

THE LEGAL ADVISER
DEPARTMENT OF STATE
WASHINGTON

September 12, 2012

John A. Sebert
Executive Director
Uniform Law Commission
111 N. Wabash
Suite 1010
Chicago, IL 60602

Grant Callow
Chair
Uniform Law Commission Study Committee
On Implementation of Consular Notification Requirements
Law Offices of William Grant Callow
425 G Street, Suite 610
Anchorage, AK 99051


Dear Mr. Sebert and Mr. Callow:

I write to thank you and the Uniform Law Commission (ULC) for the work of the Study Committee on Implementation of Consular Notification Requirements and to express our strong support for a uniform law on this topic. The Department of State has long worked through a variety of means to raise domestic awareness and understanding of our international obligations to provide consular notification and access (CNA) in cases in which foreign nationals are arrested or detained in the United States, and we consider the ULC's work on this issue to be an invaluable contribution to this effort.

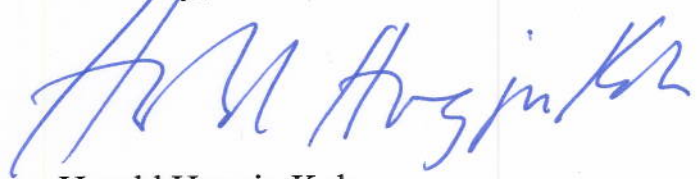
The consular notification and access rules codified in Article 36 of the Vienna Convention have been the law of the land for over forty years, when the United States ratified the Vienna Convention, and they are obligations with which federal, state, and local government authorities must comply. In this regard, the Vienna Convention and the consular notification and access rules found in many of our bilateral consular conventions are rather exceptional, in that it is often not the federal government but individual law enforcement officers in state and local

jurisdictions across the country who are implementing these rules in actual cases every day.

While we believe that generally our law enforcement officers do a good job of complying, we know that we do not have a perfect track record. Non-compliance is especially likely at the state and local levels, and this is largely attributable to a lack of awareness of the obligations. At the federal level, thanks to federal regulations, training, and written guidance, federal authorities are more likely to be aware of and understand their obligations. Uniform state legislation would play a similar role in informing state and local law enforcement both of what their CNA obligations are and how best to comply with them.

Again, we sincerely appreciate the work of the Study Committee to date, and we would welcome the referral of this issue to a drafting committee. The Department stands ready to assist the ULC as this effort moves forward.

Sincerely,

A handwritten signature in blue ink, appearing to read "Harold Hongju Koh". The signature is fluid and cursive, written over the printed name.

Harold Hongju Koh
Legal Adviser