

A conversation with Sabrina Van Tassel, director of *The State of Texas vs. Melissa*: “Justice depends on whether you are rich or poor”

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French-American filmmaker Sabrina Van Tassel’s documentary *The State of Texas vs. Melissa*, now streaming on Hulu, recounts the case of Melissa Lucio, who has sat on death row in Texas for 13 years. The *World Socialist Web Site* reviewed the film earlier this month.

Born in 1969, Lucio was convicted of the murder of her two-year-old daughter, Mariah, who died of blunt-force trauma to the head on February 17, 2007. The documentary forcefully and movingly explains how and why her conviction was a gross miscarriage of justice.

The conviction was overturned in July 2019 by the US Court of Appeals for the Fifth Circuit, but the state of Texas appealed the ruling. In February 2021, the 2019 grant of relief was reversed.

Van Tassel has made numerous documentary films. In 2015, she directed *The Silenced Walls* (*La cité muette*, 2015), about the Drancy internment camp in a Paris suburb, where some 80,000 Jews were held, most on their way to Auschwitz and Bergen-Belsen, during the Nazi occupation of France.

We spoke recently in a video call to Van Tassel at her home in Paris.
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WSWS: What is Melissa Lucio’s situation now?

Sabrina Van Tassel: Melissa lost her last court appeal at the state level in Texas, so now it’s up to the US Supreme Court. Her lawyers just filed a cert petition [*certiorari* petition, a court process seeking judicial review of a decision by a lower court], so we will know if they will hear her case in a month. If they do, that would be incredible news. And if they refuse to hear her case, then Melissa could get an execution date at any time.

I just received a letter from Melissa two days ago. She’s very excited because there are so many people who watched the film on Hulu. We are up to 27 official selections at film festivals worldwide. And seven awards. I am going to Cannes on Monday to show *The State of Texas vs. Melissa* there. I’m also going to show it at the Deauville American Film Festival. It will open in cinemas in France, in Paris, on September 15. It has recently been bought by the Discovery channel for Latin America, and now Stan, the streaming platform in Australia, has acquired it.

Melissa is so happy because she is getting all these letters worldwide from people who believe her. She normally was not believed nor considered. She lives eight hours away from her family. They do not have any money, so they cannot even visit her.

I am the first reporter who asked her any questions and actually asked her family questions. When I met her family, they said to me, you are the first person ever to come here and ask us any questions about her. Her original lawyers had never spoken to the family, ever.

At the trial, none of her family and none of her neighbors testified. Her own expert witnesses were not allowed to testify. And that was the reason for the initial reversal. There is nothing in the files. The only thing they got was a confession under duress and the baby covered in bruises. Nobody ever witnessed Melissa being violent with her children. She lived in a shoebox with a lot of kids. I have done two films about child abuse, and child abuse is not premeditated. Melissa was alone with Mariah [the child who died] only half an hour a day. She is a nonviolent person. Furthermore, she was monitored by Child Protective Services for all these years. I read 7,000 pages from Child Protective Services and I can tell you there is nothing there. There is no case against her.

All the psychologists who have evaluated her said she is not the type of person who would do that. She does not have any of the tell-tale signs. One thing we know is that she is not manipulative at all. She is not someone who has a huge ego. She is not a sociopath. She took the blame because she believes she is responsible. That is what the psychologist said, that she would be someone who would take the blame.

WSWS: Could you discuss the conditions and atmosphere in Gatesville—the women’s prison and death row?

SVT: Melissa is one of six women on death row in Texas. You have to understand that on death row, you are separated from the rest of the prison population. You will never see other prisoners. When you are on death row, you are considered to be the most dangerous person. I know it sounds incredible, but Melissa Lucio is considered to be one of the most dangerous women in America. So she is never allowed to be with another inmate.

She has not had any physical contact with anybody for 13 years, since she has been on death row. They are in different cells. They only know each other because they talk through the walls. She is allowed to go outside for one hour, twice a week. Each one of these women has a little garden and that is how they stay sane. When you are on death row, you are not even allowed to put a picture on the wall because you need to be ready to be killed any day.

You have death row prisoners who are allowed and willing to work.

Melissa has a bad knee and decided not to work. So she and another inmate, Erica Sheppard, because they are not working, get different treatment. They are punished more. They are separated from the rest of the prisoners. When I came to see Melissa the first time, they wanted to put her in a cage behind the glass wall that separates you from the prisoner. An actual cage. The prison official said, she is not working so she will be interviewed in the cage. I interceded, and they relented.

I come from a Jewish background and I have a lot of people in my family who went through the Holocaust. In Melissa's case, they refer to her by her number. So they call out "Lucio 999537."

Also, because she is not working, they put her in the aisle with people who are basically crazy. She does not see them, but she hears them. So the only way she does not hear screaming all the time is by turning on her fan on maximum speed every day. I have about 200 letters from her that describe all these things. Always humiliations. When she asks for water, they will give her water that has been sitting for five hours. They are treated as if they are worse than nothing.

WSWS: Can you describe her cell?

SVT: Her cell is tiny, tiny, tiny. That is the only way I can describe it.

WSWS: What is your attitude towards the death penalty—and the conditions of poverty and oppression that land people on death row?

SVT: I met Melissa through making a previous film about women on death row. Every single woman I interviewed, and it is the same thing with the men, is poor, they are indigent, or they would not be on death row. It is absolutely inhumane. We know that in the justice system in the US many people have been wrongly convicted, so to have the death penalty is just unthinkable. Receiving justice depends on whether you are rich or poor. If you are poor, you will not see justice.

Think about the people who get arrested. Most people will take a plea because they know that if they go to court, they are done. The statistics reveal that the prosecution wins 90 percent of the time. You are not on death row unless you are poor, black, brown or mentally disabled. It is horrible that the mentally disabled are on death row. It really got to me, and that is why I cannot really move on because of what I have seen, what I have learned. I am always thinking, what more can I do?

I would like you to mention that Melissa is friendly with Erica Sheppard, who is another death row inmate. Erica sent me a bracelet through a friend of hers, a lawyer. She is only 30 years old. I've never spoken to her. Erica has been on death row since she was 19. She was with her boyfriend, who killed the next door neighbor in a robbery. He got the death penalty and because she was there, even though she did not do anything, she got the death penalty too. The US Supreme Court just refused to hear her last appeal, so she is probably going to be executed before Melissa.

I have never spoken to Erica or involved myself in her case. But she did two things: a couple of months ago when I was trying to reach out to the Innocence Project, Shaun King and Susan Sarandon for Melissa, Erica sent me a message thanking me for believing Melissa, telling me that I had helped Melissa to hold her head up high and look at herself in the mirror, that I would never realize all the things I had done for Melissa. A month ago, she sent me this bracelet. So she is about to be executed, and she thanks me for believing her friend. There is more humanity on death row among these women than in all the courts and governments combined.

It is just barbaric!

WSWS: Do you remember the case of Karla Faye Tucker, executed in 1998? She was the first woman executed in Texas in 135 years, since the Civil War in 1863. George W. Bush, who was governor, joked about her and mocked her. It was a nodal point in the death penalty process. Do not forget that the Democrats and Bill Clinton played a critical role in speeding up the death penalty and facilitating the assembly line of death, through the so-called "Effective Death Penalty Act" of 1996. Clinton rushed home to Arkansas to preside over an execution when he was running for president in 1992.

SVT: Do not mention Bill Clinton's name to me.

WSWS: The level of social inequality is intolerable. A handful of people own and run everything. You cannot run such a country democratically. You have to intimidate and terrorize the population, and the death penalty is part of the intimidating and terrorizing process.

SVT: The death penalty costs a fortune. Millions of dollars.

WSWS: But it is worth it to them, they are prepared to spend the money. They spent trillions in Afghanistan over 20 years. A complete debacle. These processes are politically driven.

SVT: I think things are changing. The fact that the state of Virginia gave up on the death penalty was a very good sign.

WSWS: Popular opinion has changed and your film is part of that.

SVT: There are still going to be people who say she is poor, she had too many children, she had a drug problem, and so she is responsible. But most people who watch the film are shocked. They do not know what to think any more. Someone who could be so guilty on paper, may not be at all. What a lesson!

WSWS: Melissa's family has great intelligence and heart.

SVT: They are incredibly truthful. Her mother is unbelievable. The situation with her children now is like something out of a Greek tragedy. It is an impossible, traumatic situation. Her son Bobby is the only one who is not going to work in a fast food restaurant. The collateral damage to the family is vast, and for how many generations is this trauma going to last? Thank you for writing the article. It was beautiful.

We have an online petition addressed to the Texas Board of Pardons. The petition—it is now up to 7,300 signatures—asks each member of the board to watch the film. Because we do not want them simply to read a piece a paper that describes Melissa as having 14 children, had done drugs, so that they can just forget about her.

The judge from her original trial and the district attorney set the execution date. We continue to fight for her.



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