

Congress of the United States
Washington, DC 20515

January 22, 2021

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
Washington, D.C. 20500

Dear President Biden,

We write to you today with grave concerns regarding the federal death penalty. As members of Congress, we stand ready to work with you on your commitment to rebuilding the dignity of America. We believe that rebuilding the dignity of America requires that we recommit ourselves to the tradition of due process, mercy, and judicial clemency when it comes to matters related to the criminal legal system. For this reason, we urge you to immediately commute the sentences of all those on death row.

Night after night in the final days of the Trump administration, the American people bore witness to the cruel and heinous practice of executions. Americans from all walks of life - entertainers, advocates, attorneys, public officials, athletes, academics - appealed to the moral conscience of judges and the President to save the lives of those on death row. To no avail. On January 12, 2021, Lisa Montgomery, the only woman on federal death row, became the latest victim of this barbaric practice.¹ Her case has been a unique and sobering reminder of the need for immediate clemency. Reports indicate that Ms. Montgomery was a woman who faced immeasurable hardship and trauma. She suffered from psychosis, a brain injury, and was a victim of childhood abuse, assault, and sex trafficking. A federal court even ruled that Ms. Montgomery could not “rationally understand the rationale for her execution.”² This was a woman in desperate need of a government that cares for and protects the people among us who have the least. Instead, our system failed her, but we cannot afford to fail the many more like her who are now facing the same fate.

We appreciate your vocal opposition to the death penalty³ and urge you to take swift, decisive action. After referring to the death penalty as “deeply troubling,”⁴ President Obama halted federal executions and commuted the sentences of two federal prisoners on death row. However, the Obama administration’s reticence to commute more death sentences has allowed the Trump administration to reverse course and pursue a horrifying killing spree over the final seven months of his presidency. Commuting the death sentences of those on death row and ensuring that each person is provided with an adequate and unique re-sentencing process is a crucial first step in remedying this grave injustice.

The legacy President Trump left behind is one of carnage and unrestrained violence that must be rectified immediately. Beginning in July of 2020, the Trump administration oversaw a killing spree never before seen in American history.⁵ The Trump administration executed 13 people - more than any other previous administration in a century and a half. It is unprecedented for executions to occur during a transition

¹ Luke Harding. Trump Administration Condemned over Lisa Montgomery Execution. The Guardian: January 13, 2021.

<https://www.theguardian.com/world/2021/jan/13/us-carries-out-first-federal-execution-of-a-woman-in-nearly-seven-decades>

² Luke Harding. Trump Administration Condemned over Lisa Montgomery Execution. The Guardian: January 13, 2021.

<https://www.theguardian.com/world/2021/jan/13/us-carries-out-first-federal-execution-of-a-woman-in-nearly-seven-decades>

³ The Biden Plan for Strengthening America’s Commitment to Justice. <https://joebiden.com/justice/>

⁴ Exclusive: Obama Calls the Death Penalty “Deeply Troubling.” The Marshall Project: October 23, 2015.

<https://www.themarshallproject.org/2015/10/23/watch-obama-discuss-death-penalty-racial-profiling-with-the-marshall-project#.zGz2bcYCV>

⁵ Madeleine Carlisle. In a Year Marked by Death, the Trump Administration Cements a Legacy of Unprecedented Executions. TIME: December 30, 2020. <https://time.com/5923973/trump-executions-death-penalty-covid-19/>

period and even more so by a twice impeached President.⁶ This level of pain has never been seen nor felt before. This relentless violence occurred amid an extraordinary pandemic that has infected many on death row. In FCC Terre Haute, where many of these executions are occurring, 14 people on death row have contracted COVID-19, including two during the waning days of the current administration.⁷

We must move our country towards accountability and healing. To do so, we must first acknowledge the moral depravity of federal executions. In total, 13 people have been killed by President Trump's cruel injustice system: Daniel Lewis Lee, Wesley Ira Purkey, Dustin Lee Honken, Lezmond Charles Mitchell, Keith Dwayne Nelson, William Emmett Lecroy, Jr., Christopher Andre Vialva, Orlando Cordia Hall, Brandon Bernard, Alfred Bourgeois, Lisa Montgomery, Cory Johnson, and Dustin Higgs. Because of these horrific actions by the Trump administration, we hope to advocate for a justice system that seeks to rehabilitate and restore rather than penalize and execute. The fact of the matter is that these death sentences are not about justice. They are about who has institutional power and who doesn't. Like slavery and lynching did before it, the death penalty perpetuates cycles of trauma, violence and state-sanctioned murder in Black and brown communities. We urge the Biden-Harris administration to correct these injustices using every tool available, including the extraordinary power to grant clemency. With the stroke of the pen, you can end the death penalty and establish a clear commitment to justice and equity.

Further, there is no need to reinvent the wheel. As President, you can exercise your executive clemency power by commuting the sentences of all those on death row and ensuring a fair re-sentencing process. This moment demands a series of meaningful actions to ensure that no President can authorize the killing of Americans through the death penalty. This includes dismantling death row at FCC Terre Haute, and establishing clear executive guidelines prohibiting federal prosecutors from seeking the death penalty. In addition to those steps, you can call on the U.S. Congress to pass H.R. 262, the Federal Death Penalty Prohibition Act, sponsored by Representative Ayanna Pressley and Senator Dick Durbin, which would end the death penalty once and for all. Until that legislation is law, it is incumbent upon the executive branch to end the barbaric practice of federal executions as quickly as possible.

We can collectively save the lives of people all across America. We look forward to working with your administration to enact just and restorative policies that will meaningfully transform our criminal legal system for the better. By exercising your clemency power, you can ensure that there would be no one left on death row to kill. Given the historic nature of your administration, this would be an unprecedented - but necessary - action to reverse systemic injustices and restore America's moral standing.

Sincerely,



CORI BUSH
Member of Congress



AYANNA PRESSLEY
Member of Congress

⁶ Madeleine Carlisle. In a Year Marked by Death, the Trump Administration Cements a Legacy of Unprecedented Executions. TIME: December 30, 2020. <https://time.com/5923973/trump-executions-death-penalty-covid-19/>

⁷ Hailey Fuchs. Virus Hits Federal Death Row, Prompting Calls for Delays in Executions. New York Times: December 21, 2020. <https://www.nytimes.com/2020/12/21/us/politics/coronavirus-death-row-executions.html>

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