

Congress of the United States
Washington, DC 20515

December 15, 2020

The Honorable Joseph R. Biden, Jr.
President-Elect of the United States
Biden-Harris Transition
Washington, D.C. 20500

Dear President-Elect Biden,

We write to urge you to end the use of the federal death penalty on your first day in office. Your historic election with record turnout represents a national mandate to make meaningful progress in reforming our unjust criminal legal system. Ending the barbaric and inhumane practice of government-sanctioned murder is a commonsense step that you can and must take to save lives. We respectfully urge you to sign an executive order on Day 1 to place an immediate moratorium on the country's cruel use of the death penalty and signal your commitment to dismantle its use altogether.

As you know, capital punishment is unjust, racist, and defective. The United States stands alone among its peers in executing its own citizens. The barbaric punishment denies the dignity and humanity of all people, but it is disproportionately applied to people who are Black, Latinx, and poor. For example, Black people make up less than 13 percent of the nation's population while accounting for more than 42 percent of those on death row.¹ A nationwide study found that at least 1 in 25 people sentenced to death are innocent.² Research also reveals that capital punishment does not deter crime.³ Hence, there is no just reason to continue the death penalty.

The current administration has weaponized capital punishment with callous disregard for human life. In the middle of our current public health crisis, the Department of Justice resumed federal executions and executed more people in six months than the total number executed over the previous six decades.⁴ In November, a group of bicameral legislators wrote a letter to Attorney General Barr, calling for a halt to all scheduled federal executions in the remaining days of the Trump Administration.⁵ Since then, three people have been murdered, including two individuals in the last week alone.

¹ *NAACP Death Penalty Fact Sheet*, NAACP (2017), <https://www.naacp.org/latest/naacp-death-penalty-fact-sheet/>.

² *National Academy of Sciences Reports Four Percent of Death Row Inmates are Innocent*, INNOCENCE PROJECT (Apr. 28, 2015), <https://innocenceproject.org/national-academy-of-sciences-reports-four-percent-of-death-row-inmates-are-innocent/>.

³ Miachel L. Radlelet & Traci L. Lacock, *Do executions Lower Homicide Rates?*, J. CRIM. L. & CRIMINOLOGY (2009), <https://files.deathpenaltyinfo.org/legacy/files/DeterrenceStudy2009.pdf>.

⁴ *Capital Punishment*, FEDERAL BUREAU OF PRISONS (2020), https://www.bop.gov/about/history/federal_executions.jsp.

⁵ *Pressley, Durbin, Leahy, Booker To Trump Administration: Suspend All Federal Executions During Transition Period*, U.S. HOUSE OF REPRESENTATIVES (Nov. 13, 2020), <https://pressley.house.gov/media/press-releases/pressley-durbin-leahy-booker-trump-administration-suspend-all-federal>.

As the 117th Congress gets underway, we will work diligently to advance Congresswoman Pressley's H.R. 4052, legislation to permanently abolish the death penalty and require the resentencing of those currently sentenced to death. Additionally, we will continue to use our oversight authority to investigate the use of lethal injection drugs and its violation of the Eighth Amendment as evidenced by the tireless work of the Subcommittee on Civil Rights and Civil Liberties of the Committee on Oversight and Reform.

On January 20th, you can clearly demonstrate your commitment to eliminating the death penalty as laid out in your criminal justice reform plan. With a stroke of your pen, you can stop all federal executions, prohibit United States Attorneys from seeking the death penalty, dismantle death row at FCC Terre Haute, and call for the resentencing of people who are currently sentenced to death. Each of these elements are critical to help prevent greater harm and further loss of life.

While eliminating the death penalty will not fix our broken criminal legal system, it is a significant step toward progress. We urge you to prioritize justice on Day 1 of your administration and end the use of the death penalty.

Sincerely,



Ayanna Pressley
Member of Congress

Joyce Beatty
Member of Congress

Donald S. Beyer Jr.
Member of Congress

Earl Blumenauer
Member of Congress

Suzanne Bonamici
Member of Congress

David N. Cicilline
Member of Congress

Katherine M. Clark
Member of Congress

Yvette D. Clarke
Member of Congress

Gerald E. Connolly
Member of Congress

Danny K. Davis
Member of Congress

Madeleine Dean
Member of Congress

Dwight Evans
Member of Congress

Jesús G. "Chuy" García
Member of Congress

Raúl Grijalva
Member of Congress

Pramila Jayapal
Member of Congress

Henry C. "Hank" Johnson, Jr.
Member of Congress

Joseph P. Kennedy, III
Member of Congress

Ro Khanna
Member of Congress

Daniel T. Kildee
Member of Congress

Brenda L. Lawrence
Member of Congress

Barbara Lee
Member of Congress

Andy Levin
Member of Congress

Ted W. Lieu
Member of Congress

James P. McGovern
Member of Congress

Gwen Moore
Member of Congress

Eleanor Holmes Norton
Member of Congress

Alexandria Ocasio-Cortez
Member of Congress

Ilhan Omar
Member of Congress

Frank Pallone, Jr.
Member of Congress

Chellie Pingree
Member of Congress

Mark Pocan
Member of Congress

Jamie Raskin
Member of Congress

Mary Gay Scanlon
Member of Congress

Jan Schakowsky
Member of Congress

Adam Smith
Member of Congress

Bennie Thompson
Member of Congress

Rashida Tlaib
Member of Congress

Lori Trahan
Member of Congress

David Trone
Member of Congress

Nydia M. Velazquez
Member of Congress

Bonnie Watson Coleman
Member of Congress

Peter Welch
Member of Congress

Jamaal Bowman
Member-Elect of Congress

Cori Bush
Member-Elect of Congress

Mondaire Jones
Member-Elect of Congress