

White House and Justice Department officials on Wednesday refused to tell 39 members of Congress why U.S. prosecutors never asked Mexico to detain a suspect in the killing of a U.S. Border Patrol agent or sought his extradition. In a letter to Rep. Brian P. Bilbray, chairman of the Immigration Ref...

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In a letter to Rep. Brian P. Bilbray, chairman of the Immigration Reform Caucus, Deputy Assistant Attorney General Keith B. Nelson said the disclosure of any information in the case would "inevitably compromise" an ongoing investigation.

Mr. Bilbray, California Republican, along with 38 other lawmakers, had asked why Jesus Navarro Montes was released from a Mexicali jail in June, when he was suspected of running over and killing Border Patrol Agent Luis Aguilar Jr. in Arizona in January.

"The Department of Justice appreciates your concerns and like you, considers this a very serious matter," Mr. Nelson said, adding that "from the moment" Mr. Aguilar was killed as he laid spike strips in front of two fleeing vehicles, "we have been firmly committed to a thorough and comprehensive investigation and prosecution."

"Unfortunately, to provide any further information that you have requested in your letter would at this time inevitably compromise highly sensitive law enforcement investigative information and thereby hinder achieving our mutual goal of bringing to justice those responsible for Agent Aguilar's death," he said.

Mr. Nelson said identical responses were sent to each of the 39 lawmakers who signed letters last week asking President Bush and Attorney General Michael B. Mukasey to "provide a full accounting" of the circumstances behind Mr. Navarro's release and Justice Department efforts to have him returned to the United States.

In a separate letter, presidential counsel Fred F. Fielding said White House officials referred the questions to the Justice Department "to avoid saying anything that might interfere with or undermine" the department's investigation of the matter.

On Monday, the Mexican Embassy in Washington confirmed that Mr. Navarro's release was ordered by Mexicali Federal Judge Laura Serrano Alderete after she dismissed pending and unrelated smuggling charges against the Mexican citizen, saying Mexican authorities who brought the case lacked jurisdiction.

"Although we had asked the U.S. government a couple of times before his release to help us deal with the matter so we could hold Mr. Navarro, we got nothing whatsoever," said embassy spokesman Ricardo Alday. "The U.S. response never came. No arrest warrant was presented, no evidence was offered and no one from the U.S. government contacted Mexican authorities concerning his extradition.

"We couldn't hold him with no evidence of a crime. We needed help, but we never got it," he said, adding that Mexican authorities first contacted U.S. officials in February asking whether it intended to seek his extradition or for additional information so that Mr. Navarro could be held in Mexico.

Mr. Alday said federal officials in Mexico City were not aware of the release until after it occurred, and the Mexican attorney general's office has since issued an order that Mr. Navarro be located and detained. He also said Mexican federal officials appealed the ruling in Mr. Navarro's immigration case.

Mr. Navarro, 22, was detained Jan. 22 by Mexican state and federal authorities in the town of El

Yaqui in the northern state of Sonora in connection with the killing three days earlier of Mr. Aguilar. He was released from custody on June 18, a week before the U.S. government presented Mexico with a "provisional arrest request" for his extradition.

Mr. Aguilar, 32, was killed as he tried to lay spike strips on a highway near the Imperial Sand Dunes in California, 20 miles west of Yuma, Ariz., to stop at least two vehicles fleeing from Border Patrol agents and back into Mexico.

In the letters, Mr. Bilbray and the other lawmakers said they wanted "an explanation and an accounting" from Mr. Bush and Mr. Mukasey about what communication took place between U.S. and Mexican authorities concerning the release. They said they also wanted to know whether the Justice Department formally sought Mr. Navarro's extradition and if so, when, and if not, why not.

Mr. Alday said Mexican authorities are "working cooperatively" with the U.S. in the search Mr. Navarro, whose whereabouts is unknown.

"Once he's located, the arrest warrant based upon the provisional request for extradition purposes will be executed," he said.

Those who signed the Bilbray letter were: Republican Reps. Mark Souder of Indiana; John Culberson, Michael McCaul, Sam Johnson, Louie Gohmert, Ted Poe, Ralph M. Hall and Kenny Marchant of Texas; Marsha Blackburn, John J. "Jimmy" Duncan Jr. and David Davis of Tennessee; Howard Coble, Sue Myrick and Walter B. Jones of North Carolina; Ginny Brown-Waite and Jeff Miller of Florida; Paul Broun and Phil Gingrey of Georgia; Sam Graves and Todd Akin of Missouri; Mike D. Rogers of Alabama; Shelley Moore Capito of West Virginia; Mike Simpson of Idaho; Scott Garrett of New Jersey; Tom Tancredo of Colorado; Rodney Alexander of Louisiana; Thelma Drake of Virginia; Roscoe G. Bartlett of Maryland; and Dana Rohrabacher, Gary G. Miller, Elton Gallegly, Ed Royce, **John Campbell**, Wally Herger, Duncan Hunter, John T. Doolittle and Darrell Issa of California.

Rep. Heath Shuler of North Carolina was the lone Democrat to sign the letter.