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S. CON. RES. 79

Expressing the sense of Congress that the President should secure the sovereign right of the United States of America and the States to prosecute and punish, according to the laws of the United States and the several States, crimes committed in the United States by individuals who subsequently flee to Mexico to escape prosecution.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 2003

Mrs. FEINSTEIN (for herself, Mr. BROWNBACK, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. DOMENICI, Mr. KYL, Mr. CAMPBELL, and Mr. HATCH) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

CONCURRENT RESOLUTION

Expressing the sense of Congress that the President should secure the sovereign right of the United States of America and the States to prosecute and punish, according to the laws of the United States and the several States, crimes committed in the United States by individuals who subsequently flee to Mexico to escape prosecution.

Whereas, under the Extradition Treaty between the United States of America and the United Mexican States, signed at Mexico City May 4, 1978, and entered into force January 25, 1980 (31 UST 5059) (hereafter the “Extradition Treaty”), Mexico has refused to extradite uncondi-

tionally to the United States fugitives facing capital punishment;

Whereas the Mexican Supreme Court ruled in October 2001, that life imprisonment violates the Constitution of Mexico, and Mexico has subsequently repeatedly violated the Extradition Treaty by refusing to extradite unconditionally criminals who face life sentences in the United States;

Whereas numerous individuals have committed serious crimes in the United States, fled to Mexico to avoid prosecution, and have not been brought to justice in the United States because of Mexico's interpretation of the Extradition Treaty;

Whereas these individuals include the persons responsible for the April 29, 2002, murder of Deputy Sheriff David March, the July 17, 2000, killing of Officer Michael Dunman, the August 29, 1998, murder of 12 year old Stephen Morales, the April 9, 1999, attempted murder of Anabella Van Perez and the subsequent August 26, 1999, murder of her father, Carlos Vara, and the December 22, 1989, murder of Mike Juan;

Whereas attorneys general from all 50 States, the National League of Cities, and numerous elected officials, municipalities, and law enforcement associations have asked the United States Attorney General and the Secretary of State to address this extradition issue with their counterparts in Mexico;

Whereas United States Government officials at various levels have raised concerns about the extradition issue with their counterparts in Mexico, including presenting a Protest Note to the Government of Mexico objecting that

Mexico's interpretation of the Extradition Treaty is "un-supported by the Treaty" and effectively "eviscerates" it, with few positive results; and

Whereas the Extradition Treaty, as interpreted by Mexico, interferes with the justice system of the United States and encourages criminals to flee to Mexico; Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
 2 *concurring)*, That it is the sense of Congress that the
 3 President should address Mexico's failure to fulfill its obli-
 4 gations under the Extradition Treaty between the United
 5 States of America and the United Mexican States, signed
 6 at Mexico City May 4, 1978, and entered into force Janu-
 7 ary 25, 1980 (31 UST 5059), by renegotiating the treaty
 8 or taking other action to ensure that the possibility that
 9 criminal suspects from Mexico may face capital punish-
 10 ment or life imprisonment will not interfere with the un-
 11 conditional and timely extradition of such criminal sus-
 12 pects to the United States.

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