off the floor next week is that change in direction.

Is it everything all of us want? No. Are there things in there that we don't like? Yes. But we have to change direction in this war. It is not going well.

And you talk to the families and, you know, as a Member of Congress, I have made the phone calls, other Members of Congress have made the phone calls to parents. We have been to the funerals, and it is not good. And quite frankly, I don't want to go to any more. But I found out yesterday that I have got to go to another one.

This war has got to end, and it has got to stop. And what we are doing is the quickest way for us to go about bringing a reasonable, thoughtful end to this war, and that means getting our troops out of the middle of a civil war in Iraq.

There are only 2,000 al Qaeda members in Iraq. The war on terrorism needs to move back to Afghanistan, the country that harbored Osama bin Laden. And in this bill there is 1.2 billion additional dollars from the President's request to focus back on Afghanistan, because now Afghanistan, we are starting to lose our way in Afghanistan now because of the lack of focus.

So I think it is very important that the American people recognize what is in this bill. There are benchmarks there that the Iraqis need to meet. And if they don't begin to meet them and show some progress, we start moving out.

We have had 4 years for them to get their stuff together. And for whatever reason, they haven't. And I think, contrary to what some of my friends on the other side have been saying, and the President has said, and people who have kids and everything realize this, this is very basic, that the President is saying, well, if you give them a benchmark, then they are just going to wait us out, and then we leave, and then they will take over, like everything is great right now, and then it will get bad. But it is bad right now.

What we are saying is if we communicate to the Iraqis that we are going to stay there indefinitely, then they will never get their stuff together because they are always relying on us. And what we are saying is, we are not going to be there indefinitely; you better start getting along with each other.

And I hate even saying that because I didn't want this war to happen in the first place. Now we broke them and now we are saying, get your stuff together.

But the bottom line is this, we are where we are, and they need to get together. And the political and religious factions need to get together. And if they don't, we need to leave. And if they do, we need to leave.

I think we have spent enough money, 400, going to be $500 billion in Iraq. $500 billion. And 3,100-plus lives, 20-some thousand soldiers who have been amputees, brain injuries, post-traumatic stress disorder. Enough is enough. Enough is enough. It is time to bring this war to an end. And that is what our supplemental ultimately does.

And so, in closing, I would just like to say, Madam Speaker, that the last 3 weeks we have had hearings in our Labor, Health and Education Subcommittee, and we have had great people testifying on health care in the United States, education in the United States, very interesting stuff. But there are two things that have really hit home to me as I was sitting through these committees with all these experts.

And we had the education experts saying to us that this may be the first generation of Americans who will not have the standard of living or improved standard of living, compared to that of their parents. That was one hearing.

And then the next hearing came in and it was the health care experts. And the health care experts were saying that this generation may be the first generation of Americans that do not exceed the life expectancy level of their parents because of the crisis that we are having in health and obesity in the United States. Literally, your parents may, if you are a kid, your parents may live longer than you live. First time.

And when you look at the money that we are spending to destroy and to kill, as opposed to the money that we spend to create and to build up, it is tragic. It is tragic. And I hate voting for this stuff, but we have to because we have got to get out of there.

But the bottom line is this, we are spending hundreds and hundreds and hundreds of billions of dollars, and the Head Start program that helps kids get off the ground is being cut by $100 million in the President's budget. We are going to fix that. That is not going to end up that way.

But when you look at we are spending hundreds and hundreds of billions of dollars and flatlining funding on programs like Gear Up and TRIO that help young kids get into colleges and that we are not covering enough kids with children's health care, I hope we all remember this when we get through this war and it is time to make the proper investments in our country.

We only have 300 million people in this country. China has 1.3 billion. India has 1 billion. We need everybody on the field playing for us.

Let's put this war to an end. Let's bring our kids home with dignity, and make sure that when they get home these veterans have the proper health care that they need and that they deserve, and then let's start making some investments into this country so that we can be the best that we can possibly be.

Madam Speaker, you can e-mail us at 30somethingdems@ mail.house.gov, or visit us at www.speaker.gov/30something and comment. All of the charts that were seen here are on display on the Web site.

And with that, we conclude our 30-something for the week, and we will see you next week.

VACATING SPECIAL ORDER OF MR. POE

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). Without objection, the 5-minute speech of the gentleman from Texas (Mr. POE) is hereby vacated.

There was no objection.

PROSECUTION OF BORDER PATROL AGENTS

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

Mr. POE. Madam Speaker, this afternoon I want to discuss criminal cases, three criminal cases that have occurred in these United States. All three of these criminal cases have to do with law enforcement officers that were prosecuted by the Federal Government for alleged crimes that they committed on the southern border with Mexico. And I want to discuss the facts of each of these cases so that we have a clear understanding on what has occurred on the border and the border war with Mexico, and how our Federal Government is so relentless in prosecuting the border protectors and not prosecuting those who come across the border illegally.

The first case has to do with the Border Patrol by the name of David Sipe. David Sipe patrolled the Texas/Mexico border down in what is called the McAllen area. Pinedas, Texas, is exactly where it occurred. That is on the tip of Texas, on the Gulf of Mexico that borders Mexico.

In April of 2000, he was on patrol, as he did for many years, as a Border Patrol agent. And a sensor goes off on the border. What that means is that people are coming across the border without permission, illegals, if we can use that phrase.

David Sipe goes to the area where the sensor goes off and he sees 12 to 15 illegals coming across the border. Agent Sipe orders them to stop.

Now, first of all, Madam Speaker, we have one patrolman and 15 illegals. It takes quite a law enforcement officer to have the courage to stop that many people coming into the United States. But he did so because that was his responsibility.

Three of those illegals, however, ignored Agent Sipe and ran into a brushy area there on the Texas/Mexico border. He caught those three individuals. And one of those individuals who was illegally in the country, a Jose Guevara, attacked Border Agent Sipe. And according to Border Agent Sipe, Guevara was going for the agent's weapon while he was being attacked by this illegal.

So Agent Sipe pulled out a flashlight. It is not just a little flashlight that we

normally get over at Wal-Mart. It is one of those long flashlights, and he hit Guevara in the head defending himself. And the wound on Guevara's head required about five stitches later.

□ 1645

Now, instead of prosecuting Guevara for assaulting the border agent, instead of prosecuting Guevara for being in the country illegally, our U.S. Federal Government swoops on the scene and charges Agent Sipe with using excessive force in the arrest of this illegal.

The government then gave Guevara, the illegal, and two other illegals what I call ''get out of jail free'' cards. In other words, their crime, illegally coming to the United States, their crime in my opinion of assaulting a border agent, was forgiven with some kind of backroom deal with the promise of those individuals to testify against Agent Sipe in Federal Court for using excessive force against these individuals.

But that is not all your Federal Government did for these illegals. Giving them get out of jail free cards also gave them Social Security cards, witness fees, and permits allowing them travel back and forth across the border to Mexico without any type of intervention, and further gave them living expenses or money, and, finally, gave them free government phones to use while they were waiting to testify against Sipe. So this is the deal they got to testify against the border agent.

Now, it has been my experience as a judge in Texas for over 22 years, trying only criminal cases, only serious felony cases, that when the prosecution starts making deals with witnesses or law violators and giving them some benefit for testimony, they usually get the testimony that the government wants.

And so what happened in this case? The agent was tried, he was convicted, and the three illegals who got immunity testified against him. He was convicted in the year 2006. During the trial, the Mexican Government was involved in this case, pursuing and demanding prosecution of Agent Sipe.

Now, let's talk about the rest of the story. He is convicted and his case is on appeal. But it turns out, while his case is on appeal, he files a motion for a new trial with the trial judge, telling the trial judge that at his own trial the jury should have heard about the deal made to the illegals. You see, the jury was never told about this backroom deal made with these witnesses. The Federal judge agreed and ordered a new trial.

During these hearings, the U.S. Attorney's Office of course never told the defense that they had given the illegals money or U.S. documents or immunity or green cards or Social Security or cell phones. See, the government never told the defense that during the trial, and they didn't know this deal was made with these illegals, and it is found out after the trial. And once this is found out, brought to the attention of the Federal judge, the defense saying the jury should have known about this so they could hear and judge the credibility of these illegals, a new trial was ordered. And sure enough, he was tried again, the second jury hearing all the truth, the second jury hearing the evidence that the prosecution suppressed in the first trial, and the second jury found Agent Sipe not guilty of any wrongdoing in January of this year.

So the facts of this case: Federal Government prosecutes the border agent for using force; the Federal Government hides evidence in the trial; they are caught hiding evidence; a new trial is ordered; the new trial occurs. The jury hears about the deals made with the illegals, and the second jury finds the agent not guilty, and properly so. Agent Sipe is trying to get his job back as a border agent, but of course our Federal Government is fighting that situation as well.

It makes you wonder, Madam Speaker, why our Federal Government is so relentless in prosecuting border agents, especially in a case like this where the person was found not guilty. And why must our Federal Government withhold and hide evidence that is favorable to the defense in a criminal case? Is it just so they can have convictions of border agents? It makes one wonder, does it not, Madam Speaker?

The second case involves one that most Americans have heard about, two border agents once again on the Texas/Mexico border. Their names are Ramos and Compean. Both of these individuals I have met. I have met their families. They are wonderful people. And both of them, all they ever wanted to be was a law officer protecting the U.S. border from people illegally coming into the United States.

So while these two individuals are on patrol as border agents on the southern border with Mexico, Agent Ramos responded to a call for backup from Agent Compean along the Texas/Mexico border. He had noticed a suspicious van coming into the United States, Texas, if we will, and it looked funny. And based upon his experience as a border agent, a van coming across the river at this desolate area only means one thing to most people: that means it is a drug dealer bringing in drugs.

In the van was an individual by the name of Aldrete-Davila. He was a drug smuggler. And when he comes across the river, he notices the border agents see him. He tries to turn the van around and head back to Mexico. He abandons the van, takes off running. He gets in a scuffle with one of the border agents right there in the Rio Grande riverbed. He runs on back across the Rio Grande river. Shots are fired by both border agents. And Davila, as he is going into Mexico, is shot in I believe the left cheek and the bullet coming out the right cheek. Of course, no one at the scene neither, Ramos or Compean, the border agents, knew that they had hit this individual because he disappears. He already had somebody waiting for him on the Mexican side to pick him up and take him back into Mexico someplace.

They go to the van, and in the van, sure enough, 800 pounds of marijuana. Now, that doesn't mean much to most of us; but if we give you a money figure, it will be relevant. The marijuana in the van was worth approximately $1 million. And it is recovered. And then the border agents, after other border agents appear on the scene, are eventually charged with using excessive force against the drug dealer.

How did this all occur, since no one even knew the drug dealer was hurt? Well, it turns out, once again, our Federal Government gets involved in this case, goes to Mexico, finds the drug smuggler Aldrete, brings him back to the United States, takes him to a hospital in El Paso, Texas, and pays for his recovery and his surgery. Paid for it, that means American taxpayers paid for his surgery and paid for his treatment. And while there, he decided he is going to sue the Federal Government, that means us, the taxpayers, for $5 million for being shot by two border agents.

Now, it is true, Ramos and Compean probably did not follow appropriate policy in the way they handled the reporting of this incident, and so they were suspended. They are tried, but they are not tried for violating Border Patrol policy. They are tried for using excessive force in firing their weapon at this drug dealer as he is fleeing back to Mexico. Part of the reason that they were prosecuted was because, like in the first case with Sipe, the Mexican Government in its self-righteous arrogance demanded prosecution of these two border agents, and that is exactly what happened.

They were prosecuted. They were tried in Federal Government court. It took forever for us in Congress to receive the trial transcript of that trial. And they were sentenced to 11 and 12 years in the Federal penitentiary for alleged civil rights violations.

Now, the Federal Government, the prosecutors, in this case made another deal, a backroom deal with the drug smuggler. They forgave him of his sins of bringing in $1 million worth of drugs if he would testify against the border agents in this trial. And he did what was expected of him: he testified just exactly the way the Federal Government wanted him to testify in this case.

But now there is more to the story. It turns out that the drug dealer, while waiting to testify after picking up the first case, getting immunity from being prosecuted, and before the trial it seems as though that our little friendly drug dealer from Mexico brings in another 750 pounds of marijuana. And the Federal Government knew about this case, the DEA investigated the case, they made a report. I have that report; I have seen the report. That case is simple to be made. In

other words, it could be a simple prosecution. A third-year law student could prosecute that case.

But the Federal Government doesn't prosecute the drug dealer on the second case. They just ignore the second case. He is never charged; he is never arrested. Nothing ever happens in the second case. And more importantly, the jury never heard about the second case and the second deal that our Federal Government implicitly made for the drug dealer.

Now, why is that important? First of all, it is withholding evidence from the jury. And as we discussed, it is basic American law that the prosecution may not withhold evidence favorable to the defense. They may not withhold it on purpose, they may not withhold it because of their negligence, and they may not withhold it because of their incompetence. If you withhold evidence from the jury that is beneficial to the defense, normally the defense is entitled to a new trial.

Also in the trial the drug dealer was made out to be, by the prosecution, as he testified, just a mule and that he was bringing drugs in the United States to get a little money to help his poor sick mama down there in Mexico. Well, we understand of course that wasn't the truth. He was more than a mule. He brought over at least two different times drugs into the United States. It kind of puts him up on the ladder a little bit, each time the drugs, around $1 million of drugs, going into our streets and our highways and byways. And the prosecution ignored the second case, and the jury should have heard about the second case to judge the credibility of the witness. And what do I mean by judge the credibility of the witness?

You see, when the witness comes in and testifies, the jury needs to know what deal the prosecution made with the witness to get him to testify because, as I mentioned earlier, you usually get the testimony you want when you make a deal with some criminal. And in this case, the prosecution obviously got the testimony they wanted because Ramos and Compean were convicted.

And so the question is, why did our Federal Government in this case choose not to prosecute the drug dealer?

Assume, if you will, that the border agents violated some policy. They probably should have been suspended, given some days off for not filling out the forms correctly or reporting it correctly. But here, on the other hand, you have got a drug smuggler bringing in $1 million worth of drugs.

Now, why did our Federal Government choose to prosecute border agents and not prosecute drug smugglers? We don't know the answer to that question. We may never know the answer to that question. But we do know the Mexican Government in this case as well was involved in relentlessly wanting these two border agents prosecuted. They are both now in Federal penitentiary serving their 11- and 12-year sentences. One of them, shortly after he went into custody, was beat up by people in the local prison because of the fact that he was a Border Patrol agent and arrested many drug dealers in the past.

And let me give you a little more information on this particular case. When this all came to public light about these two border agents, myself and other Members of Congress wanted to know the facts because the trial transcript had not been produced yet.

So we met with members of the Office of Inspector General to try to get a briefing, if you will, on what happened down there on the border; and during that briefing we were told certain things that did not occur. We were told that Ramos and Compean had decided that day they were going to shoot a Mexican national. At the trial, there is no evidence that that ever occurred or any statement was ever made. Is that misleading Members of Congress, misleading the American public?

We were also told that Ramos and Compean did not think the drug dealer had a gun. Not so. During the trial, both agents testified they had thought the drug dealer had a gun, thus the way the angle of the bullet went through one buttocks and came out the other side as if somebody is pointing a weapon at you. That was a falsehood as well.

It makes us wonder as elected officials why our Federal Government is not candid with Members of Congress about the truth of this particular case. So in this particular matter, the jury didn't hear about the second case. And now they are both in prison while their case is on appeal. And, hopefully, the appellate courts will review the entire matter, reverse the case, order a new trial, and let the jury hear all the truth in the second trial, like the jury did in the David Sipe case.

Now the third criminal case, which is even more recent than Agents Ramos and Compean. It also occurs in Texas, it also occurs near the Texas/Mexico border. It occurs in a place called Edwards County, Texas. Probably most Americans haven't been there. Edwards County is about the size of Delaware, and on any given day there are three deputy sheriffs on patrol. That is all.

□ 1700

And one of those deputy sheriffs is a person by the name of Gilmer Hernandez. Gilmer Hernandez was on routine patrol by himself. Of course, they don't have enough manpower to put two people in a patrol car. And in the middle of the night, he is in the small town of Rock Springs, Texas, and he notices a truck, a Suburban, runs a red light. Deputy Hernandez pulls over the vehicle. He approaches the vehicle, and he notices a bunch of people are laying down on the floorboard of this vehicle. As he approaches the vehicle, according to Deputy Hernandez, the driver takes off, swerves around, and tries to hit and run over Deputy Hernandez. So what does he do? Well, he pulls out his pistol and he starts shooting. And what is he shooting at? The tires. Just like in the movies, I guess. Deputy Hernandez not only shot at the tires, he hit them, and he blew out at least one, maybe two tires. The vehicle stops. Seven or eight illegals jump out and take off running.

Deputy Hernandez calls the sheriff, tells him exactly what happened, what he did. The sheriff arrives on the scene. The sheriff calls for an independent review or investigation of this entire thing since a shooting was involved, and in come the Texas Rangers.

Many people aren't too familiar with the Texas Rangers, but they are, in my opinion, as fine a law enforcement agency as there is anywhere in the world. They work independently of everybody. The Texas Rangers investigate this case, and they find that Deputy Hernandez acted properly throughout the entire matter.

Now, one thing I must mention is that while he was firing his weapon at the vehicle, one of the bullets ricocheted and hit a passenger in the lip, causing minor injuries, and that passenger stayed in the vehicle when the others fled.

But then here comes the Mexican Consulate with another demand letter to our Federal Government demanding prosecution of Gilmer Hernandez for firing his weapon, even to protect himself.

And then the Federal Government, our Federal Government, even though an investigation had already been done by local law enforcement, like the cavalry they show up to save the day, and Gilmer Hernandez is prosecuted for unlawfully discharging his firearm even though, in my opinion and the opinion of the other law enforcement agencies, he did exactly what he was supposed to do.

Now, Gilmer Hernandez was tried and he was convicted. And on Monday he is going to be sentenced by a Federal court for firing his weapon.

Let me tell you a little bit about Gilmer Hernandez. He is a deputy sheriff. He is 25. He is married and has a child. And patrolling the West Texas sands between Mexico and Texas earns him $21,000 a year. He has always wanted to be a lawman. He is proud of his service. And now he is in jail for enforcing the law.

So what do we know about the illegals in this case? Remember they are illegally in the country just like the drug dealer was illegally in the country, just like the other three individuals in the Sipe case were illegally in the country. Well, our Federal Government doesn't deport them back to Mexico. Our Federal Government makes a deal with these illegals and gives those seven or eight illegals green cards so they can stay in the United States and testify against Deputy Hernandez.

So it is interesting that these three cases are so similar. It is interesting how our Federal Government has such zeal to prosecute border protectors. And why does our Federal Government immediately take the side of the person that is illegally in the country whether they are an illegal or whether they are a drug dealer or whether somebody assaulted one of our Border Patrol agents? I don't know the answer to that question, but they do. And what has the effect of that been on our border protectors? What effect do you think it is on our border protectors? Border Patrol agents and deputy sheriffs that patrol the southern border with Mexico, when in doubt, they back off. Why? Because if they do their job and protect the border as we expect them to do, the Federal Government doesn't back them up. The Federal Government backs up the illegals that come into this country. All the while we have got the Mexican government back here demanding prosecution of our border protectors.

It is very disturbing to see this trend. And, Madam Speaker, as I mentioned before, I was a judge in Texas for 22 years. I heard about 25,000 felony cases, everything from stealing to killing. And I heard every kind of defense, every kind of story, and every kind of accusation against individuals. And before that I was a prosecutor in Houston, Texas, for 8 years. And I don't have any sympathy for criminals. I don't care if they are what we consider regular criminals or peace officers that violate the law. I even prosecuted five Houston police officers one time for beating up an individual of Hispanic descent and throwing him in one of our bayous where he later drowned. I have no sympathy for criminals whether they wear the badge or don't wear the badge. But looking at these three cases makes me wonder why our government is making the choices that it is making. I guess as long as we will continue to pursue these three matters, we may find the answer.

Now, many Members of Congress on both sides of the aisle have asked the President to pardon Ramos and Compean. That is the President's decision. He hasn't said one way or the other what he is going to do. He has the authority under the Constitution to pardon people. That is his authority, and whatever choice he makes, I respect that choice.

But we are also asking for there to be congressional investigations into this entire matter of the prosecution of these cases, especially in light of the fact that we now find out that the Office of Inspector General misled several Members of Congress, like myself, of what the facts were on the border between Mexico and Texas and in the Ramos and Compean case, because we just want to get to the bottom of it and find the truth in these matters and especially why our government makes the choices that it does.

You know, Madam Speaker, last year and this year we are hearing a word tossed around. The word is ''amnesty.'' I am personally opposed to granting amnesty to people who are illegally in the country, rewarding them for illegal conduct. But we hear about that amnesty all the time. But before we start talking about giving amnesty to 15 to 20 million people that are illegally in the country, why don't we just give amnesty to about three people, two border agents and a deputy sheriff that are behind bars that happen to be American citizens? Give them amnesty because, in my opinion, what they have done deserves either a pardon or some form of amnesty. And it appears to me that besides really telling our law enforcement officers to back off on protecting the borders, this sends a message to other people, and those are people who want to come into the United States illegally.

Now, we hear all of that about people coming over here and looking for a better life and that sort of thing. That may be true with some people. But not everybody coming over here is looking for a better life. People like Aldrete are coming over here to make a little money selling dope, over a million dollars worth of it in two cases. And failure to protect the border encourages those people to come across the border illegally as well.

And then there is that other group we haven't even talked about, those people that we still use the phrase of terrorists. But since the border is unprotected, it is much easier to just come right into the United States that way instead of fly into Reagan International Airport right down the street. So when we have lawlessness on the border that breeds more lawlessness. And failure to protect the borders increases illegal activity. Failure to support law enforcement agents that are doing their legal job encourages illegal activity into the United States.

I think all of this is telling us that, it appears to me, the Federal Government doesn't have the moral will to protect the borders. Why do I say that? Because this is the most powerful country that has ever existed but yet we cannot protect our borders. Why not? Because we don't have the moral will to do so. The United States defends the borders of other nations. We send our troops all over the world to defend the borders of other nations: Korea. We have got troops in Iraq, Afghanistan, Bosnia, all over the world. But yet we don't protect our own borders. Why not? Because maybe we don't have the moral will to do so. If we did, we could close the borders to any illegals coming into the United States.

So our Federal Government needs to get on the right side of the border conflict, and that is the American side and what is best for the United States. Not what is best for illegals, not what is best for some foreign country, not what is best for drug dealers coming into the United States, but what is best for the United States. And our Federal Government needs to get on the right side of the border conflict.

Madam Speaker, when I was a judge, I always wanted to make sure that in that particular case that justice occurred. To quote Willie Nelson, not that he was a great legal mind, but he made the comment that justice is the one thing we should always find. And that is true. Justice is the one thing we should always find. And, hopefully, if we bring more light to these law enforcement cases where law enforcement officers are prosecuted for doing their job, bring light to the American public that justice will prevail because I do believe in our system. I believe in our system of the trial court and the jury and the appellate courts, but I also believe in openness and that the prosecution cannot and should not ever hide evidence that is favorable to the defense. And down the road, hopefully, we will see justice occur, that these wrongs will be righted, that the innocent will be set free, and that the guilty will be prosecuted for their crimes against the United States and against law enforcement officers that protect our border day in and day out.

Now, I have been down to the Texas-Mexico border seven or eight times. I have been to the California-Mexico border. I hope all Members of Congress, especially those that live in other parts of the country, go to the border to see what it is like. It is a volatile area of our country, and all you need to do is go down there and see it.

When I was down at the Nuevo Laredo sector, where there is a high volume of crossings into the United States, both legal and illegal, I asked a former Texas Ranger, I said, What is it like down here? Give me your opinion.

And he said, Well, Congressman POE, after dark on the Texas-Mexico border, it gets western. It gets western.

What he meant by that is it gets violent. It gets violent. Sheriff Rick Flores of Webb County, Texas, and Webb County is also on the Texas-Mexico border, stated not too long ago that it is not unusual to be down on the Texas border on the American side and get gunfire from the Mexican side coming across shooting at his deputies. Whom is that from? Drug cartels fighting over turf. It gets western.

And the people we have asked that have sworn an oath to protect our border are the peace officers. They wear the badge. They are all that stands between us and the lawless. And we have the duty to make sure they have the equipment to do that job and fulfill that mission, and we have the duty to make sure that when they are in conflict and they have not committed any violation of the law that we totally support them and that we don't give in to the political pressures of other nations.

Madam Speaker, I just want to say that's just the way it is.