

House, Not Senate, Would Free Ramos and Compean

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(CNSNews.com) - An amendment to the Justice Department appropriations bill that was approved by the U.S. House of Representatives would prohibit the use of federal funds to enforce the prison sentences imposed on two U.S. Border Patrol agents involved in the non-fatal shooting of a Mexican drug smuggler.

The Senate version of the appropriations bill, which the Senate began debating last week, does not include this de-funding amendment.

If Congress expressly denies the Executive Branch the funds to pay for imprisonment of the two Border Patrol Agents, the agents would win what amounts to a legislative commutation of their sentences.

Ignacio Ramos and Jose Compean were [sentenced](#) to 11 and 12 years in prison, respectively, for their roles in the shooting of Mexican drug smuggler Osvaldo Aldrete-Davila.

The case, prosecuted by U.S. Attorney Johnny Sutton, attracted intense criticism from opponents of illegal immigration and supporters of Border Patrol efforts.

Elected officials' requests for President Bush to pardon the agents or to commute their sentences have been [ignored](#).

In a new attempt to free the agents, a House amendment to the appropriations bill for the Justice Department would prohibit the use of federal funds to enforce the sentences, effectively commuting their sentences.

Rep. Ted Poe (R-Texas) introduced the amendment, which passed the House on a voice vote in July. A similar measure is not included in the version of the appropriations bill that the Senate began debating last week.

The amendment could be included, however, in the compromise conference report that would be required to iron out differences between the two versions of the bill.

While the measure passed the House on a voice vote, that vote came only after objections had been made by some Democratic lawmakers, including Rep. Alan Mollohan (D-W.Va.), chairman of the House Appropriations Committee's Subcommittee on Science, Justice, Commerce and Related Agencies.

"This issue ought to be resolved in the courts surely, or if the President of the United States wanted to take it up, he has the power that we don't have, to my knowledge,"

Mollohan said on the House floor in objecting to Poe's amendment.

"He has the pardoning power. We don't have that here, but in effect, we are attempting to act as if we did here with these two amendments," he added.

Rep. Patrick Kennedy (D-R.I.), also spoke on the House floor in opposition to the amendment, saying that if Congress "were to suspend the process every time we thought one case was more popular than the other, it would just upend the idea of justice as we know it in this country, because I think all of us could come here to the floor and tell of a unique story where someone was wronged by the system of justice in this country."

Poe told **Cybercast News Service** Monday that the measure is "unique" but defended it as constitutional and within congressional "power of the purse" to mandate how taxpayer money is spent.

"It's a unique idea, but it's not an unconstitutional idea," Poe said, arguing that the measure does not infringe on the judicial branch's responsibility to interpret laws or the executive branch's role in enforcing them.

"It has nothing to do with the conviction. It has nothing to do with the case at all," Poe said. "All it does is release them from custody. Congress has that authority over money for all federal agencies, including the prison authorities."

Poe compared his measure to efforts in the House to influence Iraq War policy by cutting off funding. "I'm certainly not in favor of that but Congress has that authority to do that. Our commander in chief has the ability to wage war with the consent of Congress, and if Congress cut off the money would that be unconstitutional? Of course not," he said.

Rep. Tom Tancredo (R-Colo.) said during floor debate on the amendment that it is a last resort measure. "If there were another way to do this, I assure you we would look at it," he said. "We have tried everything imaginable to get these two people to actually get justice, and the justice would be to set them free."

Poe said that while the amendment passed the House in a voice vote, he was unsure whether it would be included in the compromise legislation that will eventually be sent to Bush for his signature.

Poe said supporters of Ramos and Compean are "still working on the Senate portion of it" and that if their efforts fail, "it does at least send a message to the Justice Department that the House of Representatives overwhelmingly believed that the incarceration, especially the amount of years, is unjust and that's why Congress wants to cut off the money."