

# Supreme Court to Hear Appeal of Mexican Death Row Inmate

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WASHINGTON, April 30 — The Supreme Court on Monday agreed to hear an appeal from a Mexican citizen on death row in [Texas](#) whose case has embroiled the World Court, the Bush administration and the State of Texas in a conflict that has only deepened in the two years since the justices last considered how to resolve it.

The inmate, José E. Medellín, is one of 50 Mexicans on death rows in various states who, the World Court found in 2004, had been charged and tried without the assistance from Mexican diplomats to which an international treaty entitled them.

The United States is a signatory to the treaty, the Vienna Convention on Consular Relations, which requires local authorities to inform foreign nationals being held on criminal charges of the right to consult with their country's diplomats. The requirement was, until recently, widely ignored.

In the World Court, formally known as the [International Court of Justice](#), [Mexico](#) sued the United States on behalf of its citizens who had been sentenced to death without receiving the required "consular notification." The court ruled that the United States was obliged to have the defendants' cases reopened and reconsidered.

Initially, the Bush administration described Mexico's suit as "an unjustified, unwise and ultimately unacceptable intrusion in the United States criminal justice system." But in early 2005, with Mr. Medellín's death-penalty appeal pending before the Supreme Court, the White House announced that it would abide by the World Court's decision by instructing the states to reconsider the convictions and sentences of the Mexican nationals on death row. The Supreme Court then dismissed Mr. Medellín's case to enable the Texas courts to comply with that directive.

The Texas Court of Criminal Appeals refused to relax its procedural rules that barred any reconsideration. One of the court's judges, in a concurring opinion, accused the White House of an "unprecedented, unnecessary and intrusive exercise of power over the Texas court system" — language that echoed the criticism that the administration had once directed at Mexico.

Now, however, the administration has entered the case on Mr. Medellín's behalf and urged the Supreme Court to overturn the Texas court's decision. The case, *Medellín v. Texas*, No. 06-984, will be argued next fall. The government's brief, filed by Solicitor General Paul D. Clement, told the justices that the Texas court's decision, if not reversed, "will place the United States in breach of its international law obligation" to comply with the World Court's decision and would "frustrate the president's judgment that foreign policy interests are best served by giving effect to that decision."

Mr. Medellín was a gang member in Houston when he was convicted in 1993 of participating in the gang rape and murder of two teenage girls. In urging the Supreme Court not to hear the case, the Texas solicitor general, R. Ted Cruz, recounted the crime in vivid detail and said that the Texas court had applied its usual rules in concluding that Mr. Medellín was procedurally barred from reopening his case. The president had no constitutional authority to pre-empt the state's procedural rules, Mr. Cruz said.

Mexico filed a brief on Mr. Medellín's behalf, noting its desire to provide "critical resources to aid in the defense of its nationals facing the death penalty." Mexico noted that last month, the Texas court had denied relief to five other Mexican death-row inmates who are also governed by the World Court decision. "Bilateral relations between the United States and Mexico" will "unquestionably" be affected by these cases, Mexico's brief said.