

STATEMENT
Of
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DEPARTMENT OF HOMELAND SECURITY
REGARDING THE INVESTIGATION OF
FORMER BORDER PATROL AGENTS IGNACIO RAMOS AND JOSE COMPEAN

Remarks by certain Members of Congress as reported in the media have stated that members of my staff lied to Congress. At a hearing before the House Oversight and Government Reform Committee on February 8, 2007, I stated, in part, the following:

The decision to prosecute former Border Patrol Agents Ignacio Ramos and Jose Compean was made by the Department of Justice, not by my Office. My Office conducted the investigation in coordination with the United States Attorneys' Office.

I stand by the work of my Office. Our investigators did an outstanding job and I fully support their work.

At no time did any member of my staff lie to Congress about the investigation of Mr. Ramos and Mr. Compean or any other matter. My staff has acted honestly and in good faith.

In a closed Members' briefing on September 26, 2006, my staff reported that Mr. Compean had said that he and Mr. Ramos had stated that they "wanted to shoot a Mexican." My staff reported this statement to me, and then reported it to Representative Michael McCaul and other Members and their staff during the closed briefing. Representative McCaul was then serving as Chair of the Subcommittee on Investigations of the House Homeland Security Committee. At the time my staff made that statement, they believed it to be true, although we later learned it was inaccurate. In fact, Mr. Compean had stated in a sworn statement that "my intent was to kill the alien...and I think Nacho [Ramos] was also trying to kill the alien." The alien Mr. Compean and Mr. Ramos attempted to kill, Mr. Olsvaldo Aldrete-Davila, had come from Mexico and escaped back into Mexico.

The statement that Mr. Ramos and Mr. Compean supposedly "wanted to shoot a Mexican" never was reported in any document by my office or by the Department of Justice, and was not introduced at the trial of Mr. Ramos and Mr. Compean, which had been completed on March 8, 2006, six months prior to the briefing. That statement also was not reported by my office to anyone other than then Chairman McCaul and the other Members and their staff in attendance at the closed briefing.

The briefing my office provided to then Chairman McCaul and the other Members was initiated at his request in his capacity as Chair of the Subcommittee on Investigations. Mr. McCaul and the other Members understood that the information my office was

providing was not public, and was not to be made public -- it was For Official Use Only for the Committee's use in discharging its official business.

At the time my staff tried to accommodate then Chairman McCaul by providing an oral briefing, we did not have the benefit of a trial transcript or even a written report of investigation. Consequently, my staff made some misstatements during the briefing, but nothing that affected the investigation, the trial, the convictions or the sentencings of Mr. Ramos and Mr. Compean.

The only reason the statement that Mr. Ramos and Mr. Compean allegedly said they "wanted to shoot a Mexican" has become public is because the terms under which my office briefed the Members have not been honored. Others have publicized that inaccurate information and reported it to the media. That information was not used at trial nor in the sentencing of Mr. Compean or Mr. Ramos.

The evidence that was introduced at trial proved that Mr. Compean and Mr. Ramos attempted to shoot Mr. Aldrete-Davila in the back while he was unarmed and running away from them.

Evidence introduced at trial proved that when Mr. Compean and Mr. Ramos attempted to shoot Mr. Aldrete-Davila in the back, they did not know that he had been attempting to smuggle marijuana into this country.

Evidence introduced at trial proved that when Mr. Compean and Mr. Ramos attempted to shoot Mr. Aldrete-Davila in the back, they did not even know that he was in this country illegally.

At no time did Mr. Compean and Mr. Ramos warn their fellow Border Patrol Agents that they believed Mr. Aldrete-Davila might be armed. Consequently, other Border Patrol agents walked around in the open where they were exposed, rather than taking cover or other precautions.

After shooting Mr. Aldrete-Davila in the buttocks, Mr. Compean and Mr. Ramos made no attempt to arrest him, thus allowing him to escape back into Mexico. Rather than try to arrest Mr. Aldrete-Davila, Mr. Compean picked up the spent shell casings and threw them away and instructed another agent to do the same. Neither Mr. Compean nor Mr. Ramos reported the shooting incident to their supervisor, though required to do so.

In conclusion, I am deeply disturbed that these allegations have been made regarding the integrity of my staff. I reiterate that my staff acted honestly and in good faith at all times.