

tired, they are exhausted. They recognize that they can't be a sustainable country with this kind of circle, this kind of ring, this kind of enemy surrounding them. So the idea that somehow the Israelis are trigger happy and looking for a fight could not be any more wrong.

So there are some things for all of us to do. One of the things to do, as we look at this through the lens, the western lens of why can't we just solve this problem, well, you know what? These are difficult problems, but they are solvable. They are solvable when the weapons are put down, when the rockets are put down. They are solvable when a child in Sderot doesn't have to have a blue room where they run to where they have 15 seconds, as Congresswoman MALONEY said, to get to safety.

We can't have a city like the one that has been referred to a few times here. Let me put this up one final time.

□ 2145

Sderot is this little town here, right by Gaza, that has had hundreds of missiles fall upon them day after day. We can't expect anyone to live like that.

What we can do as United States citizens is say, listen; one, we are going to start talking with our wallets. We are not going to allow any aid to go to Gaza until they change their government there. We can't support a military terrorist organization.

We have to say that we want better accountability here too. We want better accountability from Fattah.

We have to demand that Egypt, in exchange for getting billions of dollars in aid from us, the very least they can do is make sure the tunnels are stopped so if and when there is a cease-fire, and, God willing, it is soon, weapons don't come.

And we have to finally face the reality about places like Saudi Arabia and Syria. They are not our allies. Nothing could be further from the truth. Although we all know it about Syria, we need to recognize it about Saudi Arabia.

Finally, let me just say this. One of the ways we say God bless America is joining with the Israelis when they say Am Yisrael Chai—the people of Israel live.

REQUESTING A PARDON OR COMMUTATION OF SENTENCE FOR JOSE COMPEAN AND IGNACIO RAMOS

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. I again thank the gentleman from New York for yielding a moment of his time to me.

I change the subject at this point, Mr. Speaker. I asked for this time before this great deliberative body and

this honor and privilege to address you on this subject matter, speaking to you, Mr. Speaker, and understanding that there are eyes and ears across this country, particularly in the White House tonight, who are in the business of cleaning out their desks, going through their files, packaging up many in the archives, some going I presume into the trash or the shredder, and making room for a new administration that comes in.

During this period of time, every 4 years, we will see the President of the United States, the commander-in-chief, the conductor of our foreign policy and the chief law enforcement officer of the United States among other things, all wrapped up into the package of President George W. Bush, following in the footsteps of his predecessors before him and contemplating the right and the power and the authority that he has to pardon those who have been convicted of a crime or to commute their sentences, those who have been convicted of a crime.

If we look back through history, there have been some long lists of people who were pardoned or had their sentences commuted, and sometimes it has been controversial. I won't dredge up some of those controversial pardons, but I will raise the issue that a President has this authority. Sometimes he exercises the authority of the pardon or the commutation out of compassion. Sometimes it is out of a sense of misapplied justice. Sometimes it is just out of a sense of mercy that is coupled with compassion.

But the case that I raise tonight, Mr. Speaker, is the case of Ignacio Ramos and Jose Compean, who are Border Patrol officers, I should say at this point former Border Patrol officers, who were involved in an incident down near the Mexican border that had to do with the interdiction of a drug smuggler from Mexico.

This drug smuggler was an individual by the last name of Aldrete-Davila who was intercepted by agents Ramos and Compean. This was on February 17, 2005, near Fabens, Texas, where they interdicted Osbaldo Aldrete-Davila, who was suspected of smuggling drugs into the United States. It was later found that the van that they chased that Aldrete-Davila abandoned and ran across the countryside contained 743 pounds of marijuana worth approximately \$1 million.

Well, this incident as it unfolded showed that one of the agents chased the drug smuggler, Aldrete-Davila, and the other agent cut across to try to cut him off, presumably to cut him off before he could get into across the border into Mexico. It was Ramos who chased him. Ramos chased him and Compean attempted to interdict him.

In any case, there was an altercation that took place. Both agents discharged their weapons. The discharge from Agent Ramos' weapon was stipulated to be the bullet that hit the drug smuggler. And, as the situation un-

folded, there was a confrontation with Aldrete-Davila and Agent Compean that ended in multiple discharges of Agent Compean's weapon. None of those rounds hit the drug smuggler. He disengaged himself from Compean and ran. As he turned and looked back, Ramos came onto the scene, Agent Ramos came onto the scene and discharged his weapon, as I recall, once.

There was no sign by either agent, any observation that any of those shots actually hit the drug smuggler. That wasn't known until some time later. A family connection, a relation of another agent with the relation of the drug smuggler, passed that information along, in which case there was an investigation that began.

Agents Ramos and Compean admitted that they didn't deliver the complete, full written report for the incident that took place. Recognizing that, the crime that they were charged with originally was a lesser crime than the crime that was brought against them.

But, in any case, after this situation unfolded and Ramos and Compean were arrested and charged, then as agents of the Border Patrol arrested and charged for the incident, around the incident were failure to file a complete, honest and truthful report. There were other agents and supervisors that were purportedly on the scene. It wasn't that the incident was necessarily covered up, but it wasn't appropriately reported.

After the original charges, the lesser charges were filed, the government drastically increased the charges by securing a superseding indictment pursuant to 18 USC 924, which is a statute that outlaws the discharge of a firearm in the commission of a crime of violence. This charge, 18 USC 924, carries with it a 10-year mandatory minimum sentence.

So they were subsequently convicted of discharge of a firearm in the commission of a crime, a statute that was never envisioned to apply to a law enforcement officer who is lawfully carrying a weapon, in fact required to carry a weapon, and who perhaps discharged that weapon in a lawful fashion in carrying out their duty. That is a question that I think the court probably answered in the negative.

But, in any case, this statute, 18 USC 924, the discharge of a firearm in the commission of a crime of violence, was the Federal charge that was brought as a superseding indictment, and it was a heavy charge that was laid on Agents Ramos and Compean, and the conviction that followed from that resulted in the mandatory sentencing that came about which turned out to be 11 years and 1 day for Agent Ramos and 12 years for Agent Compean.

Now, Mr. Speaker, and I implore your attention to this and I pray that the attention of the President is focused on this argument, and that is not that Agents Ramos and Compean are innocent of the charges that have been brought against them by the active

U.S. Attorney Johnny Sutton; not that there shouldn't be some charges brought to provide a deterrent and perhaps a restraint, although I have some reservations about that within me. I am not making that argument, Mr. Speaker.

I will make the argument that these officers have been incarcerated almost continually since this investigation began, and the sentences that have been brought forth on Agents Ramos and Compean are unreasonable. They are outrageous. It is out of balance with the crime itself. It serves no public purpose to keep these agents in a Federal penitentiary any longer. They have spent significant time in solitary confinement because they need to be protected from the other inmates within the Federal prisons they are in.

I looked into that, to ask the question could we make the case that it is cruel and unusual punishment for someone to go into solitary confinement and have to face potentially more than a decade in a Federal penitentiary in solitary confinement. I couldn't make that constitutional argument, Mr. Speaker. As much as I would like to make the argument in the case of Ramos and Compean, I can't make that constitutional argument.

I could make the argument that we could move legislation in this Congress to grant them a new trial in perhaps a different district that might give them a better opportunity for justice that is more appropriate to the acts that they are charged with and convicted of.

Mr. Speaker, I will now constrain my arguments to this: The prosecution has gone forward in a hyper-aggressive fashion and concluded with convictions and sentences that reflect the aggressiveness of the prosecution on this case. I believe that these officers have served an appropriate punishment.

I think that we have passed Thanksgiving, Mr. Speaker. In reference to the President's consideration, we have passed Thanksgiving. I recall watching on television as the Thanksgiving turkey was put up on the chopping block. And like happens every year right before Thanksgiving, the President of the United States comes down, looks over that nice, tasty-looking turkey and passes a sentence over the turkey which is a pardon for that turkey. He doesn't end up on anybody's Thanksgiving table, at least not real soon. I don't have any idea where they put these retired turkeys.

But as I watched that, I thought about Agents Ramos and Compean. What about the comparable merit? What did the turkey do to deserve the pardon, Mr. Speaker? So that question began to roll around in my mind about the dichotomy of pardoning the turkey, but leaving Agents Ramos and Compean in Federal penitentiaries. One of them I understand is still in solitary confinement.

So, Mr. Speaker, I began to look and reflect across what is the practice and what are some of the crimes that have

been pardoned. One could look at previous Presidents, but I believe in this case it is appropriate to look at the pardons and commutations of President Bush, who is marking his last days in a long career here, and I have great respect for his service to America and personal affection for the President of the United States.

I looked at the list of the pardons and the commutations, Mr. Speaker, and to date, and this is as of the 14th of January, President George W. Bush has granted a total, by this record at least, of 171 pardons and eight commutations.

Mr. Speaker, what is the nature of these pardons and commutations? What moved the heart of the President of the United States? What raised the issues up to a level high enough that his Pardons Counsel would make a recommendation to the President to pardon these individuals, 171? Now, I probably I don't think that the President had a 2-hour meeting analyzing each one of these cases. I suspect that his staff is doing the analysis and making recommendations to the President.

I know what an echo chamber is, Mr. Speaker. I have a little sense of what happens when you have a circle of people around you and they take a position and their ego is tied to their policy and their position, so if something comes along that threatens to change the policy, it also is a threat to their ego. They tend to get their backs up and then they filter out the information that might reverse their position because their ego can't fall with their position.

That is a big mistake that is made often in public life. I see it made by Members of Congress, and I am not immune from it myself. But getting one's ego wrapped up with the issue is something that happens with staff as well.

So if that information is not getting through to the President, Mr. Speaker, this is an opportunity for it to matriculate into the conscience of a President who ran for office the first time in the year 2000 as, about the first statement was, a "compassionate conservative." This is the President who immortalized the phrase "compassionate conservative."

I look at this list of pardons and commutations, and it is clear that the compassion is there. There is also conservatism there. It is about half of the pardons that have been issued by the previous Presidents going back from President Clinton and President Reagan. If you compare the previous two-term Presidents, it is about half of the number. But it is still a respectable number, 171 pardons. I am not saying that I would have more or less mercy. But as I look through this list, what types of people and what kinds of crimes are pardoned? It is an interesting review, Mr. Speaker. I have highlighted a few.

Food stamp fraud. Food stamp fraud, not of great consequence in the grand scheme of things. Not a violent crime, perhaps didn't shoot anyone.

Bootlegging. It is interesting that bootleggers would be pardoned. The President's compassion found a bootlegger and pulled him out of the Federal prison and released him into society, pardoned, ready to start life fresh again and renewed again. Redeemed, Mr. Speaker, to use a Christian term.

Here is one, and I will not use the names. It serves no purpose to do so. They deserve their peace in their pardon. But here is a pardon that took place for drunken disorderly, for communicating a threat, disrespect to a superior commissioned officer, assault, damage to government property, resisting apprehension and failure to obey an order. All of that wrapped up in one individual, Mr. Speaker, who received a pardon.

I will go through that again. Failure to obey an order, drunken disorderly, communicating a threat, and that means threatening someone, disrespect to a superior commissioned officer, assault, a violent crime, assault, damage to government property and resisting apprehension and arrest.

□ 2200

All of those things, wrapped up, and all of those pardoned. Life begins anew. This individual is redeemed by the President's pardon.

Violent acts, a long list of egregious violent acts willfully, whether it was under the influence of alcohol or not, it says drunk and disorderly, but we're still responsible for our actions.

I'm not objecting to the pardon, Mr. Speaker. I'm pointing out that here are some crimes that would fit within a category that I think would qualify Agents Ramos and Compean for a pardon.

And I move on down the line. Another individual, pardoned for arson, burning down a structure of some type. And I look through a series of these, possession of marijuana with intent to distribute, conspiracy to deliver LSD.

Here's one, an interesting pardon, property damage by use of explosive and destruction of an energy facility. In plain English, that means blowing up some utility, presumably, so using explosive to destroy an energy facility. I don't know if that was a coal-fired generation plant, a nuclear plant, or maybe an ethanol plant in Iowa, Mr. Speaker. But that's violent, when you set up explosives and blow up a utility. Pardoned.

Again, Mr. Speaker, I'm not arguing that this individual that perpetrated this crime and was convicted and sentenced to a Federal penitentiary isn't deserving of the pardon. They may well be.

The President's compassion and conservatism reached out to the arsonist, reached out to the drug smugglers, reached out to the violent drunk and disorderly soldier that was sentenced for a whole series of acts and crimes. Drugs, drug smuggling.

Here's a pardon, bank robbery by use of a dangerous weapon. So would that

be armed robbery of a bank? I'd say so. Pardoned. Pardoned, Mr. Speaker. The compassionate conservative reached out and pardoned the armed bank robber hasn't yet found the compassion to pardon Ramos and Compean. Pardoned the turkey, but not Ramos and Compean.

Possession of cocaine, narcotics enterprise, methamphetamines. You notice the drugs coming back over and over again. Cocaine. Here's one, unlawful transfer of a firearm. Pardoned. Possessing an unregistered still, probably an associate of the bootlegger, pardoned. In fact, we register our stills in Iowa, then we denature the alcohol that we make. That is ethanol. So those folks are in compliance with the first gallon, I know.

Here's another pardon for conspiracy to possess and distribute ephedrine hydrochloride, illegal drug, marijuana, marijuana, cocaine, marijuana, cocaine, the list of drugs goes on, and the exception comes down.

Here's just one that jumps to my mind. Conspiracy to import marijuana. Well, Mr. Speaker, that happens to be exactly what drug smuggling Aldrete-Davila was doing when Agents Ramos and Compean encountered him near the Mexican border on that fateful day of February 17, 2005 with 743 pounds of marijuana. Conspiracy to import marijuana, drug smuggler, pardoned, many drug smugglers pardoned on this list of 171 pardons and 8 commutations. In fact, 27 are pardoned from drugs out of this list.

Aldrete-Davila, smuggling drugs, conspiracy to import marijuana, in fact, importing marijuana. And, in fact, he has been convicted subsequent to the trial of Ramos and Compean, where he received a grant of immunity in order to cooperate in the prosecution of Ramos and Compean. And the activities of the drug smuggler, Aldrete-Davila, were not divulged to the jury by agreement between the U.S. Attorney Johnny Sutton and the judge.

Again, I'm not taking an issue with the decision made by the judge or the recommendation made by U.S. Attorney Johnny Sutton; simply that the veracity of the star witness against Agents Ramos and Compean could not have been appropriately evaluated. The government had information about the activities of this drug smuggler that would have affected, I believe, the judgment of the truthfulness of the star witness for the government who was using his grant of immunity in order to get a pass to smuggle more drugs into the United States even while the trial was taking place. And after the trial, after the convictions, after the incarcerations of Ramos and Compean, after that, on one of the following loads of illegal drugs, that then, the drug smuggler, Aldrete-Davila, was interdicted by other agents and brought to trial and brought to justice and sentenced to 9½ years in a Federal penitentiary. It just happens to be less

time than either Agents Ramos and Compean, even though he's a serial drug smuggler.

And I could give you anecdotal evidence about his propensity for carrying a firearm. That's not a legal argument. It's anecdotal. But I would point out that Agents Ramos and Compean each testified in slightly different language, that one said that he thought he saw a gun; the other one said he saw something shiny. In any case, when you're in an altercation, when dust is flying into your eyes, when things are hot and heavy, when you've been in a chase of a van, and that van is abandoned, and the drug smuggler is running across the countryside and he turns and you see something shiny, or think you see something shiny or you see a gun or you think you see a gun, when your life's on the line, these agents are trained officers. I hope they're not trained to hold their fire when somebody points a gun at them. But we have officers now that are second-guessing these decisions.

We had an officer in the Southwest, I think it was California a little over a year ago who was laying out a strip to stop a vehicle to puncture the tires of a vehicle and was run over by an illegal that they were trying to interdict. And I have to wonder, would he have turned and used his firearm if it hadn't been for Ramos and Compean being in a Federal penitentiary? Did that slow down his reaction time? Did it change his judgment? Does it change the training?

Do agents that are out in the field, the hard chargers, those that are up there on foot in the mountains, doing their job to defend our border, are they so intimidated by this type of hyper-aggressive prosecution that they make decisions to put their life at risk, rather than to pull their service weapon and defend themselves? How could that not be the case, Mr. Speaker? Human nature is that way.

So we miss opportunities to recruit good agents, and good agents that are there aren't as good as they might be because of the intimidation effect of hyperaggressive prosecution.

And I know, Mr. Speaker, that U.S. Attorney Johnny Sutton would like to have an opportunity to rebut some of the things that I have said. But I'll point out that U.S. Attorney Johnny Sutton has had a lot of opportunities to preempt some of the things that I have said. And without regard to his sense of justice of the conviction itself, I can read, Mr. Speaker, for you into the record some quotes from the U.S. Attorney Johnny Sutton on what he has to say about the punishment of Ramos, Agents Ramos and Compean.

This is on Glen Beck's program, May 18, 2007. "It becomes a debate about punishment" is a quote of Johnny Sutton. Continue to quote. "I have a lot of sympathy for those who say, look, punishment is too high. You know, 10 years. I agree, punishment in this case is extremely high." Johnny Sutton, May 18, 2007.

A couple of months later, July 17, 2007, testifying before the Senate Judiciary Committee, U.S. Attorney Johnny Sutton said, and I quote, "But I've conceded that the punishment in this case, that's a lot of time. Some say it's just too much. And I have some sympathy for that." That's the CONGRESSIONAL RECORD, testimony under oath, before the Senate Judiciary Committee July 17, 2007.

And on the same day, July 17, 2007, on Lou Dobbs' program. Now I recognize that we have a U.S. Attorney that has a lot of national media exposure here. There is a reason for it, because the Nation's turned their focus on this case of Agents Ramos and Compean and the injustice of the mandatory sentence that they are serving. And on Lou Dobbs' program on that day, I'll quote again, U.S. Attorney Johnny Sutton. "The only issue really is punishment. That's what sticks in people's craw. It's lot of time, and I've said that. I've said that often." That's on Lou Dobbs.

And it's clear that he's said that at least a couple of times that I've read to you here. He's said it probably many times which he's testified to.

I'd move along. Still July 17, 2007. It must have been a big media day. Johnny Sutton, on Hannity & Colmes program, quote. "I agree with," and the reference is to Senator FEINSTEIN. "I agree with that it is a harsh sentence." Johnny Sutton.

Moving on then to October 12, 2007, and this is a quote that's in the Midland Reporter Telegram, Midland, Texas, I presume. Addressing the annual Court Day Observance Luncheon of the Permian Basin Legal Secretaries Association. I've never been invited to that, Mr. Speaker. Quote, Johnny Sutton there. Quote. Well, this is a reference to him.

Sutton said he disagreed with the 11- and 12-year terms the Border Agents received. And that's reported, that's a quote and reported out of the paper, but not a direct quote from Johnny Sutton.

And one more quote from Johnny Sutton. "The only question I think a legitimate question is is the punishment too harsh. I have always said the punishment in this case was harsh." November 14, 2008.

So, Mr. Speaker, I'll submit that, without regard to guilt or innocence, without regard to the sentence that's before them today, except to the extent that it is an over-application of a statute that was never intended for this purpose, we recognize, I think, as a Nation, a Nation with a conscience, a compassionate Nation, maybe not perhaps such as conservative a Nation as I would like to see, but a compassionate Nation, Mr. Speaker, we recognize that this crime that has been alleged, indicted, prosecuted and sentenced, even if all of those steps along the line are true, the sentence itself is unjust. It's disproportionate to the crime that their conviction has resulted as a result of.

I ask, Mr. Speaker, that we, as a body, recognize this, call upon the President of the United States to pardon Agents Ramos and Compean. Do so with the compassion of a compassionate conservative that is demonstrated, I think, clearly in these 8 years in leading this Nation safely through the very dangerous waters that we have been in.

And to recognize that drug smuggler Aldrete-Davila was sentenced to 9½ years. That's less time than either Agents Ramos and Compean received. And to give some comparisons to the sentencing that takes place, to get a sense of what would be an appropriate sentence or one that society accepts as punishment for a crime such as this, there are a list of things that I point out. In cases of sexual abuse, the average sentence was 8½ years. Not too much in my view, Mr. Speaker.

For manslaughter, that's killing someone, that's resulting in the death of an individual, not a bullet through the buttocks of a drug smuggler who may have been aiming a weapon at these agents, but killing someone, guilty of manslaughter, they serve an average of just less than 4 years, Mr. Speaker.

For assault, it's less than 3 years. The President pardoned at least one who had committed assault.

And for cases involving firearms, the average sentence was 3 years.

So let's just, Mr. Speaker, look at this and suggest that no one was killed, no one was sexually abused. But if there was an assault there, because of the discharge of the firearm, that took place in the heat of the battle, I might add, but if it had been even without that, if it was an assault, that'd be less than 3 years. If it included a firearm it would still, the cases involving firearms, the average sentence was still 3 years.

□ 2215

These agents have been drug through this now since February 17, 2005. It's moving up on 3 years, and it's time, I believe, to commute the sentences of Ramos and Compean.

These cases are profoundly disproportionate. Their families have suffered. Their lives have been ripped asunder. One of the families at least is living off of the charity of one of the churches in the area. I commend the church, and I give honor and prayer for the families that they might be able to emerge through this, perhaps, with grace and stronger than ever before.

I would submit also that, of the sentences that were commuted by the Commander in Chief, there have been eight of those, and of those eight sentences that have been commuted, looking down through them from 2004 until 2008, seven of eight of these cases were drug associated cases. They were commuted sentences. There were 27 cases of pardons for drug smugglers.

It occurs to me rather ironically, Mr. Speaker, that had Agents Ramos and

Compean been drug smugglers rather than Border Patrol officers, they would have been more likely to receive pardons or commutations than they are under this 18 U.S.C. 924. The legislative intent I did not address, and I would go back to the legislative intent of 18 U.S.C. 924. It is the discharge of a firearm in the commission of a crime of violence.

Let's go to the statements made by the chief sponsor of this legislation, who was Representative Richard Poff. This was passed in 1968. He said the legislation was intended to "persuade the man who is tempted to commit a Federal felony to leave his gun at home." He is the chief sponsor of the legislation, Mr. Speaker, Representative Richard Poff.

Then there are other lawmakers. One would be Representative Thomas Meskill. He echoed the chief sponsor's statement, Richard Poff's statement, when he said, "We are concerned with having the criminal leave his gun at home."

So I would submit, with 18 U.S.C. 924, the discharge of a firearm in the commission of a crime of violence, that the congressional intent was to encourage potential criminals, those who contemplated committing a crime, to be deterred from carrying a weapon and from using that weapon or from having it in their possession while they committed a crime. That doesn't work very well with law enforcement officers, Mr. Speaker. They are required to carry their weapons. They are required to train with their weapons. They are required to test out and to make sure that they can handle them confidently and efficiently. They are good shots in short order, Mr. Speaker.

By the way, it is lawful for them to discharge their firearms, under appropriate circumstances, while they are on or off duty. I didn't raise the issue of whether these circumstances were appropriate or not. I simply raised the issue that it was in the heat of the battle.

Mr. Speaker, compassionate conservatism must include compassion for those who are defending America's national security—those who are in uniform, those who put their lives on the line every day. It must not just understand only the fates of Agents Ramos and Compean. It must not only understand the effect it has had on their families or how it has turned them into destitute families. It must understand the effect of hyperprosecution upon the acts of the other agents all across the board—the thousands of Border Patrol agents whom we have, the law enforcement officers whom we have, the Federal officers whom we have who are, today, being restrained from aggressive utilization of the weapons that they are required to carry or who are being restrained from even the prudent utilization of the weapons they are required to carry and to test out on and to show proficiency with.

They are always going to wonder: Will they be the next Agent Ramos?

Will they be the next Compean? Could their families be living off the charity of others while they sit in solitary confinement while the President pardons the turkey—171 perpetrators of various crimes, from drugs, to arson, to assault, to armed bank robbery?

There are eight cases that have been commuted. Of those eight cases, seven of them are drug smugglers, and one realizes that a drug smuggler has a better chance, at least statistically, of a pardon, or of a commutation more correctly, than does an officer who puts his life on the line for the safety and for the security of the United States of America.

I would add that it's really not a wonder that it's hard to identify a sense of mission on our border control that we have. One of the reasons is that those who are carrying out this mission get a mixed message: Whose side is the government on? Do they really have the U.S. Attorney there to prosecute the drug smugglers?

I was down on the border about 3 years ago. We were on the site when a drug smuggler was interdicted. He had somewhere over 200 pounds of marijuana under a false bed, under a false floor, in the pickup truck that he was driving. Well, that wasn't a prosecutable offense because they have too many of those who are hauling up to 250 pounds of marijuana.

Because of the limitations of having enough judges and prosecutors who are able to adjudicate, the standard in that particular sector of the Border Patrol is, if it's less than 250 pounds of marijuana, you confiscate the marijuana, and you turn the guy loose and send him back to Mexico. That's the practice. That was the practice then. So, after that, they changed the level to 500 pounds because, again, the load on our courts and on our prosecution was too great.

So I grew up in an environment with great respect and reverence for the rule of law, Mr. Speaker, where I couldn't envision someone with a half an ounce of marijuana avoiding a prosecution, because it was a violation of the law.

We're dealing with a judicial system that doesn't have the resources to prosecute someone who smuggles in 250 pounds of marijuana and sets the standard there and then raises it to 500 pounds of marijuana so that someone with 499 pounds gets turned loose; although, they lose their drugs. They send them off on decoys while a full truckload of several thousand pounds goes past when our people are distracted with a smaller load.

In an environment like that, there is the interdiction of a drug smuggler with 743 pounds of marijuana in a van. There is a struggle, an altercation. In the heat of the battle, weapons are discharged. One round does go through the buttocks of the drug smuggler. These agents did not have any way of knowing that the bullet actually struck the drug smuggler, not until well after the fact.

That, I believe, Mr. Speaker, colored the way that they failed to completely report the entire incident that happened in that location. I believe that honorable people will see it differently if they believe someone has been shot in the altercation. I do not believe that Ramos and Compean believed that anyone had been shot, that the drug smuggler had received a bullet. I don't believe that at all. I suspect that they would have filed a complete report had they believed or even, I'll say, deeply suspected that they had hit the drug smuggler.

There was no sign of which I know that there was any blood at the scene. The drug smuggler ran back to Mexico. All of his muscles seemed to work. He healed up. Apparently, they found the bullet, and matched it up to the gun of Agent Ramos'. Those are the facts as we know them.

I'm not alone in calling for the pardon of Agents Ramos and Compean. There are many of us in Congress on both sides of the aisle who have stood with these officers and who have pointed out that the punishment is too severe and that they have paid their debt to society. Whatever was due is surely paid, Mr. Speaker.

The compassion that I ask for out of the White House in these last days is the compassion that recognizes that the President has the power. The agents have served the time.

When U.S. Attorney Johnny Sutton made the statement that, when asked, would he make a recommendation to the White House for a pardon, he said this: "With regard to a pardon or a clemency, at some point, the Department of Justice will probably ask for my recommendation, and when that comes, we'll make one." That was May 18, 2007 on CNN.

Mr. Speaker, I would point out that I read to you at least six quotes from U.S. Attorney Johnny Sutton. Each of those referenced the harshness of the sentence, and the word "harsh" he uses himself several times over. The punishment was too high. It was too much. I have sympathy for that. I've said it often. It's a harsh sentence.

Johnny Sutton said he disagreed with the 11- to 12-year terms the border agents received. He said again, "I've always said the punishment in this case was harsh."

Well, I'll follow that up with this response again:

"With regard to a pardon or a clemency, at some point, the Department of Justice will probably ask for my recommendation, and when that comes, we'll make one."

I'll submit that U.S. Attorney Johnny Sutton has made his recommendation. He has made it many times over the national media. I've quoted him six times. There are many other quotes that reference the same thing. The punishment was too harsh. The man who led the prosecution, who succeeded in his job of seeking a conviction, has also many times over announced that it's too harsh.

We're not arguing. Those of us in this Congress and across this country are not arguing guilt or innocence, Mr. Speaker. We're arguing about a sentence that's too harsh. We're arguing that, for officers who have put their lives on the line and for officers who have no blemishes, that I know of, on their records that would be further strikes against them, this anomaly in their careers should not ruin their careers, their lives, their families. I believe that they are deserving of a pardon. There are those here who are asking now for a commutation of a sentence.

Mr. Speaker, I don't ask for the commutation. I believe that their records should be swept clean. I believe that they have served a time and that leaving it on their records does not serve a purpose. I believe they are deserving and that a just President would look in the last days and find a way to provide justice for the highest profile cases that we have in America that cry out for the sympathy of the entire Nation and of the world and for the action on the part of our compassionate, conservative President.

I have covered this territory. I would point out there are 171 pardons by President Bush. There are eight commutations of sentences by President Bush. There are several days left in the Presidency. There likely will be other pardons and commutations and, perhaps, a whole rush of them that are queued up to go.

Mr. Speaker, I pray that the pardon for Ramos and Compean is in that work stack that will be presented to the President for his signature between now and January 20 and that the counsel who is advising the President and the Department of Justice who have defended their prosecution so aggressively can understand clearly:

They've made their point. They're successful in their prosecution and in their conviction and in their sentencing. So now the point needs to be made—the point made by U.S. Attorney Johnny Sutton that the sentences are too harsh. Eleven and twelve years is too long.

In these last days, I ask only one thing of our Honorable Commander in Chief, and that is to find the compassion in his heart to pardon Agents Ramos and Compean.

Mr. Speaker, I very much appreciate your indulgence and the honor to address you on the floor of the House of Representatives tonight.

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 Mrs. MALONEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

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

Mr. POE of Texas, for 5 minutes, January 21.

Mr. JONES, for 5 minutes, January 21.

Mr. WOLF, for 5 minutes, today and January 15.

Mr. BOOZMAN, for 5 minutes, today.

Mr. CAMPBELL, for 5 minutes, January 15.

Ms. FOXX, for 5 minutes, today.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 60. An act to prohibit the sale and counterfeiting of President inaugural tickets, to the Committee on the Judiciary.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Thursday, January 15, 2009, 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:

77. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Farm Program Payment Limitation and Payment Eligibility for 2009 and Subsequent Crop, Program, or Fiscal Years (RIN: 0560-AH85) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

78. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish [Docket No. APHIS-2007-0038] (RIN: 0579-AC74) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

79. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of Surrey County, England, Because of Foot-and-Mouth Disease [Docket No. APHIS-2007-0124] received January 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

80. A letter from the Acting Under Secretary, Department of Defense, transmitting notification of an Antideficiency Act violation, Army case number 08-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

81. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting a review