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High court backs Texas in dispute with Bush

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WASHINGTON — The Supreme Court's message to President Bush was clear: Don't mess with Texas.

Conservative justices, including two picked for the court by the nation's most prominent Texan, said Bush overstepped his authority when he tried to order the state to reopen the case of a Mexican on death row for rape and murder.

The Constitution "allows the president to execute the laws, not make them," Chief Justice John Roberts wrote in a rebuke of Bush.

Justice Samuel Alito, Bush's other nominee to the high court, signed on to Roberts' opinion.

The justices, by a 6-3 vote, said Texas also could ignore an international court ruling in favor of granting a new hearing to Jose Ernesto Medellin, facing the death penalty for killing two teenagers nearly 15 years ago.

Justice Stephen Breyer, in dissent, said the decision calls into question U.S. obligations under international treaties and makes it "more difficult to negotiate new ones." He was joined by Justices Ruth Bader Ginsburg and David Souter.

Bush was in the unusual position of siding with Medellin, a Mexican citizen whom police prevented from consulting with Mexican diplomats, as provided by international treaty.

An international court ruled in 2004 that the convictions of Medellin and 50 other Mexicans on death row around the United States violated the 1963 Vienna Convention, which provides that people arrested abroad should have access to their home country's consular officials. The International Court of Justice, also known as the world court, said the Mexican prisoners should have new court hearings to determine whether the violation affected their cases.

Bush, who oversaw 152 executions as Texas governor, disagreed with the decision. But he said it must be carried out by state courts because the United States had agreed to abide by the world court's rulings in such cases.

A Texas prosecutor whose office won a conviction against Medellin said she would ask for an execution date to be set as soon as the high court resolves a separate case over a challenge to lethal injection procedures.

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