

# Mentally ill woman executed as Trump continues federal killing spree

Chase Lawrence  
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In a continuation of Donald Trump's cruel killing spree, Lisa Montgomery, 52, a woman convicted for the murder of a pregnant woman in 2004 and the kidnapping of her premature baby, was executed early January 13 and pronounced dead at 1:31 a.m.

Montgomery's execution followed US Supreme Court rulings in four separate cases allowing it to go forward. Montgomery became the eleventh person to be executed following the Trump administration's ending of a 17-year de facto moratorium on federal executions.

According to Montgomery's defense team, she was transported shackled from a federal medical center to a federal execution facility in Terre Haute, Indiana, where she was put to death by a single dose of pentobarbital.

Her attorney, Kelley Henry, said of the execution, "The government stopped at nothing in its zeal to kill this damaged and delusional woman," and "Lisa Montgomery's execution was far from justice."

The Supreme Court's ruling allowing the execution to proceed is in contradiction to a previous ruling of the court in 2002 which explicitly forbid the execution of the mentally impaired.

Montgomery clearly suffered from mental illness. Her attorney Sandra Babcock previously said of her client, "Mrs. Montgomery's case presents compelling grounds for clemency, including her history as a victim of gang rape, incest and child sex trafficking, as well as her severe mental illness."

Montgomery's was the first federal execution of a woman in almost seven decades. Ethel Rosenberg was executed along with her husband Julius by electrocution on June 19, 1953. They were framed up and prosecuted at the height of the Cold War under the Espionage Act of 1917 on charges of conspiracy to commit espionage on behalf of the Soviet Union. Several months later Bonnie Heady was executed in Missouri's gas chamber alongside Carl Hall on December 18, 1953 after being convicted on

federal charges in relation to the kidnapping and murder of 6-year-old Bobby Greenlease.

Up until Wednesday, there had only been three federal women prisoners executed in US history, the two in 1953 and the execution of Lincoln assassination conspirator Mary Surratt in 1865. Seventeen women have been executed in all 50 states since the death penalty was reinstated by the Supreme Court in 1976.

Two other people are scheduled to be executed in the final week before the inauguration of Joe Biden. Cory Johnson, 52, is scheduled for execution on January 14. He was sentenced to death for the killing of seven people as part of a drug trafficking conspiracy. Johnson's attorneys argue that he has an intellectual disability and needs to present evidence of this in court.

On January 15, Dustin John Higgs, 48, is set to be put to death. He was sentenced to death in connection with the kidnapping and killing of three women in Maryland in 1996. Higgs' friend, Willis Mark Haynes, was convicted of murder, but his jury did not recommend that he be executed. A lawyer for Higgs says it would be unjust to execute his client when Haynes, who actually pulled the trigger, was not sentenced to death.

Both Johnson and Higgs contracted COVID-19 as part of a widespread outbreak at the Terre Haute prison. Their attorneys contend that the illness would leave them susceptible to lung pain during execution.

In a case before the US District Court for the District of Columbia, Judge Tanya S. Chutkan wrote that the federal government argues that "even if any of the inmates did briefly experience the effects of 'flash' pulmonary edema prior to becoming insensate, it would not suffice to establish a violation of the Eighth Amendment." That is, it is the government's view that excruciatingly painful deaths are acceptable.

Four separate cases relating to Montgomery's execution were filed before the Supreme Court in recent days, with

some filed by the government and some by Montgomery's defense. The Supreme Court ruled against Montgomery in all of these cases, hastening her execution, no doubt influenced by the extreme-right legal conceptions advanced by Trump-appointed Justices Amy Coney Barrett, Brett Kavanaugh and Neil Gorsuch.

One filing on Montgomery's behalf argued that under the Federal Death Penalty Act (FDPA) the execution would have to abide by the laws of Missouri, the state where the crime was committed. Missouri law requires a 90-day notice before an execution can take place. The government then filed an appeal with the Supreme Court claiming that the FDPA is specific only to the state's method of execution, not to the timeframe within which it would be carried out. The extreme right-wing majority on the high court agreed, with the three liberal justices, Stephen Breyer, Sonia Sotomayor and Elena Kagan, dissenting.

In another filing Montgomery's attorneys argued that the 2008 judgment sentencing Montgomery to death included a stay provision which was never lifted, with the US Court of Appeals for the Eighth Circuit agreeing. The federal government quickly appealed to the Supreme Court, which reversed the stay unanimously.

A third case involved an appeals court lifting an Indiana judge's ruling that Montgomery was likely mentally ill and could not comprehend the death penalty being levied against her. The Supreme Court concurred with a lower court ruling against granting a hearing on Montgomery's mental competency, with the three liberal justices indicating they would have allowed a hearing.

In a final appeal, Montgomery's attorneys argued for a stay of execution related to the fact that an attorney for the condemned woman had contracted the coronavirus, likely while visiting her in prison. The Supreme Court also declined to halt the execution on this basis, with no dissent.



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