

Executing a Mexican Killer-Rapist

U.S. Supreme Court rejected Obama Administration's stay of execution

BY ALEXANDER HART

When a red state tries to execute a “Mexican national” who raped and killed a 16-year-old American girl against the protests of the United Nations and the Mexican government, is there any wonder which side the Obama (or for that matter George W. Bush) administration would line up on?

On May 20, 1994, then 21-year-old Humberto Leal Garcia and 16-year-old Adria Saucedo attended a party together. Adria had been drinking and using drugs to the point that she could not walk straight. Several other partygoers took advantage of her inebriated state, and Leal feigned outrage at the situation. He lied and said that he knew her and would drive her home.

Leal showed up at his house covered in blood and told his brother that he had killed a girl. His brother returned to the party to try to find out what happened. Along with other attendees at the party, they searched the area and eventually found her naked, bloody, and lifeless body alongside a dirt road. There was 30-pound mound of asphalt on top of her arm and a bloody stick protruding from her private area.

The medical examiners determined she was both strangled and then bludgeoned to death with the piece of asphalt. There was never much doubt of Leal's guilt. In addition to his confession to his brother, Adria's bloody blouse was found at his house, and her blood was on his underwear. After being arrested and given his rights, Leal confessed to killing her, though he tried to say that the death was somehow an accident.

Police soon learned that he had sexually assaulted another young girl just two weeks prior to the murder. This is about as open and shut of a capital murder case as you can get.

However, it turns out that Leal was a “Mexican National,” i.e., illegal alien. Normally, the Left does not

want local police to inquire about immigration status. One only need look at their opposition to Secure Communities, 287g, and Arizona's SB 1070. San Antonio, where Leal committed the murder, is more or less a sanctuary city.

However, while the police are not supposed to investigate the status, and certainly not assume they are here illegally because they are Hispanic, they apparently should be able to figure out if a criminal is an illegal alien so they can inform him of his right to consult the local consular officials, per the Vienna Convention on Consular Relations. On these grounds, the United Nations' International Court of Justice said that the U.S. should review the cases of 51 “Mexican nationals” on death row. In 2005, Congress explicitly withdrew from optional provisions in the treaty that grants jurisdiction to the World Court if there are disputes.

On the grounds of lack of consular assistance, the conservative, foreign policy unilateralist, Texan cowboy George W. Bush sided with the UN and Mexico against his own state to intervene on behalf of death row inmate Jose Medellin in 2008. Medellin was an illegal alien gang member who participated in the rape and murder of two girls, aged 14 and 16, who made the mistake of taking the wrong shortcut through a park. Medellin strangled one of the girls to death with her shoelace and was later heard saying how he “had fun” raping and killing. The Supreme Court ruled in favor of Texas, stating that Congress did not intend for the treaty to apply to the states, but Congress could amend the treaty to change to make it so if they wished.

The overwhelmingly Democratic 110th and 111th Congresses failed to do so. It is virtually unthinkable that the current Congress will. Nonetheless, the Obama administration intervened on behalf of Humberto Leal Garcia, attempting to stay his execution on the grounds that Congress might decide to amend the treaty in the future. They issued a brief to the Supreme Court citing the Mexican government's threat that his execution “would seriously jeopardize the ability of the Government of Mexico to continue working collaboratively with the

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United States on a number of joint ventures, including extraditions, mutual judicial assistance, and our efforts to strengthen our common border.”

It’s important to note that had Leal been a U.S. citizen and the facts of the case been exactly the same, neither Obama nor George W. Bush would have lifted a finger.

The Supreme Court rejected these silly arguments, noting that they are supposed to interpret the laws made by Congress, not what the President thinks will help foreign relations, and that their “task is to rule on what the law is, not what it might eventually be.”



Humberto Leal Garcia

Leal was executed by lethal injection on July 7, 2011. After admitting and apologizing for his crime, he yelled “Viva Mexico,” as his last words. His family members protested in Gaudalupe, Mexico by burning American flag T-shirts (presumably, they would have burned the real thing if it were on hand).

While the case obviously deals with issues of international law and the death penalty, the issue of immigration has been virtually ignored by the Main Stream Media. Outside one mention by a Waco, Texas NBC affiliate, I could not find a single acknowledgement in a

non-conservative news outlet that Leal was an illegal alien or even an “undocumented immigrant” in the thousands of articles about the case. Instead, he was always referred to as a “Mexican national.”

Leal immigrated to this country when he was two years old. He graduated from an American high school. While it later came up he had previously sexually assaulted another girl, he had no criminal record prior to the murder. Had the DREAM Act passed in 1993, he would have been a prime candidate.

Barack Obama has spoken out about how deporting illegal aliens “tears at the very fabric of this nation” because many are “brought here by their parents at a very young age, growing up as American kids.”

Yet beyond his heinous crime, Leal’s final words and his family’s actions show that they are clearly not Americans. When it might spare murderers from the Death penalty, Obama apparently agrees.

To ensure that we never have another I would like to offer a few modest proposals

- Mexico should invest in “our efforts to strengthen our common border” by creating a border fence. This will keep “Mexican Nationals” from getting into this country where they will face civil rights abuses from those mean old Texans.
- Whenever the police come across someone who they suspect might be a “Mexican national” they should inquire as to their immigration status. If they are charged with capital murder, we will be sure that they get proper consular assistance before trial. Otherwise, we will deport them.
- To end the debate about whether or not to say “illegal alien” or “undocumented workers,” as a compromise we will use the term “Mexican National” (Or Honduran National, Chinese National, or Guatemalan National as the case may be.) Even more so than “illegal alien” this term makes it clear that they don’t belong in this country.

In all seriousness the real question Americans need to be asking is not whether or not Leal should have had access to the Mexican consulate, but why he was in this country to begin with. ■