

US government executes only Native American prisoner on federal death row

Jessica Goldstein
29 August 2020

On Wednesday, the US government executed Lezmond Mitchell, 38, the only Native American person on federal death row in the Terre Haute, Indiana federal prison. Mitchell was a member of the Navajo tribe in northern Arizona. After receiving a lethal injection of pentobarbital, which is known to cause severe pain, Mitchell's chest heaved and stomach throbbed in the death chamber for 10 minutes before he went motionless and was pronounced dead by officials 15 minutes later, at 6:29 p.m.

Dozens of protesters from around the US gathered outside of the Terre Haute facility on the day Mitchell was executed to oppose the death penalty, bearing signs reading "Stop State Killings" and "The Death Penalty Is Not Justice."

Mitchell is the fourth death row inmate in the Terre Haute prison to be executed by the Trump administration since federal executions resumed in July. His death is preceded by those of Daniel Lewis Lee, 47; Wesley Ira Purkey, 68; and Dustin Lee Honken, 52. Two more federal executions are scheduled this year, for William Emmet LeCroy on September 22, and Christopher Andre Vialva on September 24.

Under the pro-death penalty, law and order administration of President Donald Trump, the federal government has executed more inmates this year than in all previous 56 years combined.

After repeated appeals, the Supreme Court denied a last-minute effort to delay the execution Wednesday before it went forward. The court declined to review an allegation of juror bias at Mitchell's 2003 trial in Arizona.

Tribal leaders from the Navajo Nation urged President Trump to commute Mitchell's death sentence to life in prison, and they along with 13 other tribes ardently criticized the decision by the administration to ignore their appeals, citing the federal death sentence as an affront to their and other tribal nations' sovereignty under the US Constitution. The Trump administration refused to commute the sentence.

In an appeal Wednesday to tribal nations and organizations to join the Navajo Nation in opposing the Trump Justice Department's violation of their rights, Navajo Nation

President Jonathan Nez wrote, "We don't expect federal officials to understand our strongly held traditions of clan relationship, keeping harmony in our communities and holding life sacred...What we do expect, no, what we demand, is respect for our people, for our tribal nation[.]"

The sovereignty of tribal nations refers to the Constitutional right of self-government by American Indians and Alaskan Natives. Native tribes operate as distinct governments which have the same powers as the US federal and state governments to regulate their own affairs, with few exceptions.

Mitchell was convicted with a co-defendant in connection with the 2001 carjacking and stabbing murders of a 63-year-old bus driver, Alyce Slim, and her nine-year-old granddaughter, Tiffany Lee, on the Navajo reservation in northeastern Arizona. He was sentenced to death in 2003.

Mitchell's attorneys, Deputy Federal Public Defenders Jonathan Aminoff and Celeste Bacchi, argued in a July 29 statement that "In what the Ninth Circuit Court of Appeals referred to as a 'betrayal of a promise made to the Navajo Nation,' the Department of Justice exploited a legal loophole and sought the death penalty against Mr. Mitchell for the federal crime of carjacking over the objection of the Navajo Nation, the victims' family, and the local United States Attorney's Office. The federal government's announcement that it now plans to execute Lezmond Mitchell demonstrates the ultimate disrespect for the Navajo Nation's values and sovereignty."

Aminoff and Bacchi also cited government misconduct in the course of Mitchell's prosecution "by confining Mr. Mitchell in a tribal jail where they continually interrogated him over the course of 25 days without providing him an attorney" and that it had "systematically excluded Navajos from serving on Mr. Mitchell's jury, resulting in a jury composed of 11 white people and only one Navajo," the latter of which the attorneys were barred from investigating.

Former Democratic President Bill Clinton resurrected and expanded the federal death penalty in 1994 as part of the Violent Crime Control and Law Enforcement Act—a bill

which was written by then Senator and current Democratic presidential candidate Joe Biden.

Under the act, tribal governments had a say in whether or not they allowed capital punishment to be applied to their citizens. The Navajo Nation largely decided against capital punishment and expressed clearly that it did not want the death penalty for Mitchell.

Members of Alyce Slim's family also objected to the decision to execute Mitchell. Michael Slim, her grandson, said during the court case, "We are all guilty of sin, so it's not fair for us to condemn someone...It's not my job to say 'we should kill him.'" According to the Associated Press, Michael Slim wrote to Mitchell last year "saying he wanted to be his friend and advocate for him to be released from death row." The courts never responded to Slim's letter, according Bacchi.

At the time of sentencing, Slim's daughter Marlene had favored life in prison over the death penalty, but apparently changed course by the time the execution was carried out, potentially under pressure from others of the victims' family members.

Through his lawyers, Mitchell fought the sentence, saying that he instead "wanted to participate in a traditional way of resolving disputes known as peacemaking that's meant to restore harmony and balance."

On the day of the execution, his attorney released another statement, saying, "Today, the federal government added another chapter to its long history of injustices against Native American people...Over the steadfast objection of the Navajo Nation, and despite urgent pleas for clemency from Navajo leaders and many other Native American tribes, organizations, and citizens, the Trump Administration executed Lezmond Mitchell, a Navajo man, for a crime against other Navajo people committed on Navajo land."

The Trump administration's decision to ignore the appeals of Native American citizens to exercise their constitutionally-protected rights is another ominous step toward dictatorship supported by a substantial section of the American ruling class, and should be understood as a warning to all workers in the US. It is not a coincidence that Mitchell was executed on the third day of the Republican National Convention, during which one far-right speaker after the next delivered homages to the police and military and denounced peaceful protests against police violence.

The Trump administration is spearheading its fascistic agenda, aimed at violently suppressing the rights of the entire working class, by attacking its most vulnerable sections first as has been seen in the war waged on immigrants and refugees.

The deplorable conditions in which the vast majority of the Native American population lives are the result of the

American capitalism's violent rise to world power. According to 2010 US Census data, Native Americans have an average life expectancy five years shorter than the average for the US as a whole and is actually far lower than the average in some regions. As recently as 1968, the average life expectancy for Native Americans in the US was just 44 years.

The poverty rate among Native Americans is 25 percent, the highest of any demographic group in the country. In 2016, the official unemployment rate was 12 percent among Native Americans, more than twice the national rate of 4.9 percent for the year, and has been attributed to a dire lack of jobs near the reservations where many Native people live and which tend to be located in rural and economically devastated areas of the US, as well as reports of employment discrimination.

Due in large part to their lower standard of living, Native Americans, especially young people, experience higher rates of mental and behavioral health issues in a country where such problems are increasingly common. The Substance Abuse and Mental Health Services Administration recognized suicide as the second leading cause of death among American Indian and Alaska Native youth ages 8 to 24 years old. Coupled with a dire shortage of health care resources for Native American communities, the mental health crisis takes its toll in many forms.

The Democratic Party, for its part, has displayed its fecklessness again while Trump has trampled the Constitutional rights of US citizens, in particular the working class and poor. Democratic Representative Deb Haaland of New Mexico claimed to be seeking "ways to ensure tribes are respected in their decisions regarding the death penalty," according to ABC News, while making no mention of the president's open violation of the Constitution in executing Mitchell.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact