

Opening Statement of Congressman Nathan Deal

October 1, 2003

Subcommittee on Criminal Justice, Drug Policy and Human Relations

Strengthening the Long Arm of the Law:

How Are Fugitives Avoiding Extradition, and

How Can We Bring Them to Justice?

Thank you, Mr. Chairman, for holding this hearing on one of the most serious problems facing law enforcement in this country.

Our nation is one that is built on the rule of law. Throughout our history we have generally avoided vigilante justice, mob rule, and the overthrow of government that has plagued other nations because we have maintained a system of civil and criminal justice that, despite its' imperfections, has been sustained by the confidence of the American people that their government can maintain law and order and punish criminal conduct. Today we will hear from witnesses who will document a serious flaw in our system. Although the problem of bringing criminals to justice within our country is an ongoing battle, today we will hear from prosecuting attorneys and the widow of a slain police officer about the even greater challenge of bringing a criminal to justice when they flee our borders and find refuge in another country, especially Mexico.

The problem of extradition is certainly one that involves many nations, but it is primarily a problem with Mexico, a nation that has millions of its citizens who are illegally in our country. While many of us are seriously concerned about Mexico's encouragement of actions that will foster more illegal immigration, today we will focus on the most serious failure of the Mexican government, its uncooperative attitude and policies relating to the extradition of individuals who have committed murders, operated major drug activities and other felonious acts within the United States and have fled to Mexico for safe haven. These are not crimes committed on our citizens within the borders of Mexico; these are crimes committed in the United States and which should be prosecuted in the United States.

Today we will hear about restrictions on extradition relating to treaty agreements and judicial opinions of the Mexican Supreme Court. But we will also hear about the legal barriers that prevent the United States prosecutors from obtaining justice in some of the most serious criminal cases in our country.

Unlike Colombia that expedites extradition of alleged criminals to the United States for prosecution, Mexico continues to resist such efforts. Colombia has recognized that extradition to the United States is one of the most effective deterrents it possesses in fighting organized drug activities. By taking the opposite approach, Mexico is rapidly becoming a safe haven for organized crime. Mexico's refusal to be a good neighbor in the prosecution of dangerous felons should be the first reason for the United States to resist expanded immigration rules and an open border policy.

Any country that refuses to extradite a criminal who executes a police officer in the performance of his duties on American soil does not deserve to be given favorable trading status or any other position of preference in its dealings with the United States. In light of Mexico's change in position that will not allow the extradition of anyone facing life in prison without parole, this Administration should immediately renounce the existing extradition treaty and demand that anyone who enters our country and commits a serious felony will face the same punishment as our own citizens would face for the same crime. It is a double insult to the American people for someone to enter our country illegally, kill one of our citizens, then flee across the border, and have his government refuse to allow him to be prosecuted using the excuse that our courts may impose too harsh a sentence.

Also, it is alarming to learn from the Justice Department's Inspector General's report of last year that the Criminal Division's Office of International Affairs has not been as vigilant as it should be in pursuing extradition cases. This must be corrected.

I recognize that most nations, including the United States, have reservations about subjecting their citizens to extradition to other countries where the system of justice differs from nation to nation. However, there is a clear difference between a case of a citizen who enters another country in a legal status where his native country consents to his leaving and the host country consents to his entry through a visa or other immigration program, and someone who enters the host country without its consent. Many of the cases that confront our prosecutors fall in the latter category. I believe the United States should insist that all extradition treaties distinguish between these categories, and those who have entered another country without the consent of that country should always be extradited back to face criminal charges and should not receive the same protection as a citizen who entered legally. This should apply to citizens of the United States who enter other countries illegally as well as the citizens of other countries who enter the United States illegally. To do otherwise is to place the country of which the fugitive is a citizen in the position of ratifying the initial crime of illegal entry and aiding and abetting the alleged criminal in the subsequent crime that was committed in the host country by extending the accused the same protection as other citizens who travel to other countries in a legal status.

Once again, Mr. Chairman, I thank you for holding this hearing and I look forward to the testimony and proposed solutions to this intolerable state of affairs.