

Mr. Speaker, it's time for America to be America again: peace loving, compassionate, and a true champion of human rights, and restore our dignity.

HADITHA, IRAQ, FIREFIGHT THE MARINES AND THE PRESS

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

Mr. POE. Mr. Speaker, the New York Times called it the "nightmare" killings of Haditha, Iraq, and the "defining atrocity" of the Iraq War. Maureen Dowd of the New York Times referred to the incident as the "My Lai Acid Flashback." Another New York Times reporter filed 36 stories on what he called the "cold blooded killing," saying, "This is the nightmare everyone worried about when the Iraq invasion took place." Self-proclaimed expert and "worst person ever," Keith Olbermann of MSNBC, called it "willful targeted brutality." Nation Magazine said of the event in Iraq that "members of the 3rd Battalion, 1st Marine Regiment perpetrated a massacre." And even a Member of this House of Representatives said, "Our troops overreacted . . . and killed innocent civilians in cold blood."

It has become the largest investigation in the history of Naval Criminal Investigative Service, which has 65 government agents assigned to this one case. Mr. Speaker, as a former judge and prosecutor, I have never heard of 65 criminal investigators assigned to one case except the 9/11 attack.

What is the terrible atrocity these news sources are talking about?

Well, Mr. Speaker, the Haditha, Iraq, incident took place in November of 2005 when our Marines were attacked by the use of a roadside bomb that exploded, killing one Marine and wounding two others. The Marines were then engaged in a firefight. Twenty-four Iraqis were killed, including some civilians.

After the gun battle was over and the smoke cleared, our government charged four Marines with murder and four others with not properly investigating the case. In a rabid rainstorm of criticism by U.S. journalists who were looking for the scalps of these eight Marines, the eight Marines were tried by a hysterical jury of journalists in the press and apparently found guilty on all charges.

But normally, Mr. Speaker, in America we try folks in our justice system and give them a trial before we send them off to the hangman and the gallows. Be that as it may, now, 2½ years after expensive, intense, and thorough investigation, the facts as portrayed by the sensational National Enquirer-type journalists are not as they were portrayed to be.

According to columnist Michelle Malkin, who covered these cases in depth, seven of the eight Marines have had their cases dropped or dismissed. The eighth is awaiting trial in a real

court, rather than the court of yellow journalism.

These journalists, ironically, are the same ones wanting to close down Guantanamo Bay prison and are worried about the treatment of those alleged terrorists there who may get cold blueberry muffins for their breakfast. But these writers could care less about the presumption of innocence for these eight U.S. Marines, seven of which have had their cases dismissed already. Only in America does the press get teary eyed about the Gitmo detainees but is blissfully ignorant about the justice in the prosecution of our Marines.

Meanwhile, the U.S. Marines are still in the midst of battle in Iraq and Afghanistan and standing vigilant in other places of the world protecting American interests and values. Those values include the freedom of speech and the freedom of the press to say anything it wants, even when the press is totally inaccurate and unfair in the expression of those fundamental rights. And for the U.S. Marines, we say Semper Fi. Semper Fi.

And that's just the way it is.

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

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

THE 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 the House are aware, in February of 2006, U.S. Border Patrol agents Ramos and Compean were convicted of shooting and wounding a Mexican drug smuggler who brought \$1 million worth of marijuana across our borders into Texas. The agents were sentenced to 11 and 12 years in prison and now have been in Federal prison for 523 days.

Last week I sent a letter, signed by Congressmen TED POE, DANA ROHR-ABACHER, VIRGIL GOODE, LOUIE GOHMERT, JOHN CULBERSON, and DON MANZULLO, to ask the U.S. Department of Justice Office of Professional Responsibility to investigate the actions of U.S. Attorney Johnny Sutton in this case.

□ 1930

One of the main reasons for this request stems from the firearm charge used by his office in prosecuting the agents. This charge carried a 10-year minimum sentence. Without this charge, one of the agents, Agent Ramos, would have already completed his sentence and would be out of prison and with his family today.

The office of U.S. Attorney Johnny Sutton charged the agents with the discharge of a firearm during a crime of violence. Yet, there is no such crime. The law makes it a crime to use or carry or possess a firearm in relation to any crime of violence. The Supreme Court ruled last year in United States vs. Watson that discharge of a firearm is only a sentencing factor for a judge to consider at the conviction, not for the jury to determine if a crime occurred. However, you can imagine how difficult it would be to convince a jury that two Border Patrol agents, law enforcement officers, were unlawfully using, carrying, or possessing their firearms.

When you look at the history of why Congress enacted this statute, one reason stands out: To warn criminals to think twice before they stick a gun in their pocket on the way to the scene of a crime. This is the reason the statute clearly does not apply, does not apply to law enforcement officers like Ramos and Compean. These men were not carrying guns so they could commit a crime, they were required to carry guns as part of their job.

By focusing the jurors' attention on this nonexistent crime of discharging a firearm, there is reason to believe that Johnny Sutton intentionally manipulated the Federal criminal code to obtain a conviction against these two Border Patrol agents at all costs.

The American people must be confident that prosecutors will not tailor the law to make it easier to secure a conviction in a particular case. Federal prosecutors take an oath to enforce the law, not to make it.

I want the families of Ramos and Compean to know that my colleagues and I will continue to bring this injustice to the attention of the American people and to the White House.

I am most grateful, I am most grateful to Chairman JOHN CONYERS and his staff for their interest in investigating the prosecution in this case. I hope that the House Judiciary Committee will soon hold a hearing on this injustice, and I am also hopeful that the Department of Justice will take this matter seriously and will investigate Mr. Sutton's conduct in this case.

Mr. Speaker, before closing, I want the family, again, of Border Patrol Agents Ramos and Compean, that those of us in Congress on both sides of the aisle, we care about their families, we care about these Border Agents, and never, under any circumstances, should they have been indicted and prosecuted.

I want to thank Chairman JOHN CONYERS for holding hearings on this matter.