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772755

**THE WHITE HOUSE
DOCUMENT MANAGEMENT AND TRACKING
WORKSHEET**



DATE RECEIVED:

CASE ID: 772755

NAME OF CORRESPONDENT: THE HONORABLE WALTER JONES

JL003

SUBJECT: WRITES AGAIN URGING THE PRESIDENT TO COMMUTE THE SENTENCES OF U.S. BORDER PATROL AGENTS IGNACIO RAMOS AND JOSE ALONSO COMPEAN

ROUTE TO: AGENCY/OFFICE	(STAFF NAME)	ACTION		DISPOSITION		
		CODE	DATE	TYPE RESPONSE	CODE	COMPLETED
LEGISLATIVE AFFAIRS	DAN MEYER	ORG	11/28/2008			
ACTION COMMENTS:						
✓ DEPARTMENT OF JUSTICE		R	11/28/2008		A	11/26/08
ACTION COMMENTS:						
COUNSEL TO THE PRESIDENT	FRED FIELDING	I	11/28/2008		C	
ACTION COMMENTS:						
ACTION COMMENTS:						
ACTION COMMENTS:						

COMMENTS:

MEDIA: FAX

USER CODE:

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ACTION CODES:	DISPOSITION		
A - APPROPRIATE ACTION B - RESEARCH AND REPORT BACK D - DRAFT RESPONSE I - INFO COPY/NO ACT NECESSARY R - DIRECT REPLY W/ COPY	TYPE RESPONSE: TYPE RESPONSE = INITIALS OF SIGNER NRN = NO RESPONSE NEEDED	DISPOSITION CODES: A - ANSWERED/ACKNOWLEDGED C - CLOSED X - INTERIM REPLY	COMPLETED DATE: COMPLETED = DATE OF ACKNOWLEDGEMENT OR CLOSE-OUT DATE (MM/DD/YY)

REFER QUESTIONS AND ROUTING UPDATES TO DOCUMENT TRACKING UNIT (ROOM 437, EEOB) EXT-62590 KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO OFFICE OF RECORDS MANAGEMENT

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**THE WHITE HOUSE OFFICE
REFERRAL**

November 28, 2008

TO: DEPARTMENT OF JUSTICE

ACTION REQUESTED: DIRECT REPLY W/COPY

DESCRIPTION OF INCOMING:

ID: 772755

MEDIA: FAX

DOCUMENT DATE: NOVEMBER 13, 2008

TO: PRESIDENT BUSH

FROM: WALTER JONES
UNITED STATES HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

SUBJECT: WRITES AGAIN URGING THE PRESIDENT TO COMMUTE THE SENTENCES
OF U.S. BORDER PATROL AGENTS IGNACIO RAMOS AND JOSE ALONSO
COMPEAN

COMMENTS:

RECEIVED
DEPT OF JUSTICE
EXECUTIVE SECRETARIAT
2008 DEC -1 PM 2:44

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, UNLESS OTHERWISE STATED, PLEASE TELEPHONE THE UNDERSIGNED AT 456-2590.

RETURN **ORIGINAL** CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO: DOCUMENT TRACKING UNIT, ROOM 84, OFFICE OF RECORDS MANAGEMENT - THE WHITE HOUSE, 20500

WALTER B. JONES
3D DISTRICT, NORTH CAROLINA

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RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TELEPHONE: (202) 225-3415

COMMITTEES:
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GREENVILLE, NC 27858
(252) 931-1003
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Congress of the United States
House of Representatives
Washington, DC 20515-3303

772755

November 13, 2008

The Honorable George W. Bush
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President:

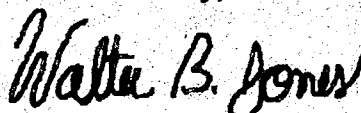
As you conclude the final months of your term as President of the United States, I am writing to once again call on you to commute the sentences of U.S. Border Patrol agents Ignacio Ramos and Jose Alonso Compean. These men have served nearly two years in federal prison for doing their job to protect the American people from a Mexican drug smuggler who brought 743 pounds of marijuana across our border.

Before leaving office, I know you will use your constitutional power to pardon or commute the prison sentences of many who have been convicted of breaking our nation's laws. I can think of no individuals more worthy of presidential commutations than agents Ramos and Compean. By attempting to apprehend an illegal alien drug smuggler, these two men were *enforcing* our laws – not breaking them. Many expert attorneys have concluded that the indictments against Ramos and Compean were unjustified. Yet because of a questionable prosecution – which deliberately misled the jury about the ongoing criminal activities of their star witness, the Mexican drug smuggler – the U.S. Border Patrol has lost two of its finest law enforcement officers, and the agents' families have lost thousands of dollars in legal fees and the company of the husbands and fathers they love.

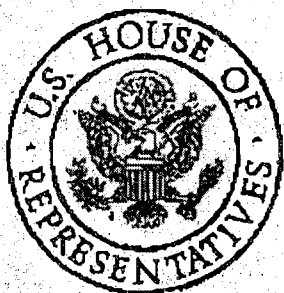
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No president could hope to solve all of the problems currently facing our nation before the conclusion of their term. But, before leaving office, you could secure a favorable place in history by correcting one of the worst miscarriages of justice ever committed against our nation's law enforcement officers. Please answer the prayers of thousands of Americans, and the Ramos and Compean families, by commuting the sentences of these two Hispanic-American heroes.

Sincerely,



Walter B. Jones
Member of Congress



CONGRESSMAN WALTER B. JONES

2333 Rayburn House Office Bldg.
Washington, DC 20515
(202)-225-3415 Fax (202)-225-3286

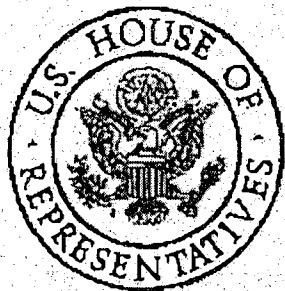
From Hon
To WW
LAGRR

Fax Cover Sheet

Ⓝ

To: President George W. Bush
Date: 11-13-2008
Fax #: (202) 456-3501

Total pages, including this cover sheet: 2



CONGRESSMAN WALTER B. JONES

2333 Rayburn House Office Bldg.
Washington, DC 20515
(202)-225-3415 Fax (202)-225-3286

From Hon
To: WW
LAURE

Fax Cover Sheet

JL

To: President George W. Bush
Date: 11-13-2008
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Total pages, including this cover sheet: 2



U.S. Department of Justice

Office of Legislative Affairs

772-755

Office of the Assistant Attorney General

Washington, D.C. 20530

NOV 26 2008

The Honorable Walter B. Jones
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Jones:

This responds to your letters to President George W. Bush concerning a possible pardon or executive clemency for former Border Patrol Agents Ignacio Ramos and Jose Alonso Compean. We are sending an identical response to the other signatories of your letter.

We recognize this is an issue that has generated a lot of interest and is one you care about deeply. Please be assured that we are treating your request with the utmost diligence and consideration.

As you are aware, applications for clemency are reviewed by the Office of the Pardon Attorney at the Department of Justice, and are subject to the Rules Governing Petitions for Executive Clemency. *See* 28 C.F.R. §§ 1.1-1.11. We have enclosed a copy of these Rules for your convenience.

Mr. Ramos and Mr. Compean submitted petitions to the Office of the Pardon Attorney for commutation of sentence in October 2008. Because their cases were still being litigated in court those petitions were closed without action at that time. After Mr. Ramos was resentenced earlier in November, he submitted a request that his clemency petition be reopened, as a clemency applicant may do once his court case is concluded. That request is pending.

The Department will retain your letter and make it part of the clemency file for Mr. Ramos, and for Mr. Compean should he apply for clemency in the future. Please do not hesitate to contact the Office of Legislative Affairs if we may be of assistance with other matters.

Sincerely,

Keith B. Nelson
Principal Deputy Assistant Attorney General

Enclosure

**RULES GOVERNING PETITIONS FOR EXECUTIVE CLEMENCY
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C.**

<http://www.usdoj.gov/pardon/clemency.htm>

PART I - EXECUTIVE CLEMENCY

Sec.

1.1 Submission of petition; form to be used; contents of petition.

1.2 Eligibility for filing petition for pardon.

1.3 Eligibility for filing petition for commutation of sentence.

1.4 Offenses against the laws of possessions or territories of the United States.

1.5 Disclosure of files.

1.6 Consideration of petitions; notification of victims; recommendations to the President.

1.7 Notification of grant of clemency.

1.8 Notification of denial of clemency.

1.9 Delegation of authority.

1.10 Procedures applicable to prisoners under a sentence of death imposed by a United States Court.

1.11 Advisory nature of regulations.

Authority: U.S. Const., Art. II, Sec. 2; authority of the President as Chief Executive; and 28 U.S.C. §§ 509, 510.

§ 1.1 Submission of petition; form to be used; contents of petition.

A person seeking executive clemency by pardon, reprieve, commutation of sentence, or remission of fine shall execute a formal petition. The petition shall be addressed to the President of the United States and shall be submitted to the Pardon Attorney, Department of Justice, Washington, D.C. 20530, except for petitions relating to military offenses. Petitions and other required forms may be obtained from the Pardon Attorney. Petition forms for commutation of sentence also may be obtained from the wardens of federal penal institutions. A petitioner applying for executive clemency with respect to military offenses should submit his or her petition directly to the Secretary of the military department that had original jurisdiction over the court-martial trial and conviction of the petitioner. In such a case, a form furnished by the Pardon Attorney may be used but should be modified to meet the needs of the particular case. Each petition for executive clemency should include the information required in the form prescribed by the Attorney General.

§ 1.2 Eligibility for filing petition for pardon.

No petition for pardon should be filed until the expiration of a waiting period of at least five years after the date of the release of the petitioner from confinement or, in case no prison sentence was imposed, until the expiration of a period of at least five years after the date of the conviction of the petitioner. Generally, no petition should be submitted by a person who is on probation, parole, or supervised release.

§ 1.3 Eligibility for filing petition for commutation of sentence.

No petition for commutation of sentence, including remission of fine, should be filed if other forms of judicial or administrative relief are available, except upon a showing of exceptional circumstances.

§ 1.4 Offenses against the laws of possessions or territories of the United States.

Petitions for executive clemency shall relate only to violations of laws of the United States. Petitions relating to violations of laws of the possessions of the United States or territories subject to the jurisdiction of the United States should be submitted to the appropriate official or agency of the possession or territory concerned.

§ 1.5 Disclosure of files.

Petitions, reports, memoranda, and communications submitted or furnished in connection with the consideration of a petition for executive clemency generally shall be available only to the officials concerned with the consideration of the petition. However, they may be made available for inspection, in whole or in part, when in the judgment of the Attorney General their disclosure is required by law or the ends of justice.

§ 1.6 Consideration of petitions; notification of victims; recommendations to the President.

(a) Upon receipt of a petition for executive clemency, the Attorney General shall cause such investigation to be made of the matter as he or she may deem necessary and appropriate, using the services of, or obtaining reports from, appropriate officials and agencies of the Government, including the Federal Bureau of Investigation.

(b)(1) When a person requests clemency (in the form of either a commutation of a sentence or a pardon after serving a sentence) for a conviction of a felony offense for which there was a victim, and the Attorney General concludes from the information developed in the clemency case that investigation of the clemency case warrants contacting the victim, the Attorney General shall cause reasonable effort to be made to notify the victim or victims of the crime for which clemency is sought:

- (i) That a clemency petition has been filed;
- (ii) That the victim may submit comments regarding clemency; and
- (iii) Whether the clemency request ultimately is granted or denied by the President.

(2) In determining whether contacting the victim is warranted, the Attorney General shall consider the seriousness and recency of the offense, the nature and extent of the harm to the victim, the defendant's overall criminal history and history of violent behavior, and the likelihood that clemency could be recommended in the case.

(3) For the purposes of this paragraph (b), "victim" means an individual who:

- (i) Has suffered direct or threatened physical, emotional, or pecuniary harm as a result of the commission of the crime for which clemency is sought (or, in the case of an individual who dies or was rendered incompetent as a direct and proximate result of the commission of the crime for which clemency is sought, one of the following relatives of the victim (in order of preference): the spouse; an adult offspring; or a parent); and
- (ii) Has on file with the Federal Bureau of Prisons a request to be notified pursuant to 28 CFR § 551.152 of the offender's release from custody.

(4) For the purposes of this paragraph (b), "reasonable effort" is satisfied by mailing to the last-known address reported by the victim to the Federal Bureau of Prisons under 28 CFR § 551.152.

(5) The provisions of this paragraph (b) apply to clemency cases filed on or after September 28, 2000.

(c) The Attorney General shall review each petition and all pertinent information developed by the investigation and shall determine whether the request for clemency is of sufficient merit to warrant favorable action by the President. The Attorney General shall report in writing his or her recommendation to the President, stating whether in his or her judgment, the President should grant or deny the petition.

§ 1.7 Notification of grant of clemency.

When a petition for pardon is granted, the petitioner or his or her attorney shall be notified of such action and the warrant of pardon shall be mailed to the petitioner. When commutation of sentence is granted, the petitioner shall be notified of such action and the warrant of commutation shall be sent to the petitioner through the officer in charge of his or her place of confinement, or directly to the petitioner if he/she is on parole, probation, or supervised release.

§ 1.8 Notification of denial of clemency.

(a) Whenever the President notifies the Attorney General that he has denied a request for clemency, the Attorney General shall so advise the petitioner and close the case.

(b) Except in cases in which a sentence of death has been imposed, whenever the Attorney General recommends that the President deny a request for clemency and the President does not disapprove or take other action with respect to that adverse recommendation within 30 days after the date of its submission to him, it shall be presumed that the President concurs in that adverse recommendation of the Attorney General, and the Attorney General shall so advise the petitioner and close the case.

§ 1.9 Delegation of authority.

The Attorney General may delegate to any officer of the Department of Justice any of his or her duties or responsibilities under §§ 1.1 through 1.8.

§ 1.10 Procedures applicable to prisoners under a sentence of death imposed by a United States District Court.

The following procedures shall apply with respect to any request for clemency by a person under a sentence of death imposed by a United States District Court for an offense against the United States. Other provisions set forth in this part shall also apply to the extent they are not inconsistent with this section.

(a) Clemency in the form of reprieve or commutation of a death sentence imposed by a United States District Court shall be requested by the person under the sentence of death or by the person's attorney acting with the person's written and signed authorization.

(b) No petition for reprieve or commutation of a death sentence should be filed before proceedings on the petitioner's direct appeal of the judgment of conviction and first petition under 28 U.S.C. § 2255 have terminated. A petition for commutation of sentence should be filed no later than 30 days after the petitioner has received notification from the Bureau of Prisons of the scheduled date of execution. All papers in support of a petition for commutation of sentence should be filed no later than 15 days after the filing of the petition itself. Papers filed by the petitioner more than 15 days after the commutation petition has been filed may be excluded from consideration.

(c) The petitioner's clemency counsel may request to make an oral presentation of reasonable duration to the Office of the Pardon Attorney in support of the clemency petition. The presentation should be requested at the time the clemency petition is filed. The family or families of any victim of an offense for which the petitioner was sentenced to death may, with the assistance of the prosecuting office, request to make an oral presentation of reasonable duration to the Office of the Pardon Attorney.

(d) Clemency proceedings may be suspended if a court orders a stay of execution for any reason other than to allow completion of the clemency proceeding.

(e) Only one request for commutation of a death sentence will be processed to completion, absent a clear showing of exceptional circumstances.

(f) The provisions of this § 1.10 apply to any person under a sentence of death imposed by a United States District Court for whom an execution date is set on or after August 1, 2000.

§ 1.11 Advisory nature of regulations.

The regulations contained in this part are advisory only and for the internal guidance of Department of Justice personnel. They create no enforceable rights in persons applying for executive clemency, nor do they restrict the authority granted to the President under Article II, Section 2 of the Constitution.

Published in the FEDERAL REGISTER of the National Archives of the United States, October 18, 1993, Vol. 58, No. 199, at pages 53658 and 53659; as amended by a publication in the FEDERAL REGISTER of the National Archives of the United States, August 8, 2000, Vol. 65, No. 153, at page 48381; and as amended by a publication in the FEDERAL REGISTER of the National Archives and Records Administration of the United States, September 28, 2000, Vol. 65, No. 189, at pages 58223 and 58224, 28 CFR §§ 1.1 et seq. See also 28 CFR § 0.35

**THE WHITE HOUSE
DOCUMENT MANAGEMENT AND TRACKING
WORKSHEET**



DATE RECEIVED:

CASE ID: 772755

NAME OF CORRESPONDENT: THE HONORABLE WALTER JONES

SUBJECT: WRITES AGAIN URGING THE PRESIDENT TO COMMUTE THE SENTENCES OF U.S. BORDER PATROL AGENTS IGNACIO RAMOS AND JOSE ALONSO COMPEAN ✓

ROUTE TO: AGENCY/OFFICE	(STAFF NAME)	ACTION		DISPOSITION		
		CODE	DATE	TYPE RESPONSE	CODE	COMPLETED
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DEPARTMENT OF JUSTICE		R	11/28/2008			
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✓ COUNSEL TO THE PRESIDENT	FRED FIELDING	I	11/28/2008			
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EA 12/4/08

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WALTER B. JONES
3D DISTRICT, NORTH CAROLINA

ROOM 2333
RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TELEPHONE: (202) 225-3415

COMMITTEES:
COMMITTEE ON ARMED SERVICES
COMMITTEE ON FINANCIAL SERVICES

Congress of the United States
House of Representatives
Washington, DC 20515-3303

772755

November 13, 2008

The Honorable George W. Bush
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President:

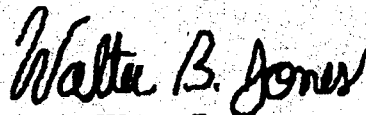
As you conclude the final months of your term as President of the United States, I am writing to once again call on you to commute the sentences of U.S. Border Patrol agents Ignacio Ramos and Jose Alonso Compean. These men have served nearly two years in federal prison for doing their job to protect the American people from a Mexican drug smuggler who brought 743 pounds of marijuana across our border.

Before leaving office, I know you will use your constitutional power to pardon or commute the prison sentences of many who have been convicted of breaking our nation's laws. I can think of no individuals more worthy of presidential commutations than agents Ramos and Compean. By attempting to apprehend an illegal alien drug smuggler, these two men were *enforcing* our laws – not breaking them. Many expert attorneys have concluded that the indictments against Ramos and Compean were unjustified. Yet because of a questionable prosecution – which deliberately misled the jury about the ongoing criminal activities of their star witness, the Mexican drug smuggler – the U.S. Border Patrol has lost two of its finest law enforcement officers, and the agents' families have lost thousands of dollars in legal fees and the company of the husbands and fathers they love.

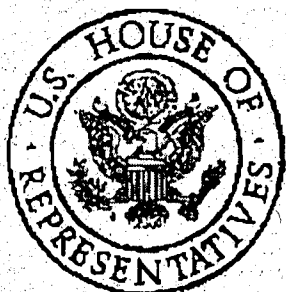
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No president could hope to solve all of the problems currently facing our nation before the conclusion of their term. But, before leaving office, you could secure a favorable place in history by correcting one of the worst miscarriages of justice ever committed against our nation's law enforcement officers. Please answer the prayers of thousands of Americans, and the Ramos and Compean families, by commuting the sentences of these two Hispanic-American heroes.

Sincerely,



Walter B. Jones
Member of Congress



CONGRESSMAN WALTER B. JONES

2333 Rayburn House Office Bldg.
Washington, DC 20515
(202)-225-3415 Fax (202)-225-3286

From Hon
To WW
LAGRR

(JL)

Fax Cover Sheet

To: President George W. Bush
Date: 11-13-2008
Fax #: (202) 456-3501

Total pages, including this cover sheet: 2

0772755

THE WHITE HOUSE
WASHINGTON

December 4, 2008

Dear Congressman Jones:

On behalf of President George W. Bush, thank you for your letter supporting a commutation of the sentences of former U.S. Border Patrol agents Ignacio Ramos and Jose Compean. We appreciate your taking the time to share your views on this matter. Your views on this matter will be carefully considered.

Thank you once again for your letter.

Yours sincerely,



Fred F. Fielding
Counsel to the President

The Honorable Walter B. Jones
2333 Rayburn House Office Building
Washington, D.C. 20515

WALTER B. JONES
3D DISTRICT, NORTH CAROLINA

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GREENVILLE, NC 27858
(252) 931-1003
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Congress of the United States
House of Representatives
Washington, DC 20515-3303

772755

JL013

November 13, 2008

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The White House
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Washington, D.C. 20500

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Member of Congress