

THE SECRETARY OF STATE
WASHINGTON

April 13, 1998

Dear Governor Gilmore:

I am writing to request a stay of the execution of Angel Francisco Breard, who is sentenced to be executed by the Commonwealth of Virginia tomorrow, April 14.

The United States has throughout vigorously defended Virginia's right to go forward with the sentence imposed on Mr. Breard by Virginia's courts. Counsel for the U.S. Government argued strongly before the International Court that the Court should not issue the relief sought by Paraguay. We maintain, for the reasons we presented to the Court at its hearing last week, that consular notification would not have changed the outcome and that the Vienna Convention on Consular Relations does not require that Mr. Breard's conviction and sentence be vacated.

The International Court, however, was not prepared to decide the issues we raised in its urgent proceedings last week. Using non-binding language, the Court said that the United States should "take all measures at its disposal to ensure that Angel Francisco Breard is not executed pending the final decision in these proceedings." The Court concurrently set an expedited briefing schedule in the case, apparently intending to hold its final hearing this fall.

In light of the Court's request, the unique and difficult foreign policy issues, and other problems created by the Court's provisional measures, I therefore request that you exercise your powers as Governor and stay Mr. Breard's execution. It is only with great reluctance that I make this request, especially given the aggravated character of the crime for which Mr. Breard has been convicted and sentenced and our view of the merits of Paraguay's legal claims. As Secretary of State, however, I have a responsibility to bear in mind the safety of Americans overseas.

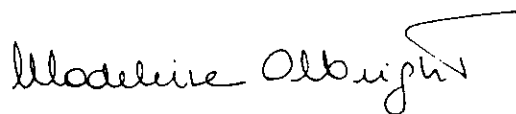
The Honorable
James S. Gilmore III,
Governor of Virginia,
Richmond, Virginia.

I am particularly concerned about the possible negative consequences for the many U.S. citizens who live and travel abroad. The execution of Mr. Breard in the present circumstances could lead some countries to contend incorrectly that the U.S. does not take seriously its obligations under the Convention. The immediate execution of Mr. Breard in the face of the Court's April 9 action could be seen as a denial by the United States of the significance of international law and the Court's processes in its international relations and thereby limit our ability to ensure that Americans are protected when living or travelling abroad.

I appreciate the difficulty of this matter. The Legal Adviser of the Department, David Andrews, will call your Counselor, Mr. David Anderson, regarding it.

Over the past year, the Department of State has worked with all of the States to improve the regime of consular notification. We appreciate the cooperation we have received from the Commonwealth on these issues.

Sincerely,

A handwritten signature in cursive script that reads "Madeleine Albright". The signature is written in dark ink and includes a long, sweeping horizontal stroke at the end of the name.

Madeleine K. Albright