland Security issued this Officer Safety Alert on December 21, 2005: "Unidentified Mexican alien smugglers . . . have agreed that the best way to deal with U.S. Border Patrol agents is to hire a group of contract killers." The alert cautions that, to perform the killings, the smugglers intend to use the Mara Salvatrucha (MS-13) street gang, known for its unspeakable atrocities and torture.

T.J. Bonner, national Border Patrol Council, said: "There is a palpable sense of outrage and betrayal. Here, you have five convicted drug dealers being pardoned, and two border patrol agents, who were doing their job, fighting the war on drugs on the front lines, and they're going to prison."

This case is a test of George Bush's character, compassion, and concern for drugs coming across our border. He can't duck responsibility: the prosecutor, U.S. Attorney Johnny Sutton, and the judge, Kathleen Cardone, are both Bush appointees.