

# The illegal state murder of Humberto Leal Garcia

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The execution of Humberto Leal Garcia, carried out Thursday by the state of Texas, is symptomatic of the deep-going crisis of American capitalist society, characterized by criminality abroad and brutality at home.

Leal, a 38-year-old Mexican citizen who had lived in the US since the age of 2, was strapped to a gurney and injected with lethal drugs. As the deadly mixture entered his blood stream, Leal called out twice, “Viva Mexico!”

He had been convicted and sentenced to death more than 16 years earlier for the rape and murder of a 16-year-old girl. His case, along with those of 50 other Mexican citizens condemned to death in the US, became the subject of a 2004 International Court of Justice ruling that the cases of all 51 must be reviewed because they had been denied assistance from the Mexican consulate. Under the Vienna Convention, to which Washington is a signatory, consular access is a right granted to all individuals arrested for crimes outside their own country.

In the case of Leal, like those of the other Mexicans on death row, consular access was literally a life-and-death matter, determining whether they comprehended their rights under US law and were provided with competent attorneys, as opposed to, in Leal’s case, a court-appointed lawyer who had repeatedly been suspended and reprimanded for incompetence and ethics violations.

Texas Governor Rick Perry and the US Supreme Court, in a 5-to-4 ruling, refused to block the execution, despite appeals by the Obama White House, the Justice Department, the United Nations and the government of Mexico. The UN’s special rapporteur on extrajudicial executions and torture justifiably described Leal’s

execution as “an arbitrary deprivation of life” and said the conditions to which he had been subjected during the previous 16 years on death row “amount to cruel, inhuman or degrading treatment according to well-established standards in international law.”

As in 2008, when Texas put to death another Mexican national covered by the International Court of Justice ruling, the governor maintained that international courts and international law have no bearing in the state of Texas.

Perry no doubt saw the execution as an asset in his bid for the Republican presidential nomination. In this, he was only following in the footsteps of George W. Bush and Democrat Bill Clinton, both of whom demonstratively took time off of their presidential campaigns to oversee judicial murders when the two men were governors.

Leal was the seventh person put to death by the state of Texas this year. It has scheduled eight more executions between now and September.

The United States is the only advanced capitalist country to retain capital punishment, a method of state murder that has been abolished by two-thirds of the world’s countries as a relic of barbarism. It is one of the top five in terms of executions, along with China, Iran, Saudi Arabia and Pakistan.

In arguing for the Supreme Court to grant a stay of execution, the Obama administration made no criticism of the death penalty itself, nor did it even make an appeal on behalf of Leal’s rights as he faced the death chamber.

Rather, it argued strictly on the grounds of national interest. The US solicitor general told the high court that Leal’s execution would cause “irreparable harm” to “foreign-policy interests of the highest order.” It

would, the appeal argued, have “serious repercussions for United States foreign relations, law-enforcement and other cooperation with Mexico.”

In short, the Obama administration’s concerns related not to democratic rights or even international law, but rather the continued collaboration with Mexico’s government in waging a bloody drug war that has claimed tens of thousands of lives, militarizing the US-Mexican border, and reaping profits off of the exploitation of labor south of the border.

In rebuffing the administration’s appeal, the court’s right-wing, rabidly pro-death penalty majority referred contemptuously to its “free-ranging assertions” about foreign policy implications of the execution and concluded that it failed to make “a persuasive legal claim.”

The court’s majority rejected the administration’s plea that the execution be put off because of pending legislation in Congress that would mandate hearings for Leal and others affected by the World Court’s ruling. It maintained that if providing such hearings “had genuinely been a priority,” a law mandating them “would have been enacted by now.”

That argument cannot be refuted. Upholding international law and defending democratic rights is by no means a priority within any section of the US ruling establishment or its two major parties.

The contempt shown for world opinion and international law in the Texas execution is not some aberration, but rather the outcome of deep-going and protracted political and social processes.

Washington played a leading role in the creation of the International Court of Justice, established by the United Nations Charter in 1945, and accepted its jurisdiction. Forty years later, however, the Reagan administration withdrew its acceptance of the court’s general jurisdiction after it found the US guilty in connection with the CIA’s terror war against Nicaragua. It still accepted the court’s writ in regard to the Vienna Convention, which was seen as a useful instrument for protecting US diplomats and citizens abroad. However, the Bush administration withdrew from that jurisdiction as well following the ruling regarding the Mexican nationals on US death rows.

Over the past decade, Washington’s contempt for international law and democratic rights has further escalated, with the waging of multiple illegal wars of

aggression and the use of criminal methods such as “extraordinary rendition,” detention without trial and torture. This has been mirrored at home with a relentless assault on basic democratic rights. That this is not merely the outcome of the ideology of one administration has become undeniable, as the Obama White House has deepened the militarist and anti-democratic policies of Bush.

These methods are rooted in the historic crisis of US capitalism and the extreme levels of social inequality that pervade American society, rendering any genuine democracy untenable. Judicial murder and the incarceration of millions of Americans are the response of a ruling elite that can provide no progressive solution to the economic and social crisis and fears the prospect of renewed class struggle and social upheaval.

The defense of democratic rights, and with it the abolition of the death penalty and the dismantling of the US military, intelligence, police and prison apparatus, is a task that can be undertaken only by the working class on the basis of a struggle for the socialist reorganization of society.

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