

January 15, 2014

Governor Rick Perry
General Counsel's Office
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Austin, Texas 78711-2428
Fax: (512) 463-1849

Attorney General Greg Abbott
P. O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Fax (512) 475-2994

Re: Edgar Arias Tamayo, scheduled for execution January 22, 2014.

Dear Governor Perry and Attorney General Abbott:

We, the undersigned representatives of the Latino community, are writing regarding Edgar Arias Tamayo, a Mexican national facing execution on January 22, 2014. As organizations and individuals dedicated to safeguarding the rights and interests of the Hispanic community, we are greatly disturbed by Mr. Tamayo's impending execution. While we have varying views on the death penalty, we all believe that Texas should not carry out any execution when substantial questions have been raised about the fairness of the process—including violations of consular assistance that appear to have affected the jury's life or death decision. We strongly urge you to do everything in your power to ensure his execution is not carried out until review of the consular rights violation in his case is provided.

It is clear that Texas officials failed to notify Mr. Tamayo of his rights to consular notification and access under Article 36 of the Vienna Convention on Consular Relations (ratified by the United States in 1969). As a mentally disabled immigrant who spoke little English at the time of his arrest, Mr. Tamayo is the sort of person who stands to benefit the most from consular assistance. The Vienna Convention provides vital protection not only to foreign nationals arrested in the United States, but to Americans who live, work, and travel overseas. Article 36 of the Vienna Convention ensures that Americans detained abroad have the right to prompt consular notification, enabling them to seek the consulate's assistance in contacting family members, identifying a competent lawyer, and understanding a foreign legal system. However, if we do not honor the rights guaranteed under the Vienna Convention to foreign nationals detained here, we cannot expect other countries to honor the rights of American citizens travelling abroad.

In 2004, in *Avena and Other Mexican Nationals*, the International Court of Justice found that the courts must review Mr. Tamayo's conviction and death sentence to determine how the violation of his consular rights affected the fairness of his capital murder trial. We understand that each of you promised to ensure this review takes place; we also understand that instead of keeping your promises, the state of Texas has opposed Mr. Tamayo's efforts to obtain review of his Vienna Convention claim. As a result, no court has ever examined the consequences of Texas' failure to notify Mr. Tamayo of his rights to consular notification and access.

We do not condone violent crime, and agree that when a person commits a crime in Texas—particularly the murder of a police officer—they should be tried and punished. But this

case is about fairness. Indeed, the failure of Texas' leadership to honor their promises to the Secretary of State, U.S. Attorney General, and the U.S. Supreme Court is troubling. Further, when Attorney General Abbott tells the U.S. Supreme Court that Texas will make sure that the nation complies with its treaty obligations it is critical that he stand by that commitment. Your integrity and honor – and the reputation of this state and this nation – are at stake.

We respectfully request that you join Mr. Tamayo in seeking judicial review of the consequences of Texas' violation of his consular rights, and a reprieve of sufficient duration to allow Mr. Tamayo to receive the review to which he is entitled. Such a reprieve is necessary in light of the United States' obligations under the Vienna Convention on Consular Relations and is imperative to ensure that Texas does not imperil the safety of Americans abroad by failing to act decisively in this matter.

Thank you for your attention and leadership at this critical moment.

Sincerely yours,

League of United Latin American Citizens (LULAC)
Hispanic National Bar Association (HNBA)
Hispanic Federation
Hispanic Bar Association- DC
Hispanic Bar Association- Austin
Mexican American Bar Association- Houston
La Union del Pueblo Entero
Fe y Justice Worker Center
Renato Ramirez CEO of IBC-Zapata