

AN AMERICAN TRAGEDY ON THE BORDER

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February 17, 2006 started out for two Border Agents along the U.S./Mexican border much like any other day. Sure, they knew it was getting very dangerous on that border as a drug war was being fought to see which drug smugglers were to gain control of the traffic heading North to their targeted market.....the unsuspecting American kids who would become the smugglers' "clients".

The agents were well aware of the sometimes uneven fire power. Drug smugglers were often better armed and better equipped with their own body armor. A recent ploy was to use vans painted exactly like the Border Patrol vans to throw them off. The smugglers could afford these tactics because of the large amounts of money they were taking in. Because of the money involved, in true gang fashion, the big guns are out and human heads are being found from time to time as warnings not to step on the big guys' toes and intrude on their turf.

Border Agents Ignacio Ramos and Jose Alonso Compean were on duty when they spotted what they suspected was a drug smuggler's van near the Rio Grande. It turns out that their instincts, honed by many days on that border, were correct. The van contained 743 pounds of marijuana. Driving the van was an illegal alien, Osbaldo Aldrete-Davila.

When Aldrete-Davila caught sight of the agents he high-tailed it for the border. In pursuit were Agent Ramos and another agent. Media reports lay out the picture for us. Disregarding repeated orders to stop, Aldrete-Davila fled. When he saw that he could not outrun Ramos and the other agent, he headed for the border to escape. Ramos told the California Inland Valley Daily Bulletin:

"At some point during the time when I'm crossing the canal, I hear shots being fired. Later, I see Compean on the ground, but I keep running after the smuggler". At that time, according to Ramos, Aldrete-Davila turned toward him, pointing what looked like a gun. Whether the smuggler had a gun or not cannot be determined to this day, because the smuggler was not apprehended. The accumulated experience of the agents is important here. They thought they were facing a gun, since they had heard shots,

There were shots fired at the illegal alien drug smuggler as he fled southward.

It was claimed later that the drug smuggler was hit in the buttocks, although the agents did not see evidence of it at the time. They had no reason to suspect it, even, because Aldrete-Davila did not slow down and he jumped into a van that was waiting for him. The van took off into the night.

The story might have ended there, with the agents breathing a sigh of relief that they were not hurt. They had "dodged the bullet" one more day. They both have families. Compean has a wife and two children, with another child on the way. But what no illegal alien crossers, no drug smugglers, no potential terrorists had been able to take from them, the government they served, (they soon found out), would be able to do. At stake was their freedom, their careers, their livelihoods and the companionship of their families.

The incident was no secret. Multiple calls for help summoned seven other agents, including two supervisors, to the crossing. While Compean picked up his shell casings, Ramos did not. That omission would come back to haunt him. He did not follow agency procedure that called for a report that he had fired his weapon. However, "The supervisors knew that shots were fired", according to Ramos. "Since nobody was injured or hurt, we didn't file the report. That's the only thing I would have done different".

Over two weeks later an investigator with the Department of Homeland Security's Office of Inspector General, Christopher Sanchez, received a call from a Wilcox, Arizona Border Patrol agent. The mother of the drug smuggler said that the shooting had resulted in her son being shot in the buttocks. Sanchez then called the smuggler, Aldrete-Davila, in Mexico.

The U.S. government (that's you and me) filed charges against Ramos and Compean, after giving full immunity to Aldrete-Davila and paying for his medical treatment at an El Paso hospital. That treatment was actually paid for by you and me, American taxpayers.

The government always has prosecutorial discretion. That is, not every case brought to them is prosecuted. In this instance, they chose to prosecute Agents Compean and Ramos, thereby choosing sides against them and in favor of a proven illegal border crosser and drug smuggler. Prosecutions of this kind are costly, and the full power of the U.S. government was brought to bear against the two agents.

At trial Assistant U.S. Attorney Debra Kanof told the court that the two agents had violated the unarmed drug smuggler's civil rights. It is always baffling when illegal aliens claim they have civil rights in this country. They are not citizens and are guilty of breaking our laws, but we treat them as if they were citizens who have all the rights of U.S. citizens. Kanof, who wasn't at the scene of the shootings, disputed the agent's claim that he had seen something shiny in the smuggler's hand and said that he couldn't be sure it was a gun he had seen. Neither could Kanof be sure, but she took the smuggler's word for it over the U.S. border agent's word. In fact, the whole case rested on the drug smuggler's word against those of the two experienced Border Patrol agents.

Kanof also stated that it was against Border Patrol policy for agents to pursue fleeing suspects. Ramos, possessing some common sense not displayed by U.S. prosecutors, asked "How are we supposed to follow the Border Patrol strategy of apprehending terrorists or drug smugglers if we are not supposed to pursue fleeing people"? Ramos noted that he had only done on that day what he had done for ten years of duty. He also stated that "Everybody who's breaking the law flees from us. What are we supposed to do? Do they want us to catch them or not?" Good question.

Ramos related that none of the other agents who had responded to the scene had filed reports that shots were fired and that both supervisors knew that the agents had fired their weapons. Nonetheless, Compean and Ramos were singled out for prosecution.

Agents Compean and Ramos certainly are not "loose cannons". Indeed, Ramos is an eight-year veteran of the U.S. Naval Reserve and a former nominee for Border Patrol

Agent of the Year. Between the two of them the agents have more than a hundred drug seizures and have arrested thousands of illegal aliens.

A Texas jury came back with a guilty verdict. Being convicted of discharging a firearm in relation to a crime of violence has an automatic ten year sentence. Other counts against them had varying punishments. Ramos and Compean were sentenced to a combined twenty-three years in prison, where they will have to try to exist alongside the same type of criminals they had apprehended in their line of duty.

The prosecution held a good hand. Most people do assume that their government would not prosecute someone without good reason. Most people on the receiving end of the U.S. government's prosecutorial teams are no match for the resources the government can bring to bear. As good as a private attorney may be, he/she is usually outmatched. The attorney for Ramos and Compean heard from three of the jury members on the case that they were misled into thinking they had no option except to vote the way the majority of other jury members voted. They said they had grave doubts about the case brought against the agents. Although the agents' attorney, Maria Ramirez, asked for an appeal on the strength of the stated serious doubts about the proceedings, an appeal was denied.

Drug smuggler Aldrete-Davila? He was given full immunity for his crimes of crossing the border into the U.S. without permission and smuggling almost 800 pounds of drugs.

According to Congressman Ted Poe (R-TX), a prosecutor for eight years and a judge for twenty-two years before becoming a congressman: "While waiting free to testify, Aldrete-Davila was arrested again for drug smuggling and once again was given immunity from the prosecutor". Congressman Poe added: "The government's aggressive prosecution has further diminished any faith law enforcement has in them and the American public's trust in their ability to secure our borders".

And Poe asked the question on the minds of many citizens of the U.S., which is:

"What is to become of our country when our own government takes sides with illegals"?

For Aldrete-Davila it's a good thing he has that get-out-of-jail-free card. He may have to keep up his drug smuggling career until his planned lawsuit against the Border Patrol, that's us....U.S. taxpayers.....for five million dollars goes to court. His claim? His civil rights were violated.

At the top of the prosecutorial ladder is U.S. Attorney General Alberto Gonzales. When questioned recently about the flood of meth coming into the country, an estimated 80% of which comes from Mexico, Gonzales remarked...."But you have to remember, there's a reason why that's happening. It's because we have a huge demand problem in this country". That reply fails to put blame on the Mexican government, our own open border advocates and the smugglers themselves for sneaking the drugs across an almost open border. It shifts the blame to the victims of addiction to what is commonly thought to be one of the most addictive drugs ever, Methamphetamine.

The Ramos family reported receiving threats from people they believe are associated with Aldrete-Davila, leading the El Paso police to increase its patrols around the

Ramos home. The agents not only have to contend with threats, but the date of their incarceration looms after Christmas on January 17, 2007.

What kind of holiday will these families have? The fathers face being in prison during the formative years of their children. Their children will not have the strength of their fathers nor even the wages needed to live. What kind of jobs will be available to them when their prison sentences are over? What is that like for two men who have always been good citizens?

What will the mothers of these children tell them when they ask "Mommy, why is my Daddy in jail"? How can these mothers give a good answer when they don't know why themselves? How will they live without the incomes of their fathers? The American dream has been turned into a nightmare. Gone are the ambitions of going to college and thereby being able to put themselves into good paying jobs. Gone are the days when their fathers were present to them in their homes, giving guidance. Gone is the dream of owning a home.

Several Republican congresspeople called for a congressional hearing. To her credit, Senator Dianne Feinstein, Democrat from California, called for a Senate Judiciary Committee hearing on the case, saying that she fears the prosecution may represent "a serious miscarriage of justice". There have been few follow-up stories of any of the proposed hearings. Busy with wrapping up the end-of-the- year sessions, this was probably not high on Congress' agenda.

Unless this miscarriage of justice is overturned, Agents Ramos and Compean will surrender themselves in January, leaving behind grief-stricken family members and a stunned populace who think nothing like this case could ever have happened.

So far the White House has ignored calls for reopening the investigation or pleas for pardons. We are nearing the end of the year, when presidential pardons are traditionally given. Perhaps the president will remember the banner he announced for his administration, "compassionate conservatism", and show compassion to Agents Compean and Ramos. If ever pardons are called for, these agents deserve them and the president needs to hear from those who are convinced a miscarriage of justice has occurred.

However, when WorldNet Daily White House correspondent Les Kinsolving recently asked presidential spokesman Tony Snow about a pardon for Agents Compean and Ramos, Snow dismissed the question as "nonsensical". Maybe to the White House and Snow, but not to Compean and Ramos, who wait for the jailhouse doors to close on them for ten or eleven years.

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