Supreme Court Case Proves "LOST" Must Sink

by Phyllis Schlafly October 24, 2007

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A case now before the Supreme Court proves why the Senate must defeat the United Nations Law of the Sea Treaty (known as LOST). The oral arguments heard this month by the justices didn't mention the treaty, but the parallels are powerful.

The case concerns Jose Medellin, a Mexican rapist-murderer who is now on death row in Texas. Medellin was convicted and sentenced to death after he confessed in 1993 to the savage rape and murder of two teenage girls in Houston.

Long after Medellin had received full due process of the American legal system, in 2003 the Mexican government sued the United States in the International Court of Justice (known as the World Court). That is an agency of the United Nations which sits at the Hague in the Netherlands.

In 2004 the World Court ruled 14 to 1 in favor of Mexico and ordered the United States to give Medellin another hearing, or perhaps another trial, at which he could receive the assistance of Mexican consular employees. At that time, the World Court was headed by a judge from Communist China.

A 1963 treaty known as the Vienna Convention, which both the United States and Mexico signed and ratified, provides that aliens who are accused of crimes in a

foreign country are entitled to request the assistance of consular officials from their home country. Medellin never requested such assistance until long after he was tried, convicted and sentenced, and after all his appeals were denied.

Of course, Medellin did receive the assistance of competent American legal defense lawyers throughout the process, which lasted longer than the lives of the girls he murdered. There is no reason to think that the presence of a Mexican consul could have made any difference in the outcome.

Incredibly, the Bush Administration knuckled under to the World Court and ordered the Texas courts to give Medellin another hearing. The Texas courts properly refused to honor this unconstitutional presidential interference, and the Texas decision was upheld by the Texas Court of Criminal Appeals.

This case is dramatic proof of why the U.S. Senate should not ratify any more UN treaties that put American law in the noose of foreign tribunals. The United States has only one vote out of about 150 nations, i.e., the same vote as Communist Cuba.

Not only are foreign tribunals hostile to the United States, but their judges have no comprehension of American law, due process, or trial by jury. They often meet in secret, they arrogantly assert they can define their own jurisdiction, and their decisions may not be appealed.

American sovereignty would be severely diminished if the Senate is so foolish as to ratify the pending LOST treaty, officially called the United Nations Convention on the Law of the Sea. Once we accept the validity and jurisdiction of the International Tribunal for the Law of the Sea, which is already functioning in Hamburg, Germany, we will be expected to submit to their anti-American decisions.

The Bush Administration is trying to claim that problems with the Law of the Sea Treaty have been "fixed" and that we can veto rulings we don't like. Just compare: we rejected the jurisdiction of the World Court in the Medellin case, but that doesn't stop the World Court and President Bush from asking the U.S. Supreme Court to overrule Texas criminal law and accept the World Court's authority over U.S. domestic law.

It's obvious that we cannot depend on President Bush or any future President to stand up for American law against busybody foreigners who hate us. Bush made it clear in the case of Medellin v. Texas that he sides with the murderer and a global court against American law.

Bush's legal adviser in the State Department, John B. Bellinger III, made a revealing speech on June 6 in the Hague. He bragged that President Bush accepts the World Court's decision about Medellin (as well as about 51 other convicted Mexican murderers from various U.S. states), and is now trying to persuade the U.S. Supreme Court to accept it, too.

Bellinger also said, "I have a staff of 171 lawyers who work every day ... to promote the development of international law as a fundamental element of our foreign policy." He added that the Bush Administration entered into 429 international agreements and treaties last year alone, and now advocates a priority list of over 35 treaty packages including the Law of the Sea Treaty.

American voters would like to know what are the 429 plus 35 international packages that the Bush Administration is pushing. We do know that the worst of the bunch is the Law of the Sea Treaty, whose International Tribunal, a 21-member international court based in Hamburg, Germany, claims the power to decide all matters relating to the two-thirds of the earth's surface covered by the oceans.

Tell your U.S. Senators that the Medellin case is further proof that they should vote No on the Law of the Sea Treaty.