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ONE HUNDRED TENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

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August 1, 2008

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The Honorable Rick Perry
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

Dear Governor Perry:

We write today regarding a matter that has implications for the foreign policy of the United States and for the safety and security of our citizens as they travel in other countries. We urge you to work with us to implement procedures to effectuate our treaty obligations, especially in light of two executions scheduled for next week that directly impact this situation.

As you are well aware, the United States Supreme Court recently considered the case of José Medellín, who is currently scheduled for execution in Texas on August 5, 2008. The Supreme Court held that the United States is currently not in compliance with its international treaty obligations in a number of cases in which persons were not afforded their rights to consular notification under the Vienna Convention. Medellin v. Texas, 552 U.S. ____ (March 25, 2008).

There is a relatively simple means of coming into compliance with the ruling of the Supreme Court, but it cannot be completed before the scheduled execution dates next week. The International Court of Justice ("ICJ") has determined that the situation be remedied in a simple and straightforward way -- through a judicial review proceeding to determine whether prejudice has resulted from the failure to provide consular access. Judgment of 31 March 2004 in the Case Concerning Avena and Other Mexican Nationals ("Avena").

In its recent decision, the Supreme Court determined that Congress has the legislative authority to authorize the judicial review directed, and to ensure compliance with this legal obligation across the United States. Accordingly, the "Avena Case Implementation Act of 2008" (H.R. 6481) was introduced in the House of Representatives on July 14, 2008. The legislation creates a cause of action that is narrowly focused on evaluating the impact of any violation of the Vienna Convention on Consular Relations.

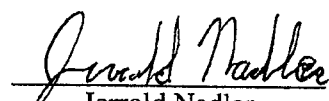
The legislative calendar makes it impossible for us to complete a thorough and careful lawmaking process prior to the scheduled execution of Mr. Medellin on August 5th, or the scheduled execution of Heliberto Chi Acheituno on August 7th. With this in mind, we respectfully request that you exercise your power to stay these execution dates in order to provide Congress with the time needed to consider this situation and to make an appropriate judgment as to the important policy matter in question. As the Supreme Court recognized, compliance with the Vienna Convention is a critical aspect of national security and foreign policy, including the reciprocal treatment of U.S. persons overseas.

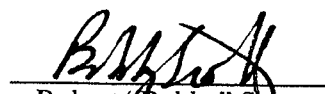
The Honorable Rick Perry
Page Two
August 1, 2008

Thank you for your consideration and accommodation. We appreciate your time and attention to these important matters, and look forward to working with you to address this situation.

Sincerely,


John Conyers, Jr.
Chairman


Jerrold Nadler
Chairman, Subcommittee
on the Constitution, Civil
Rights, and Civil Liberties


Robert "Bobby" Scott
Chairman, Subcommittee
on Crime, Terrorism, and
Homeland Security

cc: The Honorable Lamar Smith
Texas Board of Pardons and Paroles
Secretary of State Condoleezza Rice
Attorney General Michael B. Mukasey

August 4, 2008

BY ELECTRONIC MAIL AND HAND DELIVERY

William K. Suter
Clerk of the Court
Supreme Court of the United States
One First Street, N.E.
Washington, DC 20543

Medellín v. Texas, No. 08-_____


Dear Mr. Suter:

We are counsel to Petitioner José Ernesto Medellín in these proceedings. We hereby request permission to submit a letter dated August 1, 2008, from John Conyers, Jr., Chairman of the U.S. House of Representatives Committee on the Judiciary, Jerrold Nadler, Chairman of the Subcommittee on the Constitution, Civil Rights and Liberties, and Robert "Bobby" Scott, Chairman of the Subcommittee on Crime, Terrorism, and Homeland Security, to Rick Perry, Governor of Texas.

The letter asks Governor Perry to stay Mr. Medellín's execution in order to provide Congress the time needed to carefully consider possible legislation in response to this Court's decision in *Medellin v. Texas*, 128 S. Ct. 1346 (2008). It further states that "compliance with the Vienna Convention is a critical aspect of national security and foreign policy, including the reciprocal treatment of U.S. persons overseas."

This letter was not available for submission when Mr. Medellín lodged papers with the Court on July 31, 2008. Appendix page numbers consecutive with the last page of the appendix submitted on that date have been endorsed for the Court's convenience.

Respectfully submitted,


Donald Francis Donovan *lbp*

cc: James C. Ho, Solicitor General, State of Texas
Tina Dettmer, Assistant Attorney General, State of Texas

Enclosure