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INTERVIEW ARCHIVE

IMPRISONED BORDER PATROL AGENTS' CASE

Thursday, February 01, 2007

This is a *partial transcript* from "*Hannity & Colmes*," January 31, 2007, that has been edited for clarity.

SEAN HANNITY, CO-HOST: Border Patrol agents **Jose Compean** and **Ignacio Ramos** sit in jail for shooting a Mexican drug smuggler, new documents have surfaced that may contradict the prosecution's story that the drug smuggler actually turned himself in.

However, prosecutor **Johnny Sutton** issued the following statement: "We have been clear from the beginning, and there should be no ambiguity we learned of Aldrete's identity when his family came forward reporting the shooting to a Border Patrol agent in the United States."

Joining us now is the chairman of the **Friends of the Border Patrol**, Andy Ramirez is with us. Andy, I understand there's new developments in this case tonight. Ballistic reports basically may show that, in fact, there were false claims against the agents?

ANDY RAMIREZ, FRIENDS OF THE BORDER PATROL: Right. Basically, they got the bullet out of the dooper, and this was done at **Beaumont Army Medical Center** in El Paso. What took place was the ballistics report on the bullet actually never did match to Ramos' gun and, in fact, said that it could have come from any four different types of manufactured firearms.

Now, the irony here, and the government actually filed a false report. When they did the warrant for Mr. Ramos and Mr. Compean's arrest, what actually it did say, the warrant says that it was matched to Ramos' gun, when the ballistic report says the opposite.

HANNITY: Now, I want to remind everyone, Andy, exactly what we're talking about here. We're talking about Border Patrol agents, and they were in the process of attempting to apprehend an illegal drug smuggler — and I believe he had, what, 800 pounds of marijuana with him. He fled across the border. The agents had claimed, in fact, that he had pointed a gun at them, and that's the only reason that they fired.

They admit that they fired, correct?

RAMIREZ: Yes, that is correct. And here's the interesting...

HANNITY: And he was shot. It was not a fatal shooting. And then the Mexican — and then he was — he literally came in as a drug smuggler, an illegal immigrant, to testify against the border agents, and that testimony was largely responsible for their conviction.

RAMIREZ: Right. And this entire miscarriage of justice, one of the other lies by Johnny Sutton — and I actually have a copy of a transcript with me of one of the agents who actually testified.

Now, Johnny Sutton says that the agents, when basically could not tie the dope load to Aldrete-Davila. However, the judge, Cardone, herself says Mr. Aldrete-Davila is not on trial, and everybody knows he's got a phone. And everybody knows he was transporting the drugs.

Now, you've got the judge tying the dope load. You've got Agent Compean, who clearly identified the dooper with the load. But Johnny Sutton says the complete opposite. So what do

you do when you've got a U.S. attorney lying? What do you when you've got a U.S. attorney who's dirty?

(CROSSTALK)

ALAN COLMES, CO-HOST: Well, your word versus his, Andy. Didn't the jury hear this case?

RAMIREZ: Yes, but you're talking a jury in a border city that is anti-Border Patrol, anti-law enforcement, and wants open borders...

(CROSSTALK)

COLMES: So a jury of one's peers is not good enough? A jury of one's peers is not a good enough system? You don't like the system?

RAMIREZ: No, the system absolutely failed. And Johnny Sutton and the government actually withheld vital information by sealing it so that it would never see the light of day. We need a special prosecutor to clean this mess up.

COLMES: Johnny Sutton has responded to these charges, and he couldn't ignore that two Border Patrol agents shot an unarmed man 15 times while running away. He also says — and the Bush administration itself is also arguing that the agents lied to Border Patrol officials, covered up evidence that asserted that the drug smuggler wasn't armed, and tried to surrender peacefully.

So there's the issue of also they're not filing a report and tried to do a cover-up, as well.

RAMIREZ: That's absolutely untrue, Alan, because the government knew about this, but they sealed testimony and put a gag order so that none of this was able to come out in the courtroom. The judge sealed this. And, of course, if the agents or the families would have talked about this, even their counsels today, they couldn't come on your show, because they would be thrown in jail for contempt of court.

COLMES: Why didn't they file a report?

RAMIREZ: Why didn't they file a report?

COLMES: Yes.

RAMIREZ: They did make an oral report. And there are...

(CROSSTALK)

COLMES: Supposed to be a written report.

(CROSSTALK)

COLMES: But you're supposed to do a written report.

RAMIREZ: The supervisors were the ones who did not file the written report.

COLMES: But, nevertheless, it came out in the trial that they were supposed to — people on the scene were supposed to file a written report. They did not do so. There was an attempted cover-up.

RAMIREZ: But, Alan — Alan, the problem is, the supervisors were supposed to file a written report. We have evidence that proves that all agents that were there were talking about it, and this will be coming out soon.

COLMES: You're alleging a felony was committed, aren't you?

RAMIREZ: Yes, by the government. They unfairly prosecuted two innocent men. And they let the dooper get away with this. Every day, Johnny Sutton's story continues to change, which is why we need a special prosecutor.

HANNITY: All right, Andy, we're going to continue to follow the case. Thank you for being with us tonight. We appreciate it.

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