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## **Bush Commutes Prison Terms for 2 Border Guards**

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WASHINGTON -- President George W. Bush commuted the prison terms of two former Border Patrol agents who became a conservative cause célèbre after being convicted in the 2005 shooting of an unarmed, suspected drug smuggler.

The White House said Monday that Mr. Bush, who leaves office Tuesday, would not be issuing any more grants of clemency. That means there will be no last-minute pardon for Lewis "Scooter" Libby, Vice President Dick Cheney's former chief of staff. Mr. Bush had commuted Mr. Libby's 30-month sentence after he was convicted of perjury in 2007 in a case involving the leaking of the identity of intelligence agent Valerie Plame.

Nor will there be pardons for several business executives and members of Congress who are serving, or face, prison time.

The two Border Patrol agents, Jose Compean and Ignacio Ramos, were serving 12- and 11-year sentences, respectively, for shooting Mexican Osvaldo Aldrete Davila as he was fleeing from the vicinity of an abandoned van containing about 700 pounds of marijuana, along the Rio Grande border near El Paso, Tex. The agents later said they thought they saw something shiny in Mr. Davila's hand, leading them to think he was armed. They said they fired in self-defense.

A federal court in Texas convicted them of assault, civil rights violations and other charges. Most of the charges were upheld on appeal. The victim survived and is suing the U.S. government.

With tensions rising across the country over illegal immigration, the agents' case became a rallying cry for many members of Congress, including some Democrats, as well as conservative talk radio hosts, anti-immigration forces and some law enforcement groups. Supporters of the agents argued that they were doing their jobs, or at least, were punished too harshly.

The White House had given few indications that it was considering acting on the case.

Andy Ramirez, chairman of Friends of the Border Patrol and a leading advocate for the agents, said on Monday that he was surprised by Mr. Bush's commutations. "As long as I've worked on this case, I couldn't have seen this coming," he said. He said he believes Mr. Bush made the 11th-hour decision on political grounds, throwing a bone to anti-immigration sympathizers after having aligned himself with pro-immigration forces during most of his presidency.

In recent interviews, Mr. Bush has said one of his biggest regrets is not accomplishing more on immigration after his 2004 reelection. Instead, he decided to make Social Security reform his top priority, but accomplished little on that front or in later efforts to overhaul the country's immigration system by creating a temporary guest-worker program.

Mr. Bush recently has said the Republican Party must become more "inclusive" to remain competitive with Democrats.

A senior administration official Monday said the president didn't issue a full pardon for Messrs. Compean and Ramos, because he felt that they received a fair trial and just verdicts. But he commuted their sentences because he thought their terms were too long and that they had suffered enough. The agents are expected to be released soon.

The president issued the clemencies without a recommendation from the Justice Department, which was still processing the requests for clemency filed by the men's lawyers. "The president always retains the plenary power granted to him by the Constitution to grant clemency, and does so at his sole discretion," a department spokeswoman said.

The Justice Department has long defended its prosecution of the case.

U.S. Attorney Johnny Sutton, who had prosecuted the case, told a Senate Judiciary Committee panel last year that the case "was not about illegal immigration, illegal drug smuggling, or supporting agents who patrol the border. It was about upholding the law, plain and simple, a duty which our nation's federal prosecutors take very seriously."

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## **Bush commutes sentences of former U.S. border agents**

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President Bush on Monday commuted the prison sentences of two former U.S. Border Patrol agents who were convicted of shooting an admitted Mexican drug runner in 2005.

Bush's decision to commute the sentences of Ignacio Ramos and Jose Compean has left their families and many activist groups elated over the news.

"We activists have been rallying, calling, faxing and e-mailing daily all across the nation," said Robin Hvidston of Upland, an activist with the Minuteman Project. "We have all steadily been pleading for these two agents to be released from prison and we're in a state of joyous shock."

Although the men are already two years into their 11- to 12-year sentences, Bush's decision will give the agents a chance to appear in front of the Supreme Court to exonerate themselves.

"Robin (Hvidston) and I have fought for almost three years (along) with the Loya family (Ramos' in-laws) and Ramos family," said Raymond Herrera of the Minuteman Project. "We've sacrificed so much for everything. We were never going to give up."

The men are expected to be released from prison within the next two months.

"They deserve justice in America. It's part of the American creed - justice for all," Herrera said.

The agents were convicted of shooting admitted drug smuggler Osvaldo Aldrete Davila in the buttocks as he fled across the Rio Grande, away from an abandoned van load of marijuana.

The border agents argued during their trials that they believed the smuggler was armed and that they shot him in self-defense. The prosecutor in the case said there was no evidence linking the smuggler to the van of marijuana.

The prosecutor also said the border agents didn't report the shooting and tampered with evidence by picking up several spent shell casings.

Activists, the agents' families and members of Congress argued that the agents were merely doing their jobs, defending the American border against criminals. They also maintained that the more than 10-year prison sentences the pair was given were too harsh.

Ramos and Compean became a rallying point among conservatives and on talk shows where their supporters called them heroes. Nearly the entire bipartisan congressional delegation from Texas and other lawmakers from both sides of the political aisle pleaded with Bush to grant them clemency.

Rep. David Dreier, R-San Dimas, has been a signatory on some of the letters sent to President Bush on this issue.

"I have asked President Bush and his administration several times to take a closer look at this case to determine if the sentences received by Border Agents Ramos and Compean were justified," Dreier said in a prepared statement.

"The fact that they have been commuted is surely a great relief for their families. The U.S. Border Patrol is on the front lines of our homeland security. I will continue to support them and their efforts to secure our borders."

Bush didn't pardon the men for their crimes, but decided instead to commute their prison sentences because he believed they were excessive and that they had already suffered the loss of their jobs, freedom and reputations, a senior administration official said.

The action by the president, who believes the border agents received fair trials and that the verdicts were just, does not diminish the seriousness of their crimes, the official said.

"This whole case was a complete foul-up," said Andy Ramirez of Friends of The Border Patrol. "The problem with this case is unless you were the agents out there nobody knew what really happened. There were too many stories that didn't match."

Errors by both the defense counsel and errors in the investigation plagued the case from the beginning, said Ramirez.

"I hope (Ramos and Compean) do move on with their lives and leave these chapters behind them," he said. "But for me and my organization and those people out there that have been fighting not just for this case but for all these kind of cases, we've got a lot of work ahead of us."

*The Associated Press contributed to this report.*