

Stop the execution of Melissa Lucio! Abolish the death penalty!

Socialist Equality Party (US)
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The Socialist Equality Party denounces the impending execution of Melissa Lucio by the state of Texas. We call on workers and youth in the US and internationally to organize protests to demand a halt to her execution, her release from death row and the immediate convening of a new trial to prove her innocence.

Lucio, now 53 and a mother of 14 children, was tried and sentenced to death in 2007 after being convicted for the murder of her two-year-old daughter Mariah. Her case is a devastating exposure of everything that is rotten about the “criminal justice system” in America and the brutality of capital punishment.

As in countless criminal cases, Lucio’s journey to death row began with a threatening and intimidating interrogation. Over the course of close to six hours, the Mexican American woman, pregnant with twins and having just suffered the loss of her young child, was berated and bullied by police officers until they obtained the confession they were seeking. Perhaps most shocking about the case is that an examination of the evidence leaves little doubt that the child was not murdered but died as the result of an accidental fall down a flight of stairs.

As Lucio was being interrogated by the detectives, her other children (she had nine at the time) were also being questioned and told the investigators that their mother had never been abusive or violent.

The detectives involved in Lucio’s interrogation in Cameron County utilized the “Reid Technique,” an interrogation method developed during the McCarthyite witch-hunt era and still used by police departments across the US to extract false confessions. During Lucio’s interrogation, which stretched late into the night, the Texas Rangers, at least one of whom was armed, screamed inches from her face that they had “lots of evidence” that she was to blame for her daughter’s death, all the while forcing her to view photographs of the dead

girl’s body.

The cops then abruptly changed tack, assuring Lucio that she could “put this to rest” if she confessed her guilt. After insisting over 100 times that she was innocent, she began to repeat the line that the officers had relentlessly force-fed her. “I don’t know what you want me to say,” she told them, finally breaking down. “I’m responsible for it ... I guess I did it.” This unscrupulously coerced and ambiguous confession was the central evidence presented at her capital murder trial.

Lucio’s lawyers at her 2008 trial contested the prosecution’s claims about the cause of death and presented testimony from a neurosurgeon that suggested Mariah died from head trauma caused by falling down a steep flight of outside stairs two days before her death. The jury did not hear that the toddler had a physical disability that made her walk unsteadily.

After Lucio’s so-called confession was presented, the trial judge refused to allow her defense to present expert testimony explaining her lifelong history as a victim of sexual abuse and domestic violence. Sandra Babcock, a member of Lucio’s current defense team, told the *Guardian* that Lucio had been subjected to sexual assault and physical abuse from the age of six, marrying at age 16 in an attempt to escape the abuse. But following her marriage she suffered long years of domestic abuse. These experiences would be a contributing factor to her vulnerability to the interrogators’ unyielding efforts to coerce her confession.

At trial, Lucio was prosecuted by a disreputable prosecutor and represented by a defense counsel that was ineffective at best. District Attorney (DA) Armando Villalobos, the prosecutor, is currently serving a 13-year prison sentence for accepting more than \$100,000 in bribes in exchange for influence over his decisions as DA from 2006 through 2012. Lucio’s original attorney, Peter Gilman, now works for the Cameron County District

Attorney's Office.

In 2019, a unanimous three-judge panel of the US Court of Appeals for the Fifth Circuit granted Lucio a new trial. However, a divided full court of appeals reversed this decision in February 2021. In October 2021, the U.S. Supreme Court denied a petition to hear her case, clearing the way for the state of Texas to set the date for her execution by lethal injection on April 27.

Lucio has already been held for nearly a decade and a half under conditions that amount to torture. As Sabrina Van Tassel, director of the film *The State of Texas vs. Melissa*, told the WSWS in an interview last year:

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.

Lucio's defense team has filed a clemency petition with the Texas Board of Pardons and Paroles, which argues that new expert reviews of the evidence in her case demonstrate that the toddler died from an accidental fall down steep stairs outside the family's rental home. It includes statements of support from jurors, medical experts, anti-domestic violence activists, exonerees, Lucio's siblings and children and others.

Texas Governor Greg Abbott, a Republican, can grant a one-time, 30-day reprieve in a death penalty case. Abbott has granted clemency to only one condemned prisoner since taking office in 2015. According to state law, clemency can be granted by the governor only on a majority recommendation of the pardons board, which consists of individuals hand-picked by Abbott himself.

The Biden administration has indicated it will not intervene to call on Abbott to stop the execution. Asked by the British *Independent* newspaper earlier this month whether the White House would take a position on the execution, White House press secretary Jen Psaki replied that she had "nothing to predict" in the case.

Granting of clemency is rare in US death penalty cases. On average, fewer than two defendants per year have

been granted clemency since 1976, when the Supreme Court reinstated the death penalty, according to the Death Penalty Information Center (DPIC). During this time, more than 1,500 executions have been carried out across the country.

If Melissa Lucio is put to death on April 27, everyone involved in the railroading of this woman—from the interrogating police officers, to prosecutors, the Board of Pardons and Paroles, Governor Abbott, the U.S. Supreme Court and the Biden White House—will have her blood on their hands.

The working class cannot leave Lucio's fate in the hands of the capitalist courts or politicians of either big business party. Workers and youth must organize protests and other actions to demand that she be granted a stay of execution and released pending a new trial at which all exculpatory evidence in her case is presented so her innocence can be proven.

According to DPIC, as of January 1 there were 2,436 prisoners languishing on death rows across the US. To date, at least 187 of those sentenced to death in the US have been exonerated. It is a certainty that innocent people have been executed.

Capital punishment, which is supported by both the Democrats and Republicans, cannot be made more "just" or humane—it must be abolished as a barbaric and anti-democratic relic of the past and outlawed as a violation of constitutional protections against cruel and unusual punishment.

The fight to end the death penalty must be developed as a movement of the working class against the entire apparatus of state repression—a monstrous expression of the reality of class rule in the United States—and the capitalist system that it exists to defend.



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