

# Roberson's execution is delayed, but the grim process of US state executions continues

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On the night of October 17, Robert Roberson was granted a last-minute reprieve from execution by lethal injection due to a restraining order issued by the Texas Supreme Court, a temporary halt to a campaign to put the innocent man to death. The drive to execute Roberson exemplifies the “justice” system in America.

Roberson's execution has been delayed, but the grim process of state-sanctioned killings continues. Even as the struggle over Roberson's fate unfolded in Texas, Alabama carried out the execution by lethal injection of Derrick Dearman.

The delay in the Roberson case came after a flurry of back-and-forth legal moves Thursday, as last-ditch efforts to save his life worked their way through various courts. State lawmakers sought a reprieve to allow Roberson to appear at a hearing before the Texas legislature on Monday, October 21, to give testimony on how the state's “junk science” law was working to aid inmates like Roberson who have been convicted based on debunked scientific evidence.

A Travis County judge issued a temporary restraining order halting Roberson's execution just hours before it was set to take place at 6:00 p.m. But the state appealed the judge's decision to the Texas Court of Criminal Appeals, which reversed the order, allowing the execution to proceed before the execution warrant expired at midnight. This ruling was in turn appealed by the legislators to the Texas Supreme Court, which handed down its order at 10:00 p.m., effectively halting Roberson's execution for at least 90 days.

As the seconds and minutes ticked away and this process played out, Roberson sat in his jail cell on death row in Huntsville, uncertain if he would soon be killed by lethal injection.

Robert Roberson is not only an innocent man; the leaders of the state of Texas, fascist Governor Greg Abbott and his equally foul Attorney General Ken Paxton, are seeking to put him to death for a crime that never occurred.

Roberson was convicted in 2003 for killing his two-year-old daughter Nikki by “shaken baby syndrome” (SBS). The criteria used by authorities to diagnose her death resulting from SBS have now been discredited by medical experts. Her death was, in fact, the tragic outcome of undiagnosed pneumonia and the prescribing of inappropriate medication, which resulted in

sepsis.

Roberson has never had his day in court to present this new evidence, which clearly shows that he is innocent of violently shaking Nikki, and that her death was the tragic end to two years of ill-health. Lost in the refusal of the courts to retry the case are the impoverished conditions in which she and her father lived, difficulties compounded by Roberson's undiagnosed autism.

But his appeals have been rejected at every turn: by the Texas Court of Criminal Appeals (CCA) in 2007, the US Fifth Circuit Court of Appeals in 2015, again by the CCA in 2023, and the US Supreme Court in 2023. Another appeal to the CCA was rejected on October 11, 2024, and the Anderson County District Court rejected Roberson's arguments that his previous judge was not properly assigned to his case and that her bias warranted her removal from the case.

The US Supreme Court denied Roberson's appeals for a stay of execution on Thursday. In a remarkable statement, liberal Justice Sonia Sotomayor wrote, “respecting the denial” of Roberson's appeals, that “a stay permitting examination of Roberson's credible claims of actual innocence is imperative; yet this Court is unable to grant it. That means only one avenue for relief remains open: an executive reprieve.”

In other words, a great injustice has occurred, resulting in an innocent man being locked away on death row, but the only path to justice for Roberson lies with the bloodthirsty Abbott, who has already refused to grant him clemency and has overseen 73 executions, granting only one pardon in almost 10 years.

The state authorities who carry out these state murders do not concern themselves with such technicalities as due process, adequate legal representation, or even whether the person is guilty or innocent. The brutality of capital punishment by state authorities and the federal government is used as a bludgeon against not only those who pay the ultimate price, but as a reminder to the entire population of who is in charge.

Nineteen executions have been carried out so far in 2024, including two instances where two death row inmates have been put to death on the same day. One of these men was Marcellus “Khaliifah” Williams, who died by lethal injection on September 24, 2024.

Like Roberson, Williams received overwhelming support to halt his execution, including the pleas of more than 1 million petition signers for clemency. There is no doubt that Williams was innocent of the 1998 murder of St. Louis reporter Felicia Gayle. None of the physical evidence—bloody fingerprints, footprints and hairs—tied him to the crime scene. Rather, he was implicated by a former cellmate and an ex-girlfriend, now both deceased, who sought reward money.

Williams maintained his innocence until his death. His execution was opposed by Gayle's family, jurors who originally sentenced him to death, and the prosecutor's office which convicted him and had sought to undo the conviction.

Like Williams, Roberson has widespread support, including from the lead detective in his case, a bipartisan group of Texas legislators, autism experts, the Innocence Project, and others.

At least six more death row inmates are scheduled to meet their deaths before the end of the year. But this assembly line of state killings is not opposed by the candidates of either big business party. Donald Trump presided over the executions of an unprecedented 13 federal death row inmates, including three between his fascistic January 6, 2021 coup attempt and leaving office two weeks later. He rails about executing drug dealers and mobilizing the military against his left-wing opponents.

Vice President Kamala Harris has remained silent on both the spate of executions in the run-up to the election and the innocence claims of Roberson and Williams. As California attorney general, she pledged to "enforce the death penalty as the law dictates," a stance she maintained in the US Senate and now as a presidential candidate. It is noteworthy that the Democratic Party has removed a previous reference in the party's 2024 election platform to opposition to the death penalty, lending tacit support to the barbaric practice.

Harris is following the lead of the Biden administration and the two previous Democratic presidents. Joe Biden campaigned for president on a pledge to abolish the federal death penalty, but in January 2024 his Justice Department announced it was seeking the death penalty for the white supremacist who killed 10 African American people in a massacre at a Buffalo supermarket in May 2022.

Barack Obama commuted the death sentences of two federal inmates but left 62 people on federal death row. While having stated earlier that he found capital punishment "deeply troubling," while in office he said that the death penalty should be used for those guilty of crimes that are "particularly heinous."

In 1996, Bill Clinton signed into law the Antiterrorism and Effective Death Penalty Act, which severely restricts the right of death row inmates to file federal habeas corpus petitions. While campaigning for the presidency in 1992 as governor of Arkansas, Clinton flew back to the state to ensure the execution of a severely mentally impaired prisoner.

All these approaches to capital punishment are both disingenuous and reactionary. Under what circumstances is it

acceptable for the state to kill its own citizens? The reality is that the death penalty is not a deterrent to crime, nor does it provide closure to the victims of violent crime. Rather, it is a means by which the ruling class in America seeks to shore up its rule under conditions of burgeoning social inequality and the growing upsurge of the working class against it.

The implementation of the death penalty by the ruling elite at home mirrors the role of US imperialism internationally, where it kills with impunity. Joseph Kishore, the Socialist Equality Party's candidate for US president, stated on the impending execution of Robert Roberson:

The death penalty is a barbaric institution that serves as an instrument of terror wielded by the state. The US criminal justice system, which kills its own citizens with such callous indifference, is the domestic expression of the same ruling class that oversees imperialist wars and genocidal violence abroad, including the ongoing slaughter of Palestinians in Gaza.

What we are witnessing is a descent into criminality by the ruling elite itself. The state's power to kill without regard for innocence is emblematic of the broader violence of American capitalism, a system that destroys lives at home and abroad. The execution of Robert Roberson will be yet another blood stain on a system that is utterly incapable of reforming itself.

The *World Socialist Web Site* has a long record of covering and opposing the more than 1,600 executions which have taken place since the death penalty was reinstated by the US Supreme Court in 1976. We have published more than 300 articles opposing and exposing the plight of those who have paid the ultimate price at the hands of this oppressive system of class rule.

The continued existence of the death penalty in the United States exposes the criminality and violence of the entire capitalist political and economic system. Robert Roberson must be set free and this long-outmoded punishment, meted out overwhelming against the working class and the poor, must be abolished.



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