

# **Inland Valley Daily Bulletin**

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#### **House urges changes in Mexico's extradition policy**

**By Brenda Gazzar**

**Staff Writer**

**Tuesday, July 26, 2005** - The House of Representatives has officially called on the Bush administration to urge the Mexican government to revisit the country's extradition policy, but experts say such a move by the Mexican government is unlikely.

Reps. David Dreier, R-Glendora, and Gary Miller, R-Brea, last week were among those who voted for the provision as part of the Foreign Relations Authorization Act, which dealt with a number of foreign policy issues and passed overwhelmingly in the House.

Dreier hopes the Mexican Supreme Court will revisit its October 2001 ruling, which prevents extradition of suspects wanted for violent crimes committed here, unless the United States assures Mexico that these criminals will not face life imprisonment without the possibility of parole.

"The Congress is once again on record Mexico needs to renegotiate its extradition treaty with the United States," Dreier said in a written statement. "Our treaty is out of date and ineffective. I have personally made this argument to members of the Mexican Supreme Court."

But the challenges in making such a change are formidable, experts say.

First, the U.S. Congress cannot impose legislation or changes on a foreign country, said Michael Radu, senior fellow at the Foreign Policy Research Institute in Philadelphia.

Second, with increased hostility among the Mexican populace toward the United States, it's unlikely the policy would be changed, he said. That hostility, most recently, stems from Mexicans' increasing frustration with American resentment of illegal Mexican immigrants, he said.

"And you have a very weak (Mexican) president, whose party is a minority in Congress. So you put all these things together, and I'm afraid nothing will be done in Mexico," he said.

Even if the Mexican government did show an interest in changing its policy, the final decision would still be left to the nation's independent judiciary, said Michael Scharf, law professor and director of the International Law Center at Case Western Reserve University School of Law in Cleveland.

The Mexican Supreme Court decided in 2001 that extraditing nationals to face life imprisonment

without possibility of parole violated constitutional and human rights.

The effort by the U.S. House of Representatives to encourage change is thus largely symbolic, he said.

The current extradition treaty between Mexico and the United States was signed in 1978 and took effect in 1980.

According to the treaty, extradition could be refused if a suspect could face the death penalty. Further, Mexico is also allowed to undertake its own prosecution instead of extraditing to the United States.

Before 2001, Mexican nationals would be extradited to the United States from time to time, but most often the Mexican government prosecuted the suspect themselves, Scharf said.

There is no death penalty, nor life imprisonment without possibility of parole, in Mexico.

As many as 3,000 criminal murder suspects have fled the United States to their home country of Mexico without being extradited, according to recent testimony before the U.S. House of Representatives Committee on the Judiciary.

Among those is Armando Garcia, suspected in the 2002 killing of Los Angeles County's sheriff's Deputy David March.

The 33-year-old Temple Station deputy was killed during a traffic stop on Live Oak Avenue in Irwindale.

Garcia had been deported four times before the April 29, 2002, shooting and had convictions for selling drugs and possessing a concealed assault weapon. He's also wanted for two attempted murders in Baldwin Park.

"I have met Deputy March's family," Miller said last week on the House floor. "We cannot sit silently while Mexico becomes a criminal black hole for murderers seeking to escape from justice."

Still, there have been exceptions.

In June, Los Angeles District Attorney Steve Cooley announced the return of a fugitive suspected of murdering two Los Angeles County sheriff's deputies in 2004 following a traffic stop.

That was the first extradition to L.A. County from Mexico since the 2001 ruling.

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