

PROSECUTION OF FORMER U.S.
BORDER PATROL AGENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, as the Members of this House well know, in February 2006, U.S. Border Patrol Agents Ramos and Compean were convicted in a U.S. District Court in Texas for shooting a Mexican drug smuggler. They were sentenced to 11 and 12 years imprisonment, respectively, and today is the 153rd day since the two agents entered Federal prison.

What Members of this House may not know is that 10 years of each of their sentences were based on an indictment and conviction for a Federal crime that does not exist. The Federal crime they were convicted of does not exist.

The law that they were charged with violating has never been enacted by the United States Congress but rather was fashioned by the Office of the United States Attorney for the Western District of Texas, Johnny Sutton.

The law that the agents were charged with, 18 United States Code section 924(c)(1)(a) as enacted by Congress, requires a defendant to be indicted and convicted either of using or carrying a firearm during and in relation to the commission of a crime of violence or possessing a firearm in furtherance of a crime of violence.

However, neither Mr. Ramos nor Mr. Compean was ever charged with the specific elements of the crime. Instead, Mr. Sutton's office extracted from the United States Criminal Code a sentencing factor, discharging a firearm, and substituted that sentencing factor for the congressionally defined elements of the offense.

In this case, I can imagine how difficult it would be to obtain an indictment and conviction for "using," "possessing" or "carrying" a firearm when the Border Agents were required to carry firearms as part of their job. That difficulty may well, very well, explain why this United States Attorney's Office unilaterally changed Congress's definition of a crime to a definition that would be easier to prove by the prosecution.

Any change in the elements of a crime amounts to the seizure of legislative authority by a Federal prosecutor. When this encroachment upon the legislative power of Congress was brought to my attention and to the attention of my colleagues, Congressmen VIRGIL GOODE and former Texas State judge, Congressman TED POE, we joined forces with the Gun Owners Foundation, U.S. Border Control, U.S. Border Control Foundation and the Conservative Legal Defense and Education Fund to file a friend of the court brief in the United States Court of Appeals for the Fifth Circuit Court.

The brief urges reversal of these unjust convictions and 10 year mandatory minimum sentences by spelling out how changes contained in two counts

of the indictment against the agents are "fatally defective" because they fail to charge an offense as defined by the statute.

Mr. Speaker, many of my colleagues and the American people have been greatly concerned about the denial of due process of law to Agents Ramos and Compean. The American people must be confident that prosecutors will not tailor the law to make it easier to convict in a particular case. Federal prosecutors take an oath to enforce the law, not to make the law.

It is my understanding that the House Judiciary Committee will soon hold hearings to examine the prosecution of this case, and I want to thank Chairman JOHN CONYERS for his interest in investigating the injustice committed against these two Border agents.

I encourage the chairman and the committee to take a thorough look into the actions of the Office of U.S. Attorney for the Western District of Texas and its pattern of aggressively prosecuting law enforcement officers, including Ramos and Compean, former Border Patrol Agent Aleman and Deputy Sheriff Gilmer Hernandez. These are legitimate legal questions and concerns about this prosecutor's office, and they need to be answered.

And again, I thank the chairman of the Judiciary Committee for his interest and concern about justice to right an injustice.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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HIGHLIGHTING THE COBB COUNTY
SHERIFF'S OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise today to highlight the exemplary important work of the Cobb County Sheriff's Office. This Georgia agency has been screening County Jail inmates to identify and deport illegal immigrants. This is a hugely important effort. After these criminals serve their time, we need to deport them.

Many jailed illegal immigrants are incarcerated for crimes like rape, armed robbery and drug trafficking. We want to do more than simply get these criminals off our streets. We want, Mr. Speaker, to get them out of our country.

Six deputies with the Cobb County Sheriff's Office recently underwent specialized training with Immigration and Customs Enforcement to identify illegal immigrants in our jails. Cobb Coun-

ty is the first department in Georgia and indeed one of the first in the Nation to work with ICE on this initiative. They are setting a fine example for communities across America, and our cities will undoubtedly benefit from the widespread adoption of this program.

After all, our State and local law enforcement officials are our first responders in the fight against illegal immigration. They play a critical role in stopping criminal aliens from harming our citizens.

Here's how this new program works. Local law enforcement officials travel to Herndon, Virginia, to train with Immigration and Customs Enforcement. They get experience in immigration law, criminal law, document examination, alien processing, and cross-cultural communication.

These trained deputies then return home to their communities where they work with ICE agents to identify illegal immigrants in local jails by comparing fingerprints with ICE and FBI databases and interviewing prisoners.

The program may be new but it is already working. In the Cobb County jail alone, which holds nearly 2,200 inmates, law enforcement officials have identified 63 people of interest to Federal immigration authorities. That is 63 rapists, robbers, and drug lords that we can get off of our streets and out of our country.

Mr. Speaker, we know local law enforcement officials are often our front line of defense when it comes to identifying and removing illegal immigrants from our communities. As we look for solutions to the current illegal immigration crisis, we must empower our State and local officials and help them coordinate with Federal agents. And that is why I proudly supported an amendment last week to the Homeland Security appropriations bill. We passed that on the floor to support this new and promising ICE program so that we don't just provide funding to communities located within 100 miles of the southern border; otherwise Cobb County, Georgia won't have qualified.

Last summer I examined border security efforts along the United States-Mexican border, and during that trip I observed our Border Patrol agents loading up buses and planes with criminal illegal immigrants being deported back to their home countries. Now Cobb County is playing a vital role in this process, and I am incredibly proud of their efforts. The sheriff's office is helping rid our society of dangerous criminals who have no business being here in the United States.

Especially, Mr. Speaker, I want to recognize Cobb County Sheriff Neil Warren, Cobb County Police Chief George Hatfield, and the six Cobb deputies who went through the specialized training: Paul Harrison, Claudia Cross, Marco Cabrera, Olanda Palmer, and Paul Diaz. Their effort to uphold the rule of law is commendable, and I urge more local agencies to consider participating in this critical program.