



The Senate of The State of Texas

SENATOR RODNEY ELLIS
District 13

PRESIDENT PRO TEMPORE
1999 - 2000

COMMITTEES:

Chair, Government Organization
Criminal Justice
Transportation & Homeland Security
State Affairs

July 18, 2008

The Honorable Rick Perry
State Capitol Building
1100 Congress, Room 2S.1
Austin, TX 78701

Re: Texas Compliance with International Treaty

Dear Governor Perry:

Recently the World Court, joined by Secretary of State Condoleeza Rice and U.S. Attorney General Michael Mukasey urged you and the State of Texas to stay the executions of five Mexican nationals, including Jose Ernesto Medellin to allow further review to determine whether they were prejudiced by the violation of Article 36 of the Vienna Convention on Consular Relations.

First, as a state official, I believe that it is inappropriate for state government to undermine the obligations of the federal government in matters of United States foreign policy. There is no dispute that the United States (and Texas authorities in particular) failed to comply with their obligations to notify Mr. Medellin and the other Mexican nationals of their rights to consular notification and access under the Vienna Convention.

Making sure that a foreign national arrested in Texas has an opportunity to receive assistance from his or her nation's consulate is one way to measure the importance of the principle outlined in the Vienna Convention on Consular Relations. That principle is an especially important one to Texans living, working and visiting abroad. Showing regard for the foreign nationals in the United States under our treaty obligations serves to protect Texans and other American citizens by ensuring that any detention or arrest is followed by contact with a local United States consulate so that legal assistance and other support can be provided.

As Justice Stevens points out in his concurrence in the Supreme Court decision handed down last May, the United States' obligation to comply with the World Court's decision "falls on each of the States as well as the Federal Government." He observed

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Governor Rick Perry

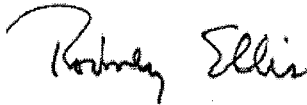
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that "Texas' duty in this respect is all the greater since it was Texas that—by failing to provide consular notice in accordance with the Vienna Convention—ensnared the United States in the current controversy. Having already put the Nation in breach of one treaty, it is now up to Texas to prevent the breach of another."

On July 14, Congressman Berman from California submitted legislation that could definitively determine the states' obligations under international treaties. However, that bill will not come to a vote before Medellin's executions date. Furthermore, the Texas legislature does not reconvene until January 2009. I urge you to grant a reprieve out of respect for Congress and our own state legislature to allow these two political bodies to consider what measures are necessary to comply with the United States' international obligations and to safeguard the interests of all Americans who depend on the protections of the Vienna Convention.

Sincerely,

A handwritten signature in cursive script that reads "Rodney Ellis".

Senator Rodney Ellis

cc: Texas Board of Pardons and Parole
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