

money in Iraq, and it means that we don't have the money left.

If I could just conclude, because I know we are running out of time, I do appreciate the fact that, in his State of the Union Address and also in the budget message, that the President was prioritizing health care and pointing out that we have a big problem with the uninsured.

But unless the solutions and the money are there to lead us down the path of covering the uninsured or lowering health care costs, then it is not going to be good enough to just say that is a problem.

I think, as you say, when we talk about going in a new direction, it means that the Democrats and the Democratic majority are determined to not only highlight that these problems exist and that we need to cover the uninsured to reduce cost, but to come up with solutions that practically are going to make a difference. That is why I am so happy that not only are you both here tonight speaking, but just that you are here, because all the new Members and particularly the new Democratic Members, I think, are going to make it possible to address these problems in a practical way.

I would conclude, again, by thanking both of you and everyone who joined us tonight, because we are moving in a new direction, and it is going to make a difference. Thank you.

#### FREE BORDER PATROL AGENTS IGNACIO RAMOS AND JOSE COMPEAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. BILBRAY) is recognized for 60 minutes.

Mr. BILBRAY. Mr. Speaker, tonight I am privileged to yield to the second best surfer in Congress, Mr. DANA ROHRBACHER of the great State of California, and I yield to him whatever time he may consume.

Mr. ROHRBACHER. Mr. Speaker, today we discuss a black mark on this administration, a vile crime against two law enforcement officers whose job has been protecting our families and communities and keeping control of America's borders. This sad episode started back on February 17, 2005, just another routine day for Border Patrol agents Ignacio Ramos and Jose Compean. Both were Border Patrol veterans with unblemished service records. Agent Ramos, in fact, had been nominated for Border Patrol Agent of the Year.

As they did their rounds that day 2 years ago, a trip sensor at the border was discovered, and Agent Compean then discovered footprints and drag marks, a usual indication of a drug load being smuggled across the river. He then spotted a vehicle and radioed the description and then followed the suspect. The suspect realized he had been made and turned around to rush back towards Mexico.

Agent Ramos then spotted the van driving at a high rate of speed. After the driver ignored all commands to pull over, of course, Ramos gave chase.

By the way, according to the prosecuting attorney, pursuing fleeing suspects without a supervisor's permission is against Border Patrol policy.

This, in and of itself, is an insane policy. The drug smuggler who they were pursuing abandoned his vehicle and fled toward Mexico on foot but was intercepted by Agent Compean. Once again, ignoring several commands by Agent Compean to stop, a physical altercation ensued with Compean ending up in a ditch.

While seeing his opportunity, the smuggler then ran toward the border, which was nearby. According to Agent Compean's sworn testimony, while running, the suspect turned and pointed with something shiny in his left hand. Believing his life was in danger, Agent Compean opened fire. Hearing gunshots, Agent Ramos came to his side, and he, too, shouted for the smuggler to stop.

□ 1915

But instead of obeying his command, the illegal drug smuggler once again turned as he ran and again pointed something shiny at the officers. Ramos, believing it to be a weapon, fired one shot. After disappearing into the banks of the Rio Grande, the smuggler reappeared on the Mexican side where he jumped into a waiting van. Unbeknownst to the officers, Ramos's bullet may have hit the illegal drug smuggler in the left buttocks.

Minutes after the shooting, seven other agents were on the scene, including two supervisors. When the abandoned van was examined, 743 pounds of marijuana were found. The payload was seized, and one would think congratulations would have been in order. Agent Ramos and Compean are heroes, right? They are responsible for taking off the streets \$1 million worth of drugs bound for our communities. Good job fellows, right? Wrong.

At this moment Agents Ramos and Compean, not the illegal drug smuggler, are languishing in a Federal prison serving 11- and 12-year sentences. This is the worst miscarriage of justice that I have seen in my 25 years of public service. It is a nightmare for the two Border Patrol agents and their families, these Border Patrol agents who willingly risk their lives protecting us for 5 and 10 years.

The whole rotten episode turned justice on its head. The book was thrown at our heroes who protect us, while the drug smugglers got immunity. According to the U.S. attorney, Johnny Sutton, a Bush appointee and a longtime friend of the President, Ramos and Compean are not heroes. In fact, he considers those two officers to be criminals, charging them with assault with serious bodily injury, assault with a deadly weapon, discharge of a firearm while committing a crime of violence,

which carries, of course, a minimum mandatory sentence of 10 years, and a civil rights violation.

Sutton claims that he had no choice but to prosecute the two Border Patrol agents because, according to Sutton, they broke the law when they violated these procedures concerning the discharge of their weapons at this fleeing suspect.

No. Even if procedures were not followed, Sutton could have granted immunity to the law enforcement officers and thrown the book at the drug smuggler. That was his choice. He chose the side of the drug smuggler and threw the book at the Border Patrol agents. This was an indefensible decision, and now Sutton lies to us and to the American people, suggesting that he did not have a choice, that he had to prosecute.

Well, the facts don't back him up. And what happened after this man got away? After the incident the drug smuggler contacted Renee Sanchez, a childhood friend for advice.

Now, why did she contact Renee Sanchez? Because Renee Sanchez happens to be a current Border Patrol agent in Arizona. And instead of turning in this drug smuggler, turning the drug smuggler over to the authorities for prosecution, this law enforcement officer, Agent Sanchez, he is sworn to uphold the laws of the United States, but he chose to personally intervene on behalf of his childhood friend who was a known mule for the drug cartels.

He was also called as a character witness on the drug smuggler's behalf during the trial. Mr. Sanchez contacted the Department of Homeland Security, who in turn decided to open an investigation into the conduct of Ramos and Compean. What? What? You have got a drug smuggler with 750 pounds of narcotics who is being thwarted from making his delivery, and that he complains that he was shot at, and our Government decides to investigate the law enforcement officers.

Mr. Sutton had every chance to focus his enormous prosecutorial powers on the drug dealer, but he chose to target the law enforcement officers. He chose to turn a procedural violation into a criminal act rather than prosecuting a career drug smuggler.

As part of their investigation, the Department of Homeland Security Office of Inspector General sent a special agent to Mexico to offer the drug smuggler immunity in exchange for testimony against the Border Patrol officers. The smuggler was then brought back to the United States and given free medical care at all taxpayers' expense.

Now, one has to wonder if Mr. Sutton, our U.S. attorney, would have even spent one-tenth of that effort trying to find this criminal himself and track him down in Mexico so that he could be extradited and punished for smuggling narcotics into our country. No. No effort was made to do that. Instead, an expensive Herculean effort

was made to try to get the Border Patrol agents.

Now the drug smuggler is being portrayed as a victim because he swears he was not armed. Our government takes the word of this nefarious character over two law enforcement officers. In short, the initial decision to prosecute the two Border Patrol agents instead of the drug smuggler was indefensible. Period.

Sutton's only defense, to cover up this horrendous decision, has been to lie and to demonize the two Border Patrol agents. Well, it just does not jive.

According to that investigative report, Agent Compean's sworn statement, in his sworn statements he repeatedly stated he believed the drug smuggler had a weapon and felt threatened. The Border Patrol training manuals allow for this type of deadly force to be used when an agent fears imminent bodily injury or death. Both of the officers say they saw this drug smuggler turn and point what they believed to be a weapon in their direction while he was running away. The wound created by the bullet corroborates their version of the events.

So we have the prosecutor, even with the direction of the trajectory of the bullet as indicated by the wound, but the prosecutor is ignoring the fact that it backs up the Compean and Ramos position.

During the trial an Army doctor, a prosecution witness I might add, testified that the drug smuggler's body was bladed away from the bullet that struck him. That is consistent with the motion of a left-handed person running away while pointing backwards, causing his body to twist.

Once again, this corroborated Ramos's and Compean's belief that the smuggler had a weapon. And that was a reasonable belief considering the smuggler was transporting over \$1 million of drugs that day. And I am sure, of course, drug dealers with \$1 million worth of drugs are not armed.

Now, it is important to understand that only three individuals were eyewitnesses to the crucial events of that day, the two accused Border Patrol agents and a self-admitted drug smuggler. Those are the only two people who saw what happened. The other Border Patrol agents who responded to the scene testified under immunity, and quite often contradicting themselves; however, the most important thing when thinking about their testimony is their view of the events was completely obscured by a levee at the road, which is about 12 feet higher than the road on which they stood, and about 8 feet higher from the spot on the other side of the levee where Ramos and Compean stood and where they fired their pistols.

So let me make it very clear what I just said. None of the other agents could possibly have seen what transpired between Ramos and Compean and this drug smuggler, even if they climbed on top of their vehicles. It was

physically impossible for them to see. Yet these agents were threatened with prosecution if they did not testify against Ramos and Compean. They agreed to testify. If they agreed, they would be granted immunity. It begs the question why these agents need to be granted immunity if they were not involved in the incident, and this whole thing calls into question what effect that this threat that was held over their head had on the truthfulness of their testimony.

The U.S. attorney's version of what happened that day relies almost exclusively on the testimony of the drug smuggler. Despite the fact that there were seven other agents, including two supervisors on scene within minutes, no report of the shooting was ever filed, even though the Border Patrol regulations require the supervisors to file the report.

Agents are only required to orally notify their supervisors, and Ramos and Compean justifiably believed that their supervisors were totally aware that there was a shooting. They were within about 50 feet or 100 feet of what was going on. So, as a matter of fact, the agents, those agents are prohibited from actually filing a written report, as in INS firearms policy, section 12B, 1G states: Ensure that supervisory personnel or investigative officers are aware that employees involved in a shooting incident shall not be required or allowed to submit a written statement of the circumstances surrounding the incident. All written statements regarding the incident shall be prepared by the local investigative officers and shall be based on an interview of the employee. That is what their regulations state.

Yet U.S. Attorney Johnny Sutton continues to claim that the officers filed a false report to cover up their crime. They are not even permitted to file a report, much less a false report. And they were not asked by their supervisors who heard the shots.

So the supervisors decided not to ask questions about it, probably because had they then officially known about the incident, they would have had to fill out about 5 hours' worth of paperwork. This is about bureaucratic requirements of the people at the border. If one shot is fired, on their own time they end up having to work about 5 hours.

Because it looked like the incident was over, all of them, including the supervisors, decided to just close the book. Was that a good decision? Well, probably not, considering that you have an out-of-control prosecutor trying to find something to prosecute our defenders about.

By no means did their actions rise to the level of criminality, what might be considered an unauthorized discharge of their weapons, because, of course, they could not absolutely prove they knew that the drug dealer had a weapon. Well, if they could not absolutely prove it, then according to the U.S. At-

torney, they are guilty of attempted murder.

Again, let me note, the agents thought the drug dealer was aiming something at them. He had just been in a physical altercation with one of the officers. Of course, when it came to the details about that, our U.S. attorney believed the drug dealer, who swears that Compean, for example, in the altercation just fell down.

You know, you would be surprised how many police officers just fall down in the middle of trying to enforce the law when dealing with professional criminals like the ones that Compean and Ramos were dealing with. Just fell down. Yeah.

You believe that, but you do not believe these guys with an unblemished record of 5 and 10 years of protecting the American people. So even though this investigation determined that all seven officers on the scene knew about or heard the shooting, the U.S. attorney granted those officers immunity even though it was their job to report the incident.

But of course they did not think it was an incident, they thought it was closed, the guns went off. They did not want to spend 5 hours filling out paperwork. Well, guess what? It was their job to do it. Actually one of them was actually promoted after all of this.

But the U.S. attorney decided to prosecute the Border Patrol agents, and in doing so, he had to intimidate these supervisors by saying that he was going to charge them and giving them immunity unless they went along with this legal lynching of Ramos and Compean.

□ 1930

If this incident would have been kept in perspective, all seven supervisors and agents who were failing to report a shooting that may or may not have been consistent with regulations governing the discharge of weapons, but just keep this all in perspective, they might have deserved a disciplinary action, maybe a week without pay or some mark on their record; that would have been the end of it. But the penalty for not reporting a shooting is a 5-day suspension. That is the maximum penalty. This was an issue of a procedural violation, not criminality, and there is a serious question about the viability of those procedures which are mandated by the policy. This, of course, flows directly from the insane border policy, and it led directly to this unconscionable situation.

Over 78 Members of Congress have expressed concern, if not outrage, at the troubling aspects of this case. Our repeated attempts for Presidential intervention or even to communicate with the President have been ignored. Our pleas to keep the officers out of jail on bond pending their appeal have been denied. The President could have just had the prosecutor go to the judge and say, please, let these guys stay out at least until their appeal. No, no. It was

the opposite. They insisted on the maximum. They wanted their pound of flesh. The maximum penalty, the maximum message to other Border Patrol agents: Don't you dare ever to even think about firing your weapon at the border.

Instead, the President, after we appealed to try to get him to look at this, the President dug in his heels, sent Tony Snow out to chastise us, you know. We were trying to save Ramos and Compean, and then we were told by Tony Snow to take a closer look at the facts.

Well, we have taken a closer look at the facts. We also know what happened. There has been a publicity campaign that has been put out to destroy and demonize Ramos and Compean even as they languish in prison, because the Federal prosecutor knows he is the one who made the mistake. He made the initial decision to grant immunity to the drug dealer, rather than for a procedural mistake by the Border Patrol agents. He made that decision. It is a horrendous decision, and he is trying to cover it up and destroying the lives of these two Border Patrol agents in the process. That is what he has to do. So he has gone on the air waves and lied to the public to discredit these agents.

We found out today, for example, that the Department of Homeland Security lied to Congress trying to cover up for their lies to Congress. What happened is five Members of Congress were briefed. We will hear about this later on tonight from another Member of Congress. They were told that Compean had claimed he was going to go out and shoot a Mexican. Now, here is Compean, Jose Compean, right? These are two Mexican American, proud Hispanics, and they were going to go out and shoot a Mexican. And this is from five or six areas that were just total lies given to Members of Congress looking into this. And then they were questioned, when the Department of Homeland Security investigators were questioned, they said, oh, yes, we have all of this proved in various reports. And so they asked for them, those reports. And today it was just determined that for 4 months the Department of Homeland Security has been lying to Members of Congress because those reports never existed. There was nothing to substantiate the charges, the horrendous charges that were made against Compean and Ramos.

Well, what we hear now is, well, you have got to just forget it because the jury has spoken. That is what Mr. Sutton and the prosecutor want to say. That is the end of it. That is the last word.

Well, let's look at what the jury knew about and whether or not this was a fair trial. The drug dealer we are talking about, in between the time he was shot and all of this was going on, and Ramos and Compean are waiting to be tried, he was caught again, this time with 1,000 pounds of marijuana that he

was trying to smuggle into our country. But that information was kept from the jury. That information never made it to the jury.

Now, was that important for the jury to know? The prosecution told the judge that this would in some way jeopardize other prosecutions or investigations, so the jury was kept from that information. And, in fact, that information has been expunged from the record, so we can't get that information. But we know it happened. And they play word games with us to say, well, he really wasn't arrested. He was apprehended. No, this man was caught again with 1,000 pounds of drugs. Do you think the jury should have known that? Would that have been something important for the jury to know when they are deciding on the lives of these two brave Americans? Well, it is something that the jury never knew.

The jury also never knew that the drug dealer, after the bullet fragment was removed from his body, he was taken by an investigator, and the bullet was taken by the investigator and spent the night at the home of this agent.

Well, let me tell you something. You don't take evidence and break the chain of custody of evidence. He took the bullet into his home, and he took this witness into his home. Any lawyer will tell you that this is the type of sloppiness that taints the evidence and disqualifies a prosecution.

It is also significant to mention that of those 12 jurors, three of them later submitted sworn affidavits alleging that they had been misled by the jury foreman into believing that, if the majority of people wanted to vote guilty, they had to also vote guilty, that a hung jury was not going to be allowed by the judge. They felt pressured to vote guilty, and they have since signed affidavits and made statements that they would have changed their vote. They believed these men to be innocent, and some of them actually broke down in tears when they heard that they could have actually saved these men had they stuck to their guns. But they were told that the judge, these are not lawyers, these are simple people; they were told they had to go along with the majority.

And when the judge heard this, and the judge heard that there was evidence, he knew that this evidence had been kept from the jury, he, even after knowing this, denied the request that the two agents be permitted to stay out on bond until their appeal was made.

Well, let's look at this. There is no doubt that Johnny Sutton had a choice. This U.S. attorney decided to prosecute the good guys and gave immunity to the bad guys when he could have done it the other way around. But he chose not to. And now he is engaged in this propaganda campaign against these two men.

Well, the prosecution's only witness of course, the major witness testified

that, of course, this drug smuggler was hit in the buttocks, not from the back. And even with that, we hear the U.S. attorney claiming that the essence of this case is these corrupt agents shot an unarmed man in the back. That is what he says.

Well, of course, this was not an unarmed man. You know, we are not talking about a nun or some tourist who happened to stray across the border. This was a professional drug smuggler who works for a drug cartel, a delivery man to deliver vile drugs into our communities to corrupt our children and destroy the lives of our families. These Border Patrol agents were up against this man, not just a man, a criminal of this level. And of course, they didn't, as I just said, they didn't shoot him in the back. One bullet, we think, maybe from the gun of one of these officers, actually shot him in the buttocks, but the medical officer said that he was turned around. So it was like he had something that he was pointing with his hand, which could well have been a gun. So it wasn't in the back. It was in the buttocks, and it confirms what the law enforcement officers were saying.

Now, let me say, remember this, this is really important. There is no way to know that this drug dealer, whether he was armed or not. Mr. Sutton chose to believe the drug dealer, but how do we know he wasn't armed that day? The two agents claimed they said they saw something in his hand. They have to take the word of the drug smuggler. Now, he has been smuggling drugs since he was 14, and his family in an interview said he always was armed. There is no question. He was a member of the drug cartel.

But Mr. Sutton, our U.S. attorney, takes his word over the word of our defenders. He has turned reality on its head. He has sided with a drug smuggler over two men who risk their lives every day to protect us, and now he must destroy them and vilify them in order to protect this horrendous decision that he made to go with the bad guys rather than the good guys.

There is no evidence, for example, that Mr. Sutton claims they were corrupt. The Wall Street Journal printed an editorial saying these are corrupt law enforcement officers. Corrupt. The Wall Street Journal vilified these two men. Of course the Wall Street Journal, of course, has a policy, an editorial policy of an open border policy. But now, to back up their guy, their open borders guy, they vilify these officers with a total falsehood. There has never been a charge of corruption against either one of these two agents. They have never been charged with corruption. They have, in fact, a totally clean work record.

And, yes, Ramos had some family problems a few years ago. And let's make it clear what has happened. Another part of this vilification campaign is that Mr. Sutton, even though he was not permitted to bring this up in the

court because it is totally irrelevant, brought up a family problem that Officer Ramos had many years ago. This is a despicable tactic on the part of the U.S. attorney. Indefensible. Except it does illuminate what this U.S. attorney is all about.

The family situation for Mr. Ramos was recognized as an aberration. The fact is, Ramos has been recognized as a solid and respected officer, and this is why he was nominated for Border Patrol agent of the year.

And of course the U.S. attorney says, oh, well, that is not true. He never became Border Patrol agent of the year. That is the type of dishonest communication that calls into question his entire decision-making process. No one has ever claimed he was Border Patrol agent of the year. But he was nominated for that, and that means something.

So our U.S. attorney has found that he is just compelled to vilify these people. So what is the real significance of this case? The U.S. attorney's despicable prosecution of these border agents has put all of our border agents on notice: Any use of force to protect America, to secure our borders, if you do that, use any force, you will go to prison and your life will be destroyed and you will be shown no mercy.

The consequences of the Ramos and Compean case extend far beyond the destruction of these two men and their families. And yes, it is horrible that these families are being driven into destitution. The Compeans have lost their home. Their kids and the family, all their family is shattered. They have no health insurance.

But what are the consequences for us? What does it mean for our families? I will tell you what it means: It means that our southern border is now open, not just to an invading army of illegal immigrants but to drug dealers and to terrorists.

Let's ask ourselves this question: What if that van that they found all the drugs in, what if it turned out to be a dirty bomb that they discovered, a dirty bomb headed towards a major city that would have destroyed the lives of hundreds of thousands if not millions of Americans? Instead of 750 pounds of drugs, which is bad enough, what if it was a dirty bomb? And what if the drug dealer turned out to be a terrorist instead of a Mexican national?

Well, those two men would have been invited to the White House to be congratulated. It is clear there is a larger and a hidden agenda at play here. And Ramos and Compean simply are pawns who got in the way.

Johnny Sutton is a dishonest and overzealous prosecutor who has lied to us about this case. And he is on the wrong side of the law by siding with drug smugglers, letting them go free while he is prosecuting two men for criminal activity when it may just well have been a procedural matter.

His claim of not being able to prosecute the drug smuggler is ludicrous.

Both his office and the investigation have no trouble in tracking down the drug smuggler, yet he chose to turn a blind eye to the drug smuggler's offenses. And according to the investigation, there were lots of prints, sets of prints that he could have used on that van. Plus we had agents Ramos and Compean who identified him as the guy who jumped out of that van. They could have prosecuted the drug smuggler. But they chose to prosecute our heroes, our defenders.

Well, did Ramos and Compean make mistakes? Well, maybe they did. Should they have been punished and reprimanded for them? Maybe. Should they have been charged with a crime? Absolutely not. And by doing so, the Justice Department has demoralized our Nation's defenders. And what does that mean to us? That means that our defenders cannot now count on their government to support them even when they are up against a drug smuggler who may very well be armed.

□ 1945

What does that mean for the rest of us? That means we have absolutely lost control of our border. Border agents are put in a situation on a daily basis that they must make a split-second decision.

By the way, this is the first time Compean has ever used his weapon in the 5 years of service. He is being portrayed as some trigger-happy Border Patrol agent? Well, these agents don't have a second chance when someone aims something at them. So this policy that you can't fire until you are in the sights of a drug smuggler's gun is a death warrant to our defenders. Ironically, Ramos and Compean thought that the drug smuggler was aiming at them. Interestingly, as I say, Compean had never fired his weapon before.

These are the facts. These are the facts that have enraged the public, causing Americans to wonder what in God's name is their government doing? What is their President thinking? How can our President be so mean-spirited and arrogant not to hear the pleas from so many of our citizens, even from Members of Congress, for some type of mercy for Ramos and Compean, who had risked their lives to defend us for so long?

Well, there is a hidden agenda here. That is what this is all about. Very powerful economic interests in this country want cheap labor. They want open borders. They want cheap labor from illegals to come here so they can depress the wages of working Americans.

Well, the out-of-control flow of illegal immigrants is a nightmare to regular Americans, not this one group of elitists. But the policymakers here in Washington and their elite corporate interests are so arrogant and so smug that they do not care about the suffering of the American people. They don't care. These elites don't care that illegal immigrants are shutting down

the emergency rooms so if your children in California have a car accident, they will die. They are overcrowding our classrooms so our kids aren't getting the education they deserve. They are driving down wages. And our criminal justice system is breaking down in California. We have American citizens who are being victimized. They are being murdered and raped and robbed by criminal illegal immigrants every day. But these elitists don't care, and our President doesn't seem to care.

The only heroes in this entire immigration mess, the only heroes are the thin green line of the Border Patrol. And the elites now have decided they have to brutally smash two of them in order to warn the others not to get in the way of their open border policy.

The public has every right to be angry about this case, and I join them in this outrage. Let me note that today I received 304,000 petitions that were signed by citizens of this country for the President of the United States asking for pardon. As we know, Officer Ramos was attacked last night or the night before. He was brutally attacked in prison. And this should do nothing but ask for another plea. This man's life is in danger. Compean's life was in danger. We knew that. That is why they should have been out until their appeal is heard.

We are pleading with the President. The American people are asking the President to pay attention. Please pardon these men. Give them a chance. If they are murdered in prison, the President will be held accountable. The President is accountable of the fact that Ramos was beaten up.

This case shows the insanity of this administration's border policy and perhaps the hidden agenda of this border policy. No guest worker program, no amnesty program is going to be feasible if we cannot control our borders. If this country cannot stop an illegal alien drug smuggler, this country has no border controls whatsoever.

And let me end my comments by this following statement: Our job is to watch out for the interests of the people of the United States. The people of the United States and many of these illegals who stream across our border are wonderful people. The vast majority are wonderful people. But we have to be concerned about the interests of our people who are suffering because of this out-of-control illegal immigration flow.

United States, who is it? It is us, U.S. Who are we? We are Mexican American people just like Ramos and Compean. We are Irish Americans. We are black Americans. We are people who came here from every corner of the world. And if we don't have a consideration for Americans over and above what we care about people in other countries, then we will not have an America that our Founding Fathers dreamed about. We are losing our country. And if we lose control of the southern border, the terrorists and the drug dealers and the

invading armies of illegals will make it so that within a short period of time, maybe 10 years from now, maybe 20, we will have lost America.

The American people are crying out in a rage. The President should listen. The President has to listen.

Mr. BILBRAY. Mr. Speaker, I appreciate the gentleman from California.

And at this time, Mr. Speaker, I would like to yield to the gentleman from the great State of North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. BILBRAY, I want to thank you very much for yielding. You will soon be the leading the Immigration Caucus here in Washington, D.C., that is involved with many Members from both parties and who are concerned about the future of this great Nation.

To my friend Mr. ROHRABACHER, I want to thank him for his passionate feelings tonight. The American people had to feel that.

I want to say to you, Mr. BILBRAY and Mr. ROHRABACHER, that we have for the last 7 months, a large number of us, have been fighting for these two border agents.

I am not going to try to repeat anything that has been said. I want to be short in my time because of the limited time that is left tonight. But I want to say that, as Mr. ROHRABACHER articulated every aspect of this case, there is nothing I could add to it except this: We have written, at least myself alone, four letters to the President of the United States going back to August 21 of 2006. We have a letter today, which will be the fifth letter. Many of these letters by me personally have been signed by at least 30 to 40 Members of Congress. Mr. ROHRABACHER had one back in December signed by 50 Members. And I want to join him very briefly. Why will this administration not listen to the truth?

And I am not going to try to articulate anything that has already been said, but these men are heroes in this country. I don't know how these Hispanic Americans, and that is what they are, a great part of America, Hispanic Americans, Compean and Ramos, how their families could believe in America tonight, with their loved ones who tried to fight drug traffickers in this country. Their husbands tonight, Ramos and Compean, are in the Federal prisons. And as was said by Mr. ROHRABACHER, Mr. Ramos last Saturday night was beaten up by Mexican nationals.

I close my brief comments tonight by saying to the President of the United States, please listen to the Members of Congress. But more important than the Members of Congress, listen to the American people. For the last 8 months they have been calling talk shows throughout this great Nation and saying to the President of the United States please pardon these men.

And when I heard Tony Snow answer the question a month ago and said that this is nonsensical, Mr. Snow, wake up

yourself. Awaken the President to what has happened. These men deserve to be heroes, not to be crucified by this government.

If we believe in justice, Mr. President, and I hope and believe that you do believe in justice, then soon, in the next few days, you will grant a pardon to these two men.

And with that, Mr. Speaker, I want to thank my friend for this brief time. And that is all I needed was this brief time.

Mr. BILBRAY. I appreciate the gentleman from North Carolina.

And at this time I yield to the gentleman from the Volunteer State, the great State of Tennessee, Chattanooga's favorite son, Congressman WAMP.

Mr. WAMP. Mr. Speaker, I appreciate the gentleman's yielding to me.

I came to the Capitol tonight to actually take the eighth-graders from Silverdale Baptist Church on a Capitol tour here, which I am going to do downstairs in a few minutes. But this is a very important issue that really strikes to the heart of what our priorities are in this country today.

My responsibilities here in Washington and in this Congress are, as the ranking member of the Appropriations Committee, charged with resourcing the legislative branch. We ask Capitol Police officers and the Sergeant at Arms personnel to stand in harm's way on our behalf. I have got to tell you all across the country we are asking men and women of all ethnic backgrounds, all religions, all cultures who are proud to be called Americans to stand in harm's way on behalf of our civilian population and, in this case, our elected leadership in this country. And you can't ask them to do that and then send the wrong signals by not standing with them when they are doing their job. And I know that people are entitled to due process, but this is one of those obvious cases where the President needs to get involved and take decisive action.

My district director in Chattanooga's son works for Border Patrol on the southern border. It is a difficult job. These people are harassed. Their lives are on the line all the time. It is a tough, nasty business. It does not always go perfectly, but if we are ever going to recruit new people to serve and to stand in the gap on behalf of our country, we have to stand behind the people that do. I don't think we have done that. I do not think due process has, frankly, been served here. And I think the President should take action, and I was proud to join on the letters asking the President to do this.

Thoughtful people from all across the country are saying what in the world is going on? How could this happen? And I want that next generation of Border Patrol agents to be recruited and know that their country is not going to leave them hanging and leave them in Federal prison for doing their job. It is dangerous. Our country needs to stand

behind them. And these are difficult days. Our generation is going to be called to enormous sacrifice. We have got to make difficult decisions on whether or not we are going to stick together, because if we do not hang together, we will indeed hang separately.

Mr. BILBRAY. Mr. Speaker, I appreciate the chance to be able to present this issue before this body. I think that, as the Congressional Immigration Caucus has pointed out, there is an issue here that obviously the American people are interested in and we were able to present tonight.

I just have to close with a few comments. One is the fact that the White House has discussed that there are procedures they have to go through. I think it is quite clear to anyone who reads the Constitution that the White House, the President, does not have to go through any procedure except to the decide either to pardon or not to pardon.

We hear a lot over the years of Executive privilege. Executive privilege. And every White House since George Washington has loved to discuss the concept of Executive privilege. But with that privilege goes Executive responsibility. And the White House bears the responsibility and the sole responsibility to issue pardons where there has been a miscarriage of justice. And I think the consensus is among many of us that this is exactly the kind of situation that the Founding Fathers had in mind when they proposed that the Executive and only the Executive would have this power, and this unencumbered power, separate from other procedures, to be able to right a wrong when the justice system has failed. I think that this is a chance that we can talk about.

But the thing that concerns me, Mr. Speaker, as being a Member who was born and raised on the border, I think that what has happened in Texas with this case reflects the total lack of understanding of just how out of control our borders are.

I hear people again and again in the Federal Government say that there are not the resources down at the border to be able to enforce the laws against drug smugglers, that there just isn't enough money and manpower to be able to address the problem, that we must allow these people to go free.

Well, Mr. Speaker, if there was enough money to go down into Mexico, find a drug smuggler, negotiate a backroom deal with this drug smuggler, bring the drug smuggler back, and give them amnesty not just once but twice, if there were enough resources to cut this kind of deal and make this kind of effort to make sure that two Border Patrol agents get convicted, my God, aren't there enough resources to use the same effort to go after the drug smugglers? And I really ask that we consider that.

I would just like to say that tonight we were able to spend almost an hour discussing an issue that is very near

and dear to those who are concerned about the fact that our borders are out of control, that this incident happened in an area where Border Patrol agents had a firefight with smugglers with automatic weapons a few months ago, if you remember. And we wanted to remind the American people how out of control and absurd the situation has become in a lot of ways.

We hope, as the Congressional Immigration Caucus, Mr. Speaker, that over the next few months that Wednesday night will be spent as a night where those of us who are concerned about the illegal immigration issue and the out-of-control border will spend an hour every Wednesday night reporting to the American people of what is going on, on this most critical issue that Democrats and Republicans both care about.

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If there was ever a situation and ever an issue where partisanship should be put aside and being an American should be first, it is time that we find a way to work together on the immigration issue. I call on you and everyone that has the honor of working in this House of the people to join together to address that. I invite you and every Member of the House to join the Immigration Caucus, so that we can work together for the good of all Americans.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ROYCE (at the request of Mr. BOEHNER) for today on account of illness.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McDERMOTT) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. MILLENDER-McDONALD, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, February 12, 13, and 14.

Mrs. CAPITO, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. PEARCE, for 5 minutes, today. Ms. PELOSI, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

#### ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 434. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 31, 2007, and for other purposes.

#### ADJOURNMENT

Mr. BILBRAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock p.m.), the House adjourned until tomorrow, Thursday, February 8, 2007, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

524. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 07-13, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

525. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual report relating to the prevention of nuclear proliferation from January 1 to December 31, 2005, pursuant to 22 U.S.C. 3281(a); to the Committee on Foreign Affairs.

526. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

527. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

528. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the Agency's reports containing the 30 September 2006 status of loans and guarantees issued under Section 25(a)(11) of the Arms Export Control Act; to the Committee on Foreign Affairs.

529. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress

toward a negotiated solution of the Cyprus question covering the period October 1, 2006 through November 30, 2006; to the Committee on Foreign Affairs.

530. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, and Executive Order 13346 of July 8, 2004, certification pursuant to Condition 7(C)(i), Effectiveness of the Australia Group; to the Committee on Foreign Affairs.

531. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual inventory of U.S. Government-sponsored international exchanges and training programs, as well as the FY 2006 report on the activities of the Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training (IAWG); to the Committee on Foreign Affairs.

532. A letter from the Chief, Administrative Law Division, Central Intelligence Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

533. A letter from the Secretary, Mississippi River Commission, Department of the Army, Department of Defense, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act covering the calendar year 2006, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

534. A letter from the Assoc. Gen. Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

535. A letter from the Assoc. Gen. Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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540. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

541. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.