



United States Department of State

Washington, D.C. 20520

APR 16 2010

Dear Senator Leahy:

Thank you for your letter of October 15, 2009, requesting input on what steps may be taken to respond to the 2004 International Court of Justice (ICJ) decision in *Avena* and the 2008 Supreme Court decision in *Medellín v. Texas*, and what additional measures may be taken to ensure that state and local officials are aware of the United States' obligations under the Vienna Convention on Consular Relations (VCCR).

The Administration shares your desire to ensure that the United States complies with its international obligation to provide consular notification to foreign nationals, including the obligations arising from the ICJ judgment. We also recognize that Vienna Convention protections ensure that consular services can be provided to American citizens who are detained by foreign states. The U.S. Department of State has long worked through a variety of means to increase compliance with the requirements of the VCCR at the federal, state, local, and territorial levels, and welcomes the opportunity to enter into a dialogue with you on ways to better accomplish this goal.

This issue of ensuring consular access has been an ongoing source of tension in our relations with Mexico and other important U.S. allies, who have criticized the United States for failing to comply with its international law obligations, attempted to persuade U.S. state courts to comply with *Avena*, and lobbied Congress to pass legislation requiring states to give effect to that judgment.

In the aftermath of the *Medellín* decision, the Department has continued to consider other means to ensure U.S. compliance with the *Avena* judgment, including legislation. The Administration believes legislation would be an optimal way to give domestic legal effect to the *Avena* judgment, and we would welcome the opportunity to discuss various approaches with you.

The Honorable
Patrick Leahy,
United States Senate.

The Department also has made efforts to encourage state governors to provide review and reconsideration in the context of the state clemency process. The Department has reached out to several states over the last several years, including Texas and California, but with limited success.

We believe that future VCCR compliance is best advanced through guidance, training, and model policies and practices to ensure consular notification and access in every case. The Department has been engaged for several years in an intensive outreach and training effort directed at federal, state, and local law enforcement officials, as well as counsel and judges. In the past year alone, the Department has distributed over 200,000 sets of briefing materials on consular notification, and has conducted training sessions across the country.

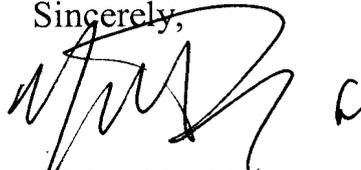
The Department is currently completing a new and expanded version of the widely disseminated Consular Notification and Access Manual, which provides comprehensive guidance to law enforcement officials, practitioners, and academics. The manual includes sample consular notices in 21 different languages. It also sets forth draft guidelines and standard operating procedures, and encourages federal and state entities to adopt and adapt these for use by law enforcement personnel. The Department also distributes training videos for law enforcement personnel on consular notification and access, maintains comprehensive and up-to-date information on consular notification at www.travel.state.gov/consularnotification, and even has a consular notification Twitter page, <http://twitter.com/ConsularNotify>, now followed by 130 organizations.

The United States takes its obligations under the VCCR very seriously. While there is more work to be done, compliance has improved over time. The Department receives only about 50 complaints a year from foreign governments that consular notification has not been provided, and many of these complaints are not meritorious. We believe that in the vast majority of cases, federal, state, local, and territorial law enforcement personnel provide consular notification and access in accordance with VCCR Article 36.

We appreciate your concern in this matter and assure you that we are deeply committed to efforts to ensure the United States' compliance with the VCCR and continue to seek ways to ensure compliance with our international obligations

We hope this information is helpful. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

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Richard R. Verma
Assistant Secretary
Legislative Affairs



United States Department of State

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APR 16 2010

Dear Senator Kerry:

Thank you for your letter of October 15, 2009, requesting input on what steps may be taken to respond to the 2004 International Court of Justice (ICJ) decision in *Avena* and the 2008 Supreme Court decision in *Medellín v. Texas*, and what additional measures may be taken to ensure that state and local officials are aware of the United States' obligations under the Vienna Convention on Consular Relations (VCCR).

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This issue of ensuring consular access has been an ongoing source of tension in our relations with Mexico and other important U.S. allies, who have criticized the United States for failing to comply with its international law obligations, attempted to persuade U.S. state courts to comply with *Avena*, and lobbied Congress to pass legislation requiring states to give effect to that judgment.

In the aftermath of the *Medellín* decision, the Department has continued to consider other means to ensure U.S. compliance with the *Avena* judgment, including legislation. The Administration believes legislation would be an optimal way to give domestic legal effect to the *Avena* judgment, and we would welcome the opportunity to discuss various approaches with you.

The Honorable
John Kerry,
United States Senate.

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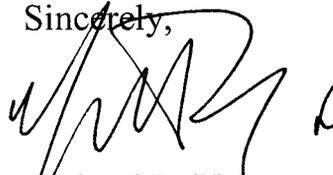
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We hope this information is helpful. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

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Richard R. Verma
Assistant Secretary
Legislative Affairs



United States Department of State

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Dear Senator Cardin:

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The Honorable
Benjamin Cardin,
United States Senate.

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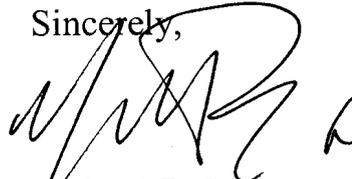
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Dear Senator Feingold:

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The Honorable
Russ Feingold,
United States Senate.

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Dear Senator Franken:

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