

# THE CONSTITUTION PROJECT



*Safeguarding Liberty, Justice & the Rule of Law*

## The Constitution Project Joins the Former Ambassador to Mexico In Condemning Texas Execution of Humberto Leal Garcia

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WASHINGTON-Today, The Constitution Project (TCP) joined James R. Jones, the former U.S. Ambassador to Mexico, in condemning the execution of Humberto Leal Garcia despite calls from the Obama Administration, the Mexican government, former U.S. diplomats, retired military officials and former judges and prosecutors to temporarily stay the execution. Leal, a Mexican national, who had been denied consular access in violation of the Vienna Convention on Consular Relations, might have been accorded judicial review if the U.S. Supreme Court had stayed his execution. The [Consular Notification Compliance Act](#) - now pending in Congress - would have made this judicial review possible.

Leal is only the second foreign national executed in the United States following the 2004 decision from the International Court of Justice that the United States must provide review in the cases of certain Mexican nationals sentenced to death who were denied consular access.

According to James R. Jones, former Ambassador to Mexico, "Today's execution of a foreign national of our critical international partner Mexico violates a binding legal obligation and threatens to undermine the strength of our credibility in the eyes of our international partners. In light of this irrevocable breach of our nation's international legal obligations, it is now more imperative than ever that Congress and the Obama Administration move immediately to provide for our nation's full compliance in the future."

TCP Senior Policy Counsel Mary Schmid Mergler said, "The State of Texas has inexplicably endangered the safety of Americans traveling abroad by giving other nations an excuse to ignore their reciprocal obligation to provide consular access to American citizens who are arrested abroad. Today's execution puts even more pressure on Congress to pass the Consular Notification Compliance Act so that today's miscarriage of justice is not repeated."

In 2008, the Supreme Court unanimously affirmed the existence of the U.S. obligation to provide consular notification and access, including review of existing death sentences. However, the Court held that the federal judiciary could not remedy these violations without implementing legislation from Congress. In June, Senate Judiciary Committee Chair Patrick Leahy (D-VT) introduced the Consular Notification Compliance Act to remedy this. The Act would give federal judges the jurisdiction to review cases where foreign nationals on death row seek to demonstrate that violations of their consular rights prevented them from receiving fair trials or sentences.

In 2005, TCP's Death Penalty Committee-a bipartisan, blue-ribbon Committee that comprises supporters and opponents of the death penalty-published [Mandatory Justice: The Death Penalty Revisited](#), in which the Committee concluded that "the policies underlying the [Vienna Convention] are similar to those underlying the right to counsel guaranteed by the United States Constitution." Thus the Committee concluded that detainees would be denied fair

treatment in the course of the investigation, trial and sentencing, if their consular rights are not honored.

**About The Constitution Project**

Established in 1997, The Constitution Project (TCP) is known for its ability to bring together unlikely allies-experts and practitioners from across the political spectrum-in order to promote and safeguard America's founding charter. TCP is working to reform the nation's broken criminal justice system and to strengthen the rule of law by undertaking scholarship, consensus policy reforms, advocacy and public education. TCP was born out of the belief that we must cast aside the labels that divide us, in order to keep our Constitution and our democracy strong.