



Supreme Court of the United States

Richard Schwartz v. The United States of America

Case Precedent Update

By Joseph Resnek

***Neely v. Henkel* (1901)**

BACKGROUND

Neely—the habeas petitioner and an American citizen—was accused of violating Cuban law in Cuba. He was arrested and detained in the United States. The United States indicated its intent to extradite him, and Neely filed suit seeking to block his extradition on the grounds that Cuban law did not provide the panoply of rights guaranteed him by the Constitution of the United States.

OPINION OF THE COURT

Habeas corpus is not available to defeat the criminal jurisdiction of a foreign sovereign, even when application of that sovereign’s law would allegedly violate the Constitution. Accordingly, the United States was free to transfer him to Cuban custody for prosecution.

***Gallina v. Fraser* (1960)**

BACKGROUND

On June 6, 1958, pursuant to a request by the Republic of Italy, the Secretary of State issued a certificate authorizing the arrest of Vincenzo Gallina and the institution of extradition proceedings. After hearings were held, the commissioner held that Gallina was subject to extradition and ordered him taken

into custody to await issuance of a warrant by the Secretary of State. Gallina filed an application for a writ of habeas corpus in the United States District Court for the District of Connecticut, and was refused. He took his case to the Supreme Court and argued that the procedures in Italy would not afford him a fair trial.

OPINION OF THE COURT

The court affirmed the lower court's ruling, holding that the United States must not take into consideration the procedures which await the person to be extradited upon his arrival. These are constitutionally irrelevant.