



Law Enforcement Officers Advocates Council

A Nonprofit Law Enforcement Advocacy Corporation
Supporting Officers Defending America

Given the Senate's 99-1 vote confirming Mr. Comey as FBI Director, which we feel was rammed through given the facts we are in knowledge of as identified in this letter, we are releasing this letter to you, the American people... TheLEOAC...

July 29, 2013

The Honorable Patrick J. Leahy
Chairman
Judiciary Committee
United States Senate
Washington D.C. 20510

The Honorable Chuck Grassley
Ranking Member
Judiciary Committee
United States Senate
Washington D.C. 20510

Re: Confirmation Hearing for James B. Comey

Dear Chairman Leahy, and Ranking Member Grassley:

I write you as a chairman of the Law Enforcement Officers Advocates Council in opposition to the nomination of James B. Comey to be Director of the Federal Bureau of Investigation (FBI). Mr. Comey's record is rife with blemishes inconsistent with the qualities necessary in an FBI Director. Various human rights and civil liberties organizations have already alerted your respective Judiciary Committees to Mr. Comey's history of approving torture and waterboarding. I seek to alert your Honors to the "House of Death" cover-up and mistreatment of the Confidential Informant involved. This cover-up is widely but quietly referred to as one of the darkest chapters in United States Law Enforcement history and it occurred under Mr. Comey's watch as Deputy Attorney General of the United States.

The "House of Death" was a home in a residential Juarez neighborhood which became a recurrent slaughterhouse for the Juarez Drug Cartel in 2003 and 2004. The complacency of the Drug Enforcement Agency ("DEA"), Bureau of Immigration and Customs Enforcement ("ICE"), and the Department of Justice ("DOJ") led to unnecessary deaths and a massive cover-up. On August 5, 2003, a Confidential Informant ("CI"), working for ICE and the DEA, witnessed and recorded a murder at the House of Death. Thereafter, the CI immediately told his handlers at ICE about the murder. The CI's handlers, working in conjunction with the United States Attorney's Office for the Western District of Texas, permitted the CI to continue his work, and, ***as a result at least thirteen additional murders occurred at the House of Death***. Prior to each murder, the CI would inform his ICE handlers, and his ICE handlers would not act. Each time, the CI was faced with life threatening violence if he failed to acquiesce to every request of the murderers in the House of Death. The government allowed the CI to continue his work for the sake of a DOJ case against a high ranking Juarez drug cartel member.

The House of Death massacres continued until January 14, 2004. On that date, the lives of two DEA agents and their families, who were stationed in Mexico, were placed in jeopardy. On that date, upon information and belief, a torture victim at the House of Death had given the address of the DEA agents while being tortured. Thankfully, the CI managed to alert his handlers before any violence befell these agents or their families. In response to this unprecedented violence, U.S. and Mexican authorities finally stopped the violence and investigated the House of Death. In total twelve bodies were recovered.

James B. Comey, in his official capacity as Deputy Attorney General of the United States from 2003 to 2005, effectively ran Operations at the Department of Justice. Accordingly, the DOJ members who acquiesced through complacency to recurrent murders at the House of Death were acting in furtherance of the mission parameters set by Mr. Comey.

In February 2004, a DEA Special Agent in Charge, El Paso, Texas, wrote a letter to the ICE Special Agent in Charge, El Paso, Texas, and the United States Attorney's office. The letter is attached hereto as **Exhibit A**. This letter was a response to the respective agencies' handling of the House of Death and the subsequent near-assassination of the two DEA agents and their families. The letter identifies the complacency of the United States Attorney's office:

I've had an opportunity to digest what you've said as well as to conduct a careful review of the material in this case. I am now writing to express to you my frustration and outrage at the mishandling of the Heriberto Santillan-Tabares investigation that has resulted in unnecessary loss of human life in the Republic of Mexico, and endangered the lives of Special Agents of the Drug Enforcement Administration (DEA) and their immediate families assigned to the DEA Office in (Ciudad Juarez) Mexico.

...

Following the August 2003 murder of [REDACTED], [ICE] personnel and the prosecutor ignored well founded recommendations made by DEA agents to arrest and "take down" the case, thereby allowing at least thirteen other murders to take place in Ciudad Juarez, in what can only be described as a display of total disregard for human life, and disrespect for the rule of law in Mexico. Much of this, I'm told, to protect the drug case against Santillan and a cigarette smuggling case in which the [confidential informant] is a witness.

This correspondence should have prompted an investigation on behalf of the Department of Justice and Mr. Comey, but instead, it prompted a large cover-up.

Eventually, **Exhibit A**, arrived at the Department of Justice in Washington, D.C., it responded by instructing all agencies, to agree "on a no comment to the press." See emails attached as **Exhibit B** and **Exhibit C**. Specifically, **Exhibit C**, an un-redacted DOJ email released during the subsequent employment discrimination case filed by the drafter of **Exhibit A**, includes James A. Comey as an addressee. These DOJ emails do not set forth any effort to address the misuse of confidential informants or solution for the wrongdoings by the officers and prosecutors involved in the House of Death conspiracy. The emails only seek to punish the DEA Special Agent who drafted **Exhibit A** and to instruct all agencies to refrain from speaking to the press. See **Exhibit C**.

In addition, during the December 2006 trial testimony of a DEA administrator, Michele Leonhart, during the discrimination case mentioned above, Mr. Comey's knowledge of these events is affirmatively stated:

Q. Okay. Now, did there come a time in which the Office of the Attorney General, in fact, the Attorney General of the United States himself [John Ashcroft at the time], wanted to know what was going on with this matter [the House of Death murders]?

A. Yes.

Q. And was there a plan in place with the acknowledged approval of the attorney general on how to handle the investigation of what events occurred in Ciudad Juarez?

A. Yes. **We notified the attorney general of the United States and the deputy attorney general of the United States of what we had learned and the events and our concerns.** We told him that we had talked to customs and let them know what we had found out. Our administrator had also contacted the U.S. Attorney's Office, and we thought the best thing we could do is get the agencies together, put an independent review team together to go down and find the facts because the person I was talking to said he had a different set of facts and didn't see it the way that we saw it.

...

Q: Okay. So was the investigation into this matter, was this being handled at this highest levels of our government?

A: Absolutely.

Q: Is the – is the attorney general the highest law enforcement person within the federal government?

A: Yes, he is.

[Emphasis supplied.]

Unfortunately, the meeting mentioned above never occurred and as a result the murders continued. However, shortly after the incidents described above, but before **Exhibit A** was drafted, the Department of Justice initiated an investigation. On December 7, 2006, Michael Ferguson, one of the investigators and a top DEA agent, stated in his trial testimony from the employment discrimination case referenced above that he had briefed Mr. Comey on the recent incidents in Juarez:

A. ...I mean because the day before I had briefed the attorney general **and deputy attorney general** that we had a fact-finding team that had just returned, they were preparing a report, and as soon as the report was finished, I would come back and brief them on what was, you know, found and provide them a copy of the report.

...

So it was at the highest levels of these particular departments we were briefing them because it was a serious incident down in Juarez that could

have potential ramifications between our governments, and they needed to know and they needed to know what was accurate.

So it was somewhat embarrassing as I left their office that I found out a letter [**Exhibit A**] has been written sort of outlining a lot of the facts that the team had uncovered.

The report referenced in this trial testimony has never been released by the United States Government, perhaps because **Exhibit A** was released shortly after the briefing described above. The lack of response by then Deputy Attorney General Comey is inexcusable. The Department of Justice should have responded to the House of Death tragedy with more than a cover-up.

It is important to note the fate which awaited the CI mentioned above. The CI was taken into custody under the guise of a fraudulent material witness warrant. The warrant was fraudulent because the prosecutors which issued it had intended to enter a plea deal with the high ranking Juarez drug cartel member, Santillan, in the underlying case. Thus the CI was placed in custody without reason. The plea bargain with Santillan was entered into on April 19, 2005 (See **Exhibit D**). The CI was not released from custody until late 2010. During the majority of that time, the CI resided in solitary confinement and was kept from his family and attorney in contravention to the civil rights guaranteed by the United States Constitution.

This action, or lack thereof, by Mr. Comey should prevent his nomination. One of the many duties of the FBI is to handle confidential informants during criminal investigations. The people of the United States of America have a right to know that Mr. Comey not only mishandled a confidential informant by repeatedly placing his life in danger and failing to prevent at least thirteen murders, but Mr. Comey also failed to investigate this error. The unsteady ground for confidential informants, already shaking, will not gain security under Mr. Comey unless he can address the wrongdoings of his organization not cover them up.

We respectfully urge you explore the House of Death incident during Mr. Comey's confirmation process. Confidential informants remain a vital asset to law enforcement and the war on drugs. The director of the FBI must not only be committed to protection of Confidential Informants, but also to investigating problems, not hiding them.

Respectfully submitted,

A handwritten signature in cursive script that reads "Andy".

Andrew Ramirez, President

w/ Enc.

TO: Judiciary Committee Members
United States Senate
Washington D.C. 20510