

DUNCAN HUNTER  
52D DISTRICT, CALIFORNIA

COMMITTEE ON ARMED SERVICES

COMMITTEE ON  
EDUCATION AND THE WORKFORCE

CHAIRMAN, SUBCOMMITTEE ON  
EARLY CHILDHOOD, ELEMENTARY AND  
SECONDARY EDUCATION

COMMITTEE ON  
TRANSPORTATION AND INFRASTRUCTURE



U.S. House of Representatives  
Washington, DC 20515-0552

223 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0552  
(202) 225-5672  
FAX: (202) 225-0235

1870 CORDELL COURT, #206  
EL CAJON, CA 92020  
(619) 448-5201  
FAX: (619) 449-2251

October 26, 2011

The Honorable Eric H. Holder  
Attorney General  
U.S. Department of Justice  
Washington D.C. 20530

Dear Attorney General Holder:

The U.S. Border Patrol remains the first line of defense against the constant barrage of drug and human smuggling along the U.S.-Mexico land border. Thousands of deaths have been reported in Mexico this year—a direct product of unrelenting drug and border violence. Border regions from Texas to California, including San Diego County, rely heavily on the presence and law enforcement mission of the Border Patrol.

It was not long ago that Border Patrol Agents Ignacio Ramos and Jose Compean were unjustly sentenced to more than a decade in federal prison for apprehending a fleeing drug smuggler, only to have their sentences commuted by President George Bush after serving two years. This high profile case, which has not been forgotten, wrongly positioned the Border Patrol against a known drug smuggler, who also happened to be the government's star witness.

I'm certain that you will disagree, but there are striking similarities between the Ramos and Compean conviction and the Justice Department's case against Border Patrol Agent Jesus E. Diaz. For doing his job, Diaz was sentenced to two years in prison for improperly lifting the arms of a 15-year-old drug smuggling suspect while handcuffed. Reports indicate that the Justice Department cited the incident as a deprivation of the smuggler's constitutional right to be free from unreasonable force—something that I find hard to comprehend under the circumstances.

Also worth mentioning is the fact that the charges against Agent Diaz were brought forward by the U.S. Attorney's Office for the Western District of Texas. It was this same office, under U.S. Attorney Johnny Sutton, that unapologetically led the prosecution against Agents Ramos and Compean, going as far as providing the smuggler with full immunity and border-crossing documentation. In the case of Agent Diaz, the smuggler was also given immunity for reasons that are not at all clear.

The case proceeded even though the Homeland Security's Office of Inspector General and the U.S. Immigration and Customs Enforcement's Office of Professional Responsibility cleared Agent Diaz of any wrongdoing. Despite a contradictory report by U.S. Customs and Border Protection, which created the foundation for the U.S. Attorney's case, it's amazing to think that the federal government and the Justice Department in particular, under your

leadership, continued with a case against one of our nation's own Border Patrol Officers that ended with an excessive two-year prison term for restraining a smuggler.

Even in the event that disciplinary action was needed, the incident involving Agent Diaz would have been far better suited for an administrative decision on the part of his immediate superiors. It's certainly not worthy of such a disproportionate prison term at the direction of the U.S. government.

After what happened with Ramos and Compean, and now with the details of Operation Fast and Furious coming to light, the case against Agent Diaz is troubling. I believe you owe it to the men and women of our nation's Border Patrol and other law enforcement to set the record straight and explain why a two-year prison term is an appropriate punishment for Agent Diaz when smugglers and criminals are doing everything they can to evade our nation's security and illegally enter the U.S.

I hope you will think about what this type of decision means to those who are protecting our borders and provide a thorough explanation based on the concerns I have raised.

Sincerely,

A handwritten signature in blue ink, appearing to read "Duncan Hunter". The signature is fluid and cursive, with the first name "Duncan" written in a smaller, more compact script and the last name "Hunter" written in a larger, more prominent script.

Duncan Hunter  
Member of Congress