

Letters Calling On President Biden To Commute All Federal Death Sentences

Provided below in the following order:

- Faith Leaders of Color Coalition
- Catholic Mobilizing Network
- Retired Corrections Officials
- ACLU/SPLC/LDF/Amnesty International and 130 Other Organizations
- Latino Advocacy Organizations
- Business Leaders
- Family Members of Murder Victims
- Pro-Life Voices
- Witness to Innocence
- Innocence Project
- Current and Former Prosecutors
- Retired Federal Judges
- The Arc of the United States
- National Alliance on Mental Illness
- Human Rights Watch
- European Organizations



faith leaders of color coalition

Faith | Policy | Vision

**1600 Pennsylvania Ave, NW
Washington, DC 20500**

President Joseph R. Biden, Jr.

As faith leaders serving hundreds of thousands of Black and indigenous congregants throughout the United States of America, we applaud your commitment to eradicating racial bias and inequity and the steps you have taken toward that goal. The road to equity and reconciliation is long, but it must include truth & justice. We, as a collective body, write to urge you to use your clemency power to decisively advance racial justice by commuting all federal death sentences. During your campaign, you expressed opposition to the death penalty and promised to work to end it at the federal level.

We were heartened by this stance. But while the Department of Justice's pause on executions reflects a welcome change from the gruesome policies of the prior administration, this measure does nothing to remedy the racial bias, arbitrariness, and other problems that make federal death sentences unfair. Mr. President, you can and should fix these problems from the top by commuting all federal death sentences now.

Commuting all federal death sentences would bring immediate benefits. It would acknowledge and help redress the racial bias built into the federal death penalty system, allow vast government resources to be redirected to policies that actually improve public safety, and allow the families of victims and incarcerated persons to focus on healing instead of living in legal limbo. We know you are very familiar with the racist history of America's death penalty.

People of color are more likely to be capitally prosecuted, sentenced to death, and executed, especially if the victim is white. This is true in the federal death penalty system just as in the states. Today, 57% of those under a federal death sentence are people of color, and 40% are Black. There are Black men under federal death sentence who were convicted and sentenced by

all-white juries. Seeking a federal death sentence instead of having a state prosecution has often served to “bleach” the jury pool in places like Richmond, Philadelphia, New Orleans, and St. Louis.

Federal prosecutors have appealed to racial stereotypes in pursuit of death sentences, and federal judges have blocked attorneys’ efforts to investigate racial bias by federal capital juries. These are the hallmarks of an arbitrary and unfair system. The flaws that plague the federal death penalty system were on display between July 2020 and January 2021, when the previous administration executed 12 men and one woman. Seven of the 13 people executed were people of color, including 6 Black men. Those executed included people with intellectual disability, people whose mental illness was so severe they lacked any rational understanding of why they were being killed, people who had long ago redeemed themselves and devoted their lives to helping others, people who were barely older than children at the time of their crime, people whose cases were marked by egregious government misconduct and/or evidence of racial bias, and people whose victims’ family members opposed their execution.

In 1957, the Rev. Dr. Martin Luther King Jr. explained that “capital punishment is against the better judgment of modern criminology and, above all, against the highest expression of love in the nature of God.” Ending the death penalty in America will bring us closer to racial reconciliation, closer to a society that fulfills God’s promise. Commuting all existing federal death sentences is a powerful incremental step on the road to that goal, a step you can take with the stroke of a pen.

We are asking President Biden that you clear the federal death row now.

Sincerely,

The undersigned signatories



faith leaders of color coalition

Bishop Ode H. Hines
(5)

Alabama

Rev. Manuel B. Williams, C.R., CFRE, M.Div.,
Th.M.
Min. Dena Dickerson
Min. Claire Sams McCalhoun
(3)

Arizona

Dr. Warren H. Stewart, Sr.
(1)

Arkansas

Kwami Abdul-Bey
Clarice Abdul-Bey
(2)

California

Min. Leigh Crawford
Sr. Maria Borregon
Rev. Larry Foy
Rev. Robert Matthews
Reverend Dwight Webster, PhD
Pastor Ryan B. Small
(6)

Colorado

Adrian Miller
(1)

Delaware

Min. David B. Chandler
Bishop Silvester Scott Beaman
(2)

District of Columbia

Bishop Albert Cheeks
Rev. Mia McClain
Rev. Christian Watkins
Rev. Jason Ray

Florida

Agustin Quiles
Rev. Demetrius Minor
Grace Okerson
Mindy Brown
Sr. Finola McDowell
Rev. Reginald Gundy
Dr. Gracie Bell Kearse-McCastler
(7)

Georgia

Bishop Robert Wright
Bishop Robin Dease
Rev. Dr. John H. Vaughn
Rev. JC Howard
Dr. Vance P. Ross, Senior Pastor
Rev. William Edward Thomas
Rev. James "Major" Woodall
Pastor Larry Fryer
Sr. Donna Banfield
Min. Bryant Hines
Min. Chase Brown
Jocelyn F. Adams
Min. Micheal Taylor
Min. Monica Brown
Rev. Leander Parker
Min. Tabitha Trammell
Rev. Devon Jerome Crawford
D'Marquis Allen
Min. Tiffanie Mackey
Min. Regenia Miller
Ima Wiesen
Jekala Davis
Pervis Brown
Queen Yonasda Lonewolf
Pastor Kevvin Joel Hankins
Rev. Dr. Bernice Williams Kirkland



faith leaders of color coalition

Robyn Hasan
Letha Moore
Rev Dr Gregory V Eason Sr.
Tyreana Harris
Vonetta L. West
Rev. Robert S. King
(32)

Illinois

Sr. Patricia Cielinski
Min. Troy Underwood
Kimberly Gaitor
Rev. Anwar Smith
James C Hendricks
Rev Ladarius Jerome Beal
Preston R Winfrey
(7)

Indiana

Rev. Tess Stephens
Min. Jacquelyn Bradfield
Sister Barbara Battista, SP
Min. David BW Vogel
Deborah L. Sitarski
Deacon George Williams
Dr. Sheron J. Dailey
Sister Paula Damiano, SP
Rev. Dr. Crystal Walker
(9)

Kansas

Mr. Jonathan Goering
Sr. Rita Orleans
Sr. Stephanie Henry
(3)

Kentucky

Deacon John Koenig
Deacon Keith McKenzie
Reverend Dr. D. Anthony Everett
Dr. David Peoples
(4)

Louisiana

Rev. J.L. Franklin
Rev. Sherri Jackson, M.Div
Min. Queen Jonafa' Mychelle' Tervalon
Min. Samuel Williford
Rev. Alexis Anderson
Sr. Nathalee Bryant
Min. Alison McCrary
(7)

Maryland

Rev. Dr. Sherry Molock
Rev. Freeman Palmer
Sr. Patricia Chappell
Pastor Melech E. M. Thomas
Minister Karlos Nichols
Rev, Thomas A Brackeen, Jr
Rev. Wallis C. Baxter III, PhD
(7)

Massachusetts

Rev. Darrell Goodwin
(1)

Michigan

Sr. Anneliese Sinnott
Pastor Kelsi Jones
Rev. Dr. Tara Gay
(3)

Mississippi

Min. Maurice Clifton
(1)

Missouri

Rev. Darryl Gregory Gray
Pastor Richard H. Jackson
Rev. Dr. Carol Jackson
Deacon Doug Myler



faith leaders of color coalition

Rev. Renee T. Johnson
Deacon Gerard Lauterwasser
Merrimon Boyd
Richard McDuffie
Corey J. Scott
Min. Cedric Sitton
Rev. Dr. Anthony L. Riley
Min. Joseph B Garris
Min. Nathaniel Griffin Sr.
(13)

Minnesota

Rev. Isaiah C Dennis
(1)

Nebraska

Min. K. Jevon Chambers
(1)

Nevada

Rev. Ender Austin, III
Minister Troy Zakari Walker
(2)

New Jersey

Sr. Alissa Jayne
Pastor Willie Dwayne Francois III
Rev. Shawn Torres-Anderson
Min. Ashley Mims
(4)

New Mexico

Ron Mittan
(1)

New York

Min. Aja Isler
The Most Reverend Dr. A.Louise Bonaparte
Dr V. Simpson Turner Jr.
Pastor Micheal Walrond, Jr.

Pastor Micheal “Tre” Walrond, III.
Minister Candace Simpson
(6)

North Carolina

Pastor Bianca J. Richardson
Dr. Robert Charles Scott
Rev. Daniel Cobbins
Min. Veronica Murphy
Pastor Asa Bell Jr.
Rev Dr Frankie T. Jones, Sr.
Cassandra Aline Jones, PhD
Min. Hanna Broome
Min. Sharon Risher
Dr. Robert Charles Scott
(10)

Ohio

Bishop Gregory V. Palmer
Michel Coconis, Ph.D., MSW
Rev. Dr. Aaron Wade
Rev. Dr. Amariah McIntosh
Rev. Dr. Karen Georgia Thompson
Rev. Dr. Velda Love
Rev. Renace Jackson
Rev. Trayce Potter
Min. Bryant Hines
Sr. Kristen Lynn Guappone
Sandra G Allen
The Rev. Dr. Jack Sullivan, Jr.
Twyana Davis
Min. Valerie Bridgeman
Julie Roberts
Pastor Gregory Harrison
Min. Camisha Chambers
(17)

Oklahoma

T SheriAmore Dickerson



faith leaders of color coalition

Antoinette D. Jones
Jonathan Middendorf
Min. Marcus Carruthers
Pastor Sean Jarrett
Min J'Shawna Hayes
(6)

Pennsylvania

Rev. Cassius L. Randolph
Sr. Veronica Plewski
Sr. Kathleen Smith
Kennedy Holt
Pastor Bobby Jones Jr.
(5)

South Carolina

Min. Brandon N. Brown
Rev. Hanna Broome
Meredith Whitney Matthews
Aaron Greene
Terry Alexander
Karen E. Belton
Rev. Dr. Sheila Elliott Hodge
Pastor Tory Liferidge
Pastor Jeffery L Williams
Min. Lorenzo Washington
Rev. M Andrew Davis
(11)

Tennessee

Dr. Gina M. Stewart
Rev. Andre E. Johnson, Ph.D.
Rev. Dr. Earle Fisher
Pastor Aaron Marble
Min. Susan Adams
Pastor Quentin M. Dickerson
Rev. Eddie Dowdy, II
Min. Barbara Smith
Pastor James Edward Thornton
Evangelist Charlene Tinsley Thornton
Min. Richard Nelson
Anonymous

(12)

Texas

Rev. Dr. Frederick D Haynes, III
Sr. LeReine-Marie Mosely
Henry L. Masters
Min. Tommy Owen Mooney
Pastor O. Christopher Buckner
Natarsha Prince Sanders
(6)

Virginia

Rev. Cece Jones-Davis
Rev. Lakeisha Cook
Dr. Antipas Harris
Bishop Carroll A Baltimore
Chantel Tyler
Rev. Claude Atcho
(6)

West Virginia

Pastor Matthew J. Watts
(1)

Wisconsin

Shannon Ross
(1)

- Faiths/denominations represented-
Catholic, Baptist, Methodist, Jewish, Christian, Islam, Hindi, Buddhist, Native American-Indigenous

- Total States = **35**
- Executing States represented = **18**
- States with most number of signatories = **Georgia, Ohio, Missouri, Tennessee**

TOTAL = 204



CATHOLIC MOBILIZING NETWORK

END THE DEATH PENALTY • ADVANCE JUSTICE • BEGIN HEALING

November 20, 2024

The President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President,

We write to you as fellow Catholics and on behalf of Catholic Mobilizing Network (CMN), the national network of Catholics and people of goodwill working to end the death penalty, advance justice, and begin healing. CMN's network of more than 30,000 advocates includes Catholic bishops, dioceses, state Catholic conferences, religious communities, members of the laity, and others from across the nation.

As we approach the historic Jubilee Year of 2025, a time when the Holy Father Pope Francis has called for "forgiveness, reconciliation, and an end to every form of death penalty," we ask you to act in the spirit of mercy and the kind of justice that upholds the dignity of all life, no matter the harm one has caused or suffered, **to commute the sentences of all 40 men currently on federal death row.**

During your presidential campaign, you opposed the death penalty, notably following the federal execution spree carried out under the Trump administration that came after a 17-year hiatus. CMN held national prayer vigils for each person executed in 2020-2021; your execution moratorium was an act of courage and justice. Yet we know that this alone cannot guarantee the protection of those on death row, nor does it prevent future administrations from resuming executions.

As a matter of faith and moral conviction, Catholic Mobilizing Network seeks an end to the death penalty in the United States. At this time, real advances can be made to save the lives of those on the federal death row. We know that the federal death row, just as in the states, is marred by significant arbitrariness, including racial bias and the imposition on vulnerable individuals such as those with intellectual disability, brain damage, and serious mental illness. There is also a risk that innocent people will be put to death. It is because of our moral conviction along with these practical reasons that we urge you to use your authority to commute the federal death row before leaving office.

As Catholics, we understand that every person is made in the image of God and that our Heavenly Father does not shut the door on anyone. The Catechism of the Catholic Church states unequivocally that "the Church teaches, in the light of the Gospel, that 'the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person,' and she works with determination for its abolition worldwide." (2267)

By commuting these sentences, you could use your constitutional authority in a way that would mirror the spirit of reconciliation during this special Jubilee 2025 year. Indeed, your commutation of the entire federal row would be a tangible expression of your commitment to end the federal death penalty.

In the remaining weeks of your presidency, you no doubt have many weighty matters to consider. We trust that you will give this request your full attention, as we all strive to do justice, love mercy, and walk humbly with God.

With hope in Christ that does not disappoint,

Krisanne Vaillancourt Murphy
Executive Director
Catholic Mobilizing Network

Sr. Rita Ann Teichman, CSJ
Chair, Board of Directors
Catholic Mobilizing Network

June 24, 2024

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear President Biden:

As former correctional professionals and administrators, several of whom have overseen executions, we urge you to use your executive clemency power to commute all current federal death sentences now, ensuring that no one faces federal execution.

We applaud your stated opposition to capital punishment because we know first-hand the devastating toll executions take, not only on the correctional professionals directly involved in the process but on their families and on the larger correctional community. We have witnessed the depression, suicide, substance abuse, domestic turmoil, and other manifestations of trauma in our colleagues that study after study has documented among correctional staff who are impacted by executions, and on those close to them.

During the final months of the Trump Administration, we watched in horror as 13 executions were carried out in rapid succession, many just days or even hours apart. Given the Supreme Court's actions and inactions that allowed these executions to proceed, we have no doubt that unless you commute all remaining federal death sentences, a future Administration will resume this harmful practice. The federal government owes a duty of care to its hard-working Bureau of Prisons employees not to expose them to such an extreme risk of trauma.

In your January 26, 2021 Executive Order on Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities, you stated: "We must ensure that our Nation's incarceration and correctional systems are prioritizing rehabilitation and redemption." We wholeheartedly agree. We also note that despite your many reform efforts, the BOP continues to grapple with staffing shortages, morale issues, and other serious problems.

Clearing federal death row would further your important policy goals by allowing the BOP to house each prisoner in the most appropriate setting based on correctional classification principles. It also would free millions of federal dollars for other priorities, including improving safety for correctional staff through training and infrastructure improvements.

The men and women who work for the BOP are dedicated professionals who will carry out the tasks assigned to them as best they can. But it is incumbent on our leaders to avoid putting public servants in positions where they face a real risk of harm. We hope you will use your power to immediately commute all federal death sentences to ensure the safety and well-being of federal corrections officers and their families.

Sincerely,

(signatures listed in alphabetical order)

Allen Ault

Dean, Eastern Kentucky University College of Justice and Safety (2003-2015); former Chief, National Institute of Corrections; former corrections commissioner in Colorado, Georgia, and Mississippi

Bob Autobee

Retired Sergeant, Arkansas Valley Correctional Facility, Colorado

Patricia Caruso

Director, Michigan Department of Corrections (2003-2011), Deputy Director (2002-2003), Regional Prison Administrator (2000-2002), Warden (1991-2000); various positions (1988-1991), Michigan Department of Corrections

Anthony Cincotti III

Retired Senior Correctional officer, Nevada Department of Corrections

Stan Czerniack

Assistant Director for Operations, Oregon Department of Corrections; Assistant Secretary for Prison Operations, Florida Department of Corrections

Kathleen Dennehy

Commissioner, Massachusetts Department of Correction (2003-2007)

Paul Heroux

Sherriff, Bristol County, Massachusetts (2023-present); Mayor, Attleboro, Massachusetts (2018-2022); Massachusetts House of Representatives (2012-2018); Director of Research and Planning Division, Massachusetts Department of Correction (2008-2009); Philadelphia Prison System, Special Assistant to the Commissioner (2006-2008)

Reginald Hines

Division Manager, Community Corrections and numerous other positions, Oklahoma Department of Corrections (1978-2017); Oklahoma Board of Corrections (2017- 2019)

Justin Jones

Director, Oklahoma Department of Corrections (2005-2013); also served in numerous other positions within ODOC over a 37-year correctional career

William Kersey

Former Corrections Program Director, Indiana Department of Corrections

Robert Oliver Lampert

Director, Wyoming Department of Corrections (2003-2020); Superintendent and Assistant Superintendent, Oregon Department of Corrections (1998- 2003); Correctional Officer through Senior Warden, Texas Department of Criminal Justice, including managing death row and several executions (1978-1998); Corrections Specialist, US Marine Corps (1974-1978)

Cynthia Link
Superintendent, Pennsylvania Department of Corrections - SCI Graterford (1987-2018)

Steven J. Martin
Expert, United States Department of Justice, Civil Rights Division (1993-2008); Former Corrections Official, Texas Department of Corrections

Ron McAndrew
Prison and Jail Consultant-Expert Witness (2005 – present); Director, Orange County Jail (2001-2002); Warden, Florida State Prison (ascended the uniform ranks) (1978-2001)

Gary Mohr
Director, Ohio Department of Rehabilitation and Correction (2010-2018); 106th President of the American Correctional Association; also served in various other positions within ODRC over a 47-year correctional career

Richard Morgan
Secretary, Washington Department of Corrections (2016-2017); Various positions, Washington Department of Corrections (1976-2010)

Dan Pacholke
Secretary, Washington Department of Corrections (2015-2016); Various positions, Washington Department of Corrections (1995-2015)

Doris Parlette
Probation Services Consultant, Indiana Department of Child Services (2008-2010); Regional Manager, Indiana Department of Child Services (2007-2008); Superintendent, Indiana Department of Correction (1990-2007)

Martin Petersen
Corporal, Nebraska Department of Correctional Services (current)

Gayle Ray
Former Commissioner, Tennessee Department of Correction; Sheriff, Davidson County (1994-2002)

Carrie Roberts
former Corrections Officer, Colorado Department of Corrections; former Deputy Sheriff (corrections), Arapahoe County Sheriff's Department

Richard Seiter
Various Positions, Federal Bureau of Prisons (1976-1999), including Assistant Director for Industries, Education and Training (1989-1993); Warden, FCI Greenville (Illinois) (1993-1999), Warden, Federal Prison Camp Allenwood, Pennsylvania (1981-1982), and Chief, National Institute of Corrections National Academy of Corrections; Director, Ohio Department of Rehabilitation and Corrections (1983-1988)

Beverly Sharp
Retired, Federal Bureau of Prisons (1981-2010)

Phil Stanley
Commissioner, New Hampshire Department of Corrections (2000-2003)

Frank Thompson
Former Superintendent of the Oregon State Penitentiary; Assistant Director of
Institutions and Corrections Institutions

Karin Thornburg
Former Assistant Superintendent, Indiana Department of Corrections

Eldon Vail
Secretary, Washington Department of Corrections (2007-2011); Deputy Secretary,
Washington Department of Corrections (2000-2007)

Roger Werholtz
Interim Executive Director, Colorado Department of Corrections (2013); Secretary of
Corrections, Kansas (2002-2010); Deputy Secretary of Corrections, Kansas (1987-2002)

Jeanne Woodford
Undersecretary, California Department of Corrections and Rehabilitation (2005-2006);
Director, California Department of Corrections (2004-2005); Warden, San Quentin State
Prison (1999 to 2004)



December 9, 2024

President Joseph Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear President Biden,

On behalf of the 134 undersigned civil liberties, civil and human rights, faith-based, academic, and social justice organizations, we write to urge you to use your constitutionally provided power to commute the sentences of all individuals on federal death row. We commend your administration's actions to repudiate capital punishment, including imposing a moratorium on executions for those sentenced to death, and for publicly calling for an end to the use of the death penalty during your 2020 campaign.¹ In the face of a second Trump administration, more is necessary.

Forty people are currently on federal death row. Over half of those individuals are non-white, including 38% who are Black, despite Black adults representing 11.7% of the population.² The federal death penalty is not immune from the hallmark irreparable failures of the death penalty at the state level.³ Indeed, the nation bore witness to thirteen executions in the final seven months of the first Trump administration, all of which were marred with devastating issues endemic to capital punishment like racial bias, ineffective legal assistance, unreliable forensic evidence, and defendants executed who had substantial intellectual disabilities and severe mental health conditions.⁴

¹ Dakin Andone, *Biden campaigned on abolishing the death penalty. But 2 years in advocates see an inconsistent message*, CNN, (Jan. 22, 2023) <https://www.cnn.com/2023/01/22/politics/joe-biden-federal-death-penalty-abolition/index.html>.

² A person must be at least 18 years old to be sentenced to death. Angelica Menchaca, Bev Pratt, Eric Jensen & Nicholas Jones, *Examining the Racial and Ethnic Diversity of Adults and Children*, U.S. Census Bureau (May 22, 2023), <https://www.census.gov/newsroom/blogs/random-samplings/2023/05/racial-ethnic-diversity-adults-children.html>.

³ As of July 1, 2024, 58% of people on death row throughout the country are non-white and 41% of those individuals are Black. NAACP Legal Defense and Educational Fund, Inc., *Death Row USA*, <https://www.naacpldf.org/our-thinking/death-row-usa/> (last visited Nov. 27, 2024).

⁴ The Trump Administration pursued these executions despite widespread, bipartisan opposition and COVID-related lockdowns. Those executed included the first woman executed by the federal government in nearly 70 years; the youngest person based on the age when the crime occurred (18 at the time of his arrest); and the only Native American on federal death row. Erik Ortiz, *Trump Wants to Expand Federal Death Penalty, Setting Up Legal Challenges if He Secures a Second Term*, NBC News (Nov. 9, 2024), <https://www.nbcnews.com/politics/2024-election/trump-wants-expand-federal-death-penalty-setting-legal-challenges-seco-rcna178979>.

From the first day of your presidency, you issued a clear commitment to address racial equity for underserved communities.⁵ As your time in office comes to a close, there is an unprecedented need for you to cement your commitment to remedying injustices by exercising executive clemency and commuting the death sentences of those on federal death row. President Trump executed more people than the previous ten administrations *combined*.⁶ Of those he executed, over half were people of color: six Black men and one Native American. The only irreversible action you can take to prevent President-elect Trump from renewing his execution spree, as he has vowed to do, is commuting the death sentences of those on federal death row now. Your ability to change the course of the death penalty in the United States will be a defining, legacy-building moment in American history. You have the power to lead with redemption and time is of the essence.

Historically, in the United States the death penalty has been rooted in slavery, lynchings, and white vigilantism.⁷ In 1944, South Carolina executed a 14-year old Black child, George Stinney for the rape and murder of two white young girls who never returned home on a day he had seen them.⁸ Mr. Stinney's attorney had no experience in capital cases and did not call any witnesses.⁹ He was convicted by an all-white jury.¹⁰ In 2014, 80 years later, a judge vacated Mr. Stinney's capital conviction as he was deprived of due process during his trial.¹¹ While George Stinney is the youngest person known to be executed by a government in U.S. history, this heart-wrenching case bears emblematic commonalities of how the death penalty has been used as a tool of racial oppression against Black men and Black communities.

Today, people of color, particularly Black men, continue to disproportionately face the death penalty. Studies reveal that racial discrimination permeates every stage of the criminal justice process— from policing and charging decisions to jury selection, trial proceedings, sentencing and ultimately who is executed.¹² A 2018 study found that the requirement that prospective jurors be willing to vote for a death sentence, likely disproportionately excludes Black people from serving on juries in capital cases, depriving Black defendants of a jury of their peers.¹³ Study after study has

⁵ Exec. Order No. 13,985, 87 Fed. Reg. 7009 (Jan. 20, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

⁶ Isaac Arnsdorf, *Inside Trump and Barr's Last-Minute Killing Spree*, ProPublica, (Dec. 23, 2020) <https://www.propublica.org/article/inside-trump-and-barrs-last-minute-killing-spree>.

⁷ Ngozi Ndule, *Enduring Injustice: The Persistence of Racial Discrimination in the U.S. Death Penalty*, Death Penalty Information Center, (Sept. 2020), <https://dpic-cdn.org/production/documents/pdf/Enduring-Injustice-Race-and-the-Death-Penalty-2020.pdf?dm=1683576585>.

⁸ Hayley Bedard, *Remembering the Execution of 14-year-old Goerge Stinney, 80 years later*, Death Penalty Information Center, (June 14, 2024) <https://deathpenaltyinfo.org/remembering-the-execution-of-14-year-old-george-stinney-80-years-later>.

⁹ Id.

¹⁰ Id.

¹¹ Id.

¹² Jeffrey A. Fagan, Garth Davies & Ray Paternoster, *Getting to Death: Race and the Paths of Capital Cases after Furman*, 107 CORNELL L. REV. 1565 (2022) https://scholarship.law.columbia.edu/faculty_scholarship/3891.

¹³ Death Penalty Information Center, *Studies: Death-Penalty Jury Selection "Whitewashes" Juries and is Biased Towards Death* (May 1, 2018), <https://deathpenaltyinfo.org/news/studies-death-penalty-jury-selection-whitewashes-juries-and-is-biased-towards-death>.

identified that if a victim is white there is an increased likelihood a defendant will be sentenced to death. A 2022 study that reviewed murder cases from Georgia observed that when a Black defendant is accused of killing white victims, cases are 25% more likely to receive a death sentence than all other race combinations.¹⁴ A 1990 review by the U.S. Government Accountability Office found that Black defendants face harsher penalties than their similarly situated non-Black counterparts, and defendants whose victims are white are treated more punitively than those whose victims are Black.¹⁵ More than a third of the people who have been executed since 1976 are Black.¹⁶ The United Nations Human Rights Committee has repeatedly expressed concerns about the use of the death penalty in the United States and the racial justice implications, recently stating “the Committee remains gravely concerned at the continuing use of the death penalty and at racial disparities in its imposition.”¹⁷

There are Black men on federal death row today who were sentenced and convicted by all-white juries, despite the offense taking place in areas with significant populations of people of color.¹⁸ Since 1989, 60% of all people federally sentenced to death have been people of color.¹⁹ In short, so long as the United States maintains the death penalty, this country will never achieve true racial equity. The continued use of the death penalty in the United States represents an indelible stain on the moral fabric of our country, and a barrier to achieving racial justice. While the majority of countries have abolished capital punishment, those that retain it wield it disproportionately against racially, religiously, and politically marginalized groups.²⁰ The U.S. is no exception.

Further, the death penalty does not advance public safety. Arguments that the death penalty is a necessary deterrent ring false. In 2020, states with the death penalty had higher murder rates than those without – states with the death penalty had an average murder rate of 7.5 per 100,000, whereas states without the death penalty had murder rates of 5.3 per 100,000.²¹ Law enforcement

¹⁴ Jeffrey A. Fagan, Garth Davies & Ray Paternoster, *Getting to Death: Race and the Paths of Capital Cases after Furman*, 107 CORNELL L. REV. 1565 (2022) https://scholarship.law.columbia.edu/faculty_scholarship/3891.

¹⁵ Id.

¹⁶ Death Penalty Information Center, *Executions by Race and Race of Victim*, <https://deathpenaltyinfo.org/executions/executions-overview/executions-by-race-and-race-of-victim> (last visited Nov. 27, 2024).

¹⁷ U.N. Human Rights Comm., *Concluding Observations on the Fifth Periodic Report of the United States of America*, U.N. Doc. CCPR/C/USA/CO/5 (Apr. 18, 2014), <https://www.ohchr.org/en/documents/concluding-observations/ccprcusaco5-concluding-observations-fifth-periodic-report-united>.

¹⁸ John Nidiry & Ruth Friedman, *Long Overdue: The Need for an Examination of the Specter of Racial Bias in the Federal Death Penalty System*, 67 Univ. of Maine L. (2024). Available at: <https://digitalcommons.maine.gov/cgi/viewcontent.cgi?article=1163&context=faculty-publications>.

¹⁹ The Death Penalty Information Center, *Fool's Gold: How the Federal Death Penalty Has Perpetrated Racially Discriminatory Practices Throughout History*, (Nov. 14, 2024) <https://deathpenaltyinfo.org/facts-and-research/dpic-reports/dpic-special-reports/fools-gold-federal-racial-justice-report>.

²⁰ Amnesty International, *Death Sentences and Executions in 2023*, (May 29, 2024), <https://www.amnesty.org/en/documents/act50/7952/2024/en/#:~:text=Amnesty%20International's%20monitoring%20of%20the,31%25%20from%20883%20in%202022>.

²¹ Death Penalty Information Center, *Murder Rate of Death Penalty States Compared to Non-Death Penalty States, 2020*, <https://deathpenaltyinfo.org/facts-and-research/murder-rates/murder-rate-of-death-penalty-states-compared-to-non-death-penalty-states> (last visited Nov. 27, 2024).

officials agree. In a national opinion poll of police chiefs across the United States, the use of the death penalty ranked last as an effective way to keep communities safe.²²

We have seen time and time again cases where state and federal governments have made grave – and even fatal – mistakes with wrongful convictions. Since 1973, at least 200 people have been exonerated from death rows across the United States.²³ The vast majority of those who were wrongfully convicted to die, often spending decades on death row, are Black and Brown people.²⁴ This disturbing realization about the fallibility of the capital punishment system and who it targets begs further questions about those who were innocent and executed and lost to history through grave injustices that we cannot reverse.²⁵

President Biden, by commuting the sentences of those on death row, you have the opportunity to bring the United States closer in line with the nearly two thirds of countries that have fully abolished the use of capital punishment. Now is the moment for us all to reflect on what a higher sense of morality and duty calls upon us to do. We urge you to commute the sentences of those on death row prior to the end of your term.

Should you have any questions please feel free to contact Tara Stutsman of the American Civil Liberties Union at tstustman@aclu.org, Aiden Cotter of the Southern Poverty Law Center at aiden.cotter@splcenter.org, Justin Mazzola of Amnesty International USA at jmazzola@aiusa.org, or Kristina Roth of the NAACP Legal Defense and Educational Fund at kroth@naacpldf.org.

Sincerely,

American Civil Liberties Union
Amnesty International USA
NAACP Legal Defense and Educational Fund, Inc. (LDF)
Southern Poverty Law Center
8th Amendment Project
A Bella LaFemme Society
ACT 4 SA Action Fund
Alabama Arise
Alaskans Against a Death Penalty

²² American Civil Liberties Union, *The Case Against the Death Penalty*, (Dec. 11, 2012) <https://www.aclu.org/documents/case-against-death-penalty>.

²³ Death Penalty Information Center, *Innocence*, <https://deathpenaltyinfo.org/policy-issues/innocence> (last visited Oct. 30, 2024).

²⁴ Innocence Project, *Innocence and the Death Penalty*, <https://innocenceproject.org/innocence-and-the-death-penalty/#:~:text=The%20vast%20majority%20of%20people,administration%20of%20the%20death%20penalty> (last visited Oct. 30, 2024).

²⁵ Death Penalty Information Center, *Executed But Possibly Innocent*, <https://deathpenaltyinfo.org/policy-issues/innocence/executed-but-possibly-innocent> (last visited Nov. 11, 2024).

American Constitution Society
American Friends Service Committee
American Humanist Association
Atlanta Community Support Project
Autistic Self Advocacy Network
Barred Business
Bend the Arc: Jewish Action
Brennan Center for Justice
California People of Faith Working Against the Death Penalty
California Public Defenders Association
Californians United for a Responsible Budget (CURB)
Center for American Progress
Center for Constitutional Rights
Center for Law, Equity and Race at Northeastern
Center on Law, Race & Policy at Duke Law
Color of Change
Common Cause
Communities United for Restorative Youth Justice
Congregations of St Joseph
Conservatives Concerned
Courage California
Criminal Justice Reform Clinic at Lewis & Clark Law School
Death Penalty Alternatives for Arizona
Death Penalty Focus
Disability Rights Education and Defense Fund
Dream.org
Drug Policy Alliance
EJUSA Evangelical Network
Ella Baker Center for Human Rights
Episcopal Diocese of Atlanta
Episcopal Peace Fellowship
Equal Justice USA
Equity in Education
Fair and Just Prosecution
Fair Chance Project ~ Families United to End LWOP (FUEL)
Federal Public and Community Defenders
Felony Murder Elimination Project
Florida Rising
Floridians for Alternatives to the Death Penalty
Forward Justice
Fred T. Korematsu Center for Law and Equality, UC Irvine School of Law
Friends Committee on Legislation of California
Full Picture Justice

Fund for Nonviolence
FWD.us
Georgia Coalition for the Peoples Agenda
Gibson-Banks Center for Race and the Law, University of Maryland Carey School of Law
Human Rights Watch
Ignite Peace
Jewish Council for Public Affairs
JLUSA
Journey of Hope...From Violence to Healing
Justice Roundtable
Justice Committee of the Sisters of St. Joseph of Carondelet
Juvenile Law Center
Kansas Coalition Against the Death Penalty
Kentucky Coalition to Abolish the Death Penalty
Lambda Legal
LatinoJustice PRLDEF
Lawyers' Committee for Civil Rights Under Law
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
The Leadership Conference on Civil and Human Rights
Loyola Law School Project for the Innocent
MacArthur Justice Center
MomsRising.org
Motherhood Beyond Bars
Movement for Black Lives
Multifaith Initiative to End Mass Incarceration
Muslim Advocates
National Association of Criminal Defense Lawyers
National Association of Social Workers
National Bar Association
National Black Justice Collective
National Council of Churches
National Lawyers Guild
National Religious Campaign Against Torture
National Urban League
NETWORK Lobby for Catholic Social Justice
Nevada Coalition Against the Death Penalty
New Disabled South
Next Generation Action Network
NYU Center on Race, Inequality, and the Law
Ohio Council of Churches
Ohio Families Unite for Political Action and Change (OFUPAC)
Ohioans to Stop Executions
Oklahoma Coalition to Abolish the Death Penalty

Oklahoma Faith Network
Onyx Impact
Operation Restoration
Oregon Justice Resource Center
Oregonians for Alternatives to the Death Penalty
Pennsylvanians for Alternatives to the Death Penalty
Presenting Resources Effectively Applying Christlike Humbleness (PREACH)
Prison Policy Initiative
Promise of Justice Initiative
Prosecutors Alliance Action
Restoring Hope California
Safe & Just Michigan
Sisters of St. Joseph of Baden, PA
Sisters of St. Joseph of Boston, MA
Sisters of St. Joseph of Northwestern PA
Sisters of St. Joseph Social Justice Committee
South Carolinians for Alternatives to the Death Penalty
Southern Center for Human Rights
State Voices Florida
Survived & Punished
Tennesseans for Alternatives to the Death Penalty (TADP)
Texas After Violence Project
Texas Coalition to Abolish the Death Penalty (TCADP)
Texas Defender Service
Texas Jail Project
The Advocates for Human Rights
The Faith Leaders of Color Coalition (FLOCC)
The National Council for Incarcerated and Formerly Incarcerated Women and Girls
The Sentencing Project
Together We Stand
Union for Reform Judaism
USF School of Law Racial Justice Clinic
U.S. Federation of the Sisters of St. Joseph
The Unitarian Universalist Service Committee (UUSC)
Vera Institute of Justice
Wilson Center for Science and Justice at Duke Law
Witness To Innocence
Worth Rises
Young Women's Freedom Center



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LATINOJUSTICE PRLDEF

475 Riverside Drive, Suite 1901

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D: 212.219.3360

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SOUTHEAST REGIONAL OFFICE

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Orlando, FL 32804

D: 321.250.2853

SOUTHWEST REGIONAL OFFICE

611 South Congress Ave STE 430

D&E Congress Square II Austin,

TX 78704

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

November 21, 2024

Dear President Biden:

As leaders of 12 organizations advocating on behalf of Latinx people in America, we call upon you to immediately commute all federal death sentences before you leave office in January. The federal death penalty reflects the same problems of racial bias, geographical disparities, and government overreach that have led us to oppose the death penalty in the states.

A majority of those on federal death row today are people of color. In many federal death penalty cases, the very act of bringing the prosecution in federal as opposed to state court produced a jury pool with significantly fewer prospective jurors of color, a phenomenon that has been shown to increase the risks of wrongful convictions and excessively harsh punishment.

We also note that one of the three states with the highest concentration of federal death sentences, Texas, has a long history of imposing the death penalty disparately on Latinx people. Indeed, 75 percent of the federal death sentences handed down in Texas in the modern era have condemned people of color.

The United States faces crucial criminal justice challenges, and in our desire to make our communities safer we have adopted a paradigm of continual incarceration. Communities of color and immigrant communities are no different in their need to feel secure, but it is their communities that have been most devastated by criminal justice polices whose aim is to punish and not transform. The death penalty does nothing to advance the goals of public safety and in fact is the ultimate symbol of a vengeful government, not a forgiving one. The death penalty diverts vast public resources that could be better used to transform law enforcement agencies and to expand access to education, employment, and both mental and physical health care. Those policies have been shown to actually reduce crime and improve people's lives, while study after study shows that the death penalty neither deters crime nor makes communities safer.



You campaigned on a promise to end the death penalty at the federal level. Merely stopping executions is not enough to fulfill this important pledge; a future administration can swiftly resume executing federal prisoners. We urge you to use your constitutional authority to commute all 40 federal death sentences now.

Sincerely,

ASPIRA

Esperanza United (formerly Casa de Esperanza)

GreenLatinos

Hispanic Federation

LatinoJustice PRLDEF

League of United Latin American Citizens (LULAC)

MANA, A National Latina Organization

Mijente

National Association of Hispanic Federal Executives

National Hispanic Caucus of State Legislators

National Hispanic Council on Aging

National Hispanic Leadership Agenda

BUSINESS LEADERS AGAINST THE DEATH PENALTY

December 6, 2024

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Ave, NW
Washington D.C. 20500

Dear President Biden,

As you complete your historic term as President of the United States, we – the undersigned business leaders committed to ending the death penalty – write to urge you to fulfill your campaign promise of working to end the death penalty by using your clemency power to commute all federal death sentences to a term of life imprisonment. We believe this act will cement your legacy of leadership, compassion, and advancing racial justice.

As signatories of the [Business Leaders' Declaration Against the Death Penalty](#), we stand united with more than 450 influential figures from across the global business community in our opposition to capital punishment in all its forms. We believe it is our moral imperative to secure a fairer and more equitable world, protect the rule of law, and safeguard universal human rights. The death penalty runs counter to these efforts, and it is both inhumane and irreconcilable with human dignity, we support its abolition in the United States and across the globe.

We do so for several reasons, namely:

We have an interest in good governance, stability, social cohesion, and fairness. The death penalty undermines all of these values. As business leaders, we rely on the rule of law. We need certainty and confidence in the markets in which we operate, but capital punishment is staggeringly error prone. Its continued use calls into question any government's priorities. An average of four prisoners have been freed from death row each year for half a century. This means that for every eight individuals executed, one innocent individual has been exonerated. These statistics horrify us as we know that once carried out, mistakes cannot be fixed.

We are committed to helping make our communities safer and the death penalty does the opposite. The death penalty does not serve as a deterrent to violent crime. Statistics show that U.S. states with the death penalty have higher murder rates than those without. This is consistent with international findings showing that countries that have abolished capital punishment experienced a decline in murder rates over time. We can no longer afford to jeopardize the safety of our communities by perpetuating a culture of violence and revenge.

We care about sound fiscal policy and the death penalty is a waste of limited public resources. The death penalty costs significantly more per case than a life sentence. To maintain the broken system of capital punishment, millions of dollars are diverted every year from critical public health and safety initiatives, infrastructure development, and education – undermining crucial opportunities to build social stability and strengthen communities.

BUSINESS LEADERS AGAINST THE DEATH PENALTY

We care about fairness and justice in this country and the death penalty is reflective of the United States' history of inequality and racial injustice. We recognize that no issue is more inextricably tied to the racial and socio-economic biases that permeate justice systems than the death penalty. In the federal system, more than half of those on death row are people of color and nearly 40% are Black men. In fact, there are still Black men on the federal death row now who were sentenced by all-white juries. The modern death penalty reflects old, unjust, and inherently biased systems damaging the standing of the United States as a champion of human rights, fairness, and equal justice in the world.

Clearing the federal death row is not only the right thing to do for the individuals facing this irrevocable sentence. We feel strongly that it will also have a positive impact on policy makers at the state level. Short of legislative abolition, nothing could matter more to the states than an act of this magnitude by you, Mr. President. Exercising your clemency power will save precious lives and be remembered as a milestone on the road to ending this flawed and inhumane practice once and for all.

Very respectfully submitted,

Sir Richard Branson, Founder, Virgin Group

Rich Ambler, Founder & Director, English Outdoors

Elizabeth Anderson, CEO & Co-Founder, LunarLab

Jodi Anderson Jr., Co-Founder, Rézme Inc.

Sofia Azam, Founder & CEO, IgniteQuals

Giorgio Baldassarri, Global Head of Risk Analytics, S&P Global

Rui Barros, Founder & CEO, Gen Alpha

Mauro Bergesio, Real Estate Advisor

Sarah Best, CEO, Sarah Best Strategy

Rishi Bhattacharya, Founder & CEO, Impact & Influence

Ramakanth Bhuthpur, Founder & Managing Director, Axle HRM Pvt Ltd

Gina Bianchi, Founder, Synergist Accounting

Josh Bieuz-Yasyszczuk, Founder & Movement Lead, Niagra Gives; Board Member, Heart Niagra

Harley Blakeman, CEO, Honest Jobs

Friederike Bruckert, Executive Consultant; Former Head of Global Sales, Maxon GmbH

Simon Budd, Founder, Zatu Games & Lifeline24

Liz Burton, EVP People & Culture, Snow Software

Michael C. Bush, CEO, Great Place to Work

Gill Carroll, Director, 56 Central

Tomás Centeno, President APAC, Dyson

Michelle Cirocco, CEO, Televerde Foundation; Chief Impact Officer, Televerde

BUSINESS LEADERS AGAINST THE DEATH PENALTY

Sylvia Coleman, Co-Founder & Principal,
BPureSounds

Jack D'Aurora, Attorney, The Behal Law
Group LLC

Stuart Debar, Creative Director, SRL
Publishing

Cathy Dimarchos, CEO, SOLUTIONS2YOU

Frederika M. Easley, President, Minority
Cannabis Business Association; Executive
Director, Cannabis Impact Fund

Henreich Ecija, Founder, Transformative
Risk Solutions Research

Cav Giovanna Eusebi, Director, Eusebi Deli
Ltd

Tony Fernandes, Group CEO, AirAsia Group;
Chairman & Founder, Tune Group

Carl Firth, Founder & CEO ASLAN
Pharmaceuticals

Ed Fletcher, Co-Managing Director, Shape
History

Jason Flom, Founder & CEO, Lava
Media, LLC

Halim Flowers, Founder & CEO, Halim A.
Flowers Studios LLC

Charlotte Garnes, Founder, ReNforce

Robin Grantham, CEO, Surge-on Up

Oliver Gunasekara, CEO & Co-Founder,
Impossible Metals

Reza Hajirezaei, Co-Founder & CEO, WAM
Professional Networks

David Hayes, Chairman & CEO, JAND Group
Co. Ltd

Mark Heising, Founder, Medley Partners

Dr. Jude Higdon, COO, QSIDE Institute

Jackie Huebbe, Founder, SugarBot Sweet
Shop

Carla Kalogeridis, CEO, Kalo Media

Ellie Kanner, CEO, Forever Sunny
Productions; Just To Be Clear Productions; &
The Game Plan Game LLC

Brad S. Karp, Chairman, Paul, Weiss,
Rifkind, Wharton & Garrison LLP

Yousef Kassim, Easy Expunctions

John Kay, CEO, Realize

Lauren Kay-Lambert, Co-Managing Director,
Shape History

Jim Kirkwood, Chair, TTC Group

Sonia Kowal, President, Zevin Asset
Management

Selina Kucks, CEO & Founder, Sketa Oz
Group

Baroness Martha Lane of Soho, Chair,
WeTransfer; Director, Chanel; Chancellor,
Open University; Crossbench Peer, UK House
of Lords

Karen Lash, Law & Policy Consultant, Lash
Consulting

Dale Le Fevre, New Games

Angelo Iudici, Co-Founder, NYC Service
Connect

Guilherme Leal, Business & Social
Entrepreneur; Founder & Co-Chairman of the
Board, Natura & Co

Bernard Lim, Chair, Board of Directors,
Anders Electronics Plc

Andrew N. Liveris AO, Former Chairman &
CEO, The Dow Chemical Company; Former
Executive Chairman, DowDuPont; Founder,

BUSINESS LEADERS AGAINST THE DEATH PENALTY

Liveris Academy for Leadership and Innovation

Lara Love Hardin, Founder & President, True Literary

Tom Lytton-Dickie, Founder & CEO, Meaningful Business

Genevieve Martin, Founder, Geboma & Co; Co-Founder, Talent Nova

Margaret McCabe, Group CEO & Founder, Debate Mate

Yves Menu, Owner, Swissgames

Merck Mercuriadis, Founder & CEO, Hipgnosis Songs Fund

Jill Miller, Founder & CEO, Lunum

Janet Mueller, CEO, Leadership Wellness Coaching Academy

Heather Odendaal, Founder & CEO, WNORTH

Jean Oelwang, Founding CEO of Virgin Unite, B Team Leader

Van Oldham, P.E., PSIT, Owner/Operator, EverGreen Site Solutions, LLC

Jonny Ouellette, Co-Founder, Kill2Birds

David Parry, Founder & CEO, SmartBRG

Tendai Pasipanodya, Co-Founder & Managing Director, Drones Doing Good Alliance

Scott Payton, Technical Director, GDCE Group

Dave Phillips, CEO, Phillips Management Inc.

Paul Polman, Business Leader, Campaigner & former CEO of Unilever (2009-19)

Kristen Powers, Benevolence Farm

Emily Proctor, Actress & CEO, The Ground

Sheldon Ray, Founder & Creative Director, Create More UK

Anita Richards, Proprietor & Design Director, Anita Richards Designs

Marc Robertson, President & Founder, New Skills USA

Dr. Topeka K. Sam, Co-Founder & Chief Visionary Officer, FRSB

Sheryl Sandberg, Founder, Lean In

Albert Saniger, Partner, Buttercore Partners

Kim Scott, Co-Founder, Radical Candor

Bershan Shaw, Founder & CEO, URAWARRIOR

Robert Shively, President, Enerdynamics

Robert F. Smith, Founder, Chairman & CEO, Vista Equity Partners

Matt Spencer, CIO & Founding Partner, AKA Innovation AB

Christine Stevens, CEO, Shared Harmony

Meghan Stevenson-Krausz, Co-CEO, Diversity VC

Dominic Streeter, Director, Hide and Seek Media

Christy Tagye, Founder & CEO, Productive Passions

Chandrashekar (Chandra) Tamirisa, Thought Leader, Public Intellectual, and Global Sustainability Consultant, TAMIRISA

BUSINESS LEADERS AGAINST THE DEATH PENALTY

Rev. Hillary Taylor, Executive Director, South Carolians for Alternatives to the Death Penalty

Joe Van Blargan, Founder, The Van Blargan Group

Julie Van Ness, CEO, Real Leaders

Kellie Walenciak, Head of Marketing & Communications, Televerde

Eamonn Walker, Founder, Walker & Homes

Margie Warrell, PHD, Founder, Global Courage

Oscar Westra Van Holthe, Founder, Teamcoach Zuidas

Simon Woodroffe, Founder, Yo! Sushi; YOTEL; & Yo! Company

Jon Wright, Co-Founder, Innocent Drinks

Timothy Yee, President, Green Retirement, Inc.

October 28, 2024

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear President Biden:

As family members of murder victims, each of us has had a loved one taken from us by violence. While we each have a unique story, our experiences with the criminal justice system and our struggles with grief and trauma have united us in our opposition to the death penalty.

We are asking you today to fulfill your campaign promise and commute all 40 federal death sentences.

We know that you understand that the pain of losing a loved one is ever present. In our cases, the best we can hope for is some finality in the legal process so that we can begin healing. But for too many of us, the death penalty has only prolonged an already agonizing experience with a lengthy process that leaves us with more pain, despair, and isolation. The complex, constitutionally mandated legal process causes decades of uncertainty and waiting, which continually resurfaces trauma and delays healing.

For all of us, this system completely ignores our very real needs, diverting dollars and attention from the critical services our families desperately need in the wake of violence.

The death penalty does not prevent violence. It does not solve crime. It divides families when we need each other the most, polarizing us, telling us that only some murders are heinous, and creating more trauma for more families. It does not give solace to the family members of the 185,000 cold case homicide victims that have been left only with questions over the last 50 years,¹ while countless law enforcement hours chase a handful of executions. It wastes many millions of dollars that could be better invested in programs that actually reduce crime and violence and that address the needs of families like ours.

We want a justice system that creates safety, healing, and accountability that repairs – one that is responsive to the needs of survivors and family members like us. By all these measures, the death penalty fails. This is why we believe it has no place in our society and should be ended.

Please use your clemency power to commute all current federal death sentences.

Sincerely,

¹ See Uniform Crime Report for Homicide: 1965-2019, Project Cold Case, available at projectcoldcase.org/cold-case-homicide-stats

Rukiye Z Abdul-Mutakallim of Cincinnati, Ohio, whose son Suliman Ahmed Abdul-Mutakallim, was murdered in Cincinnati, Ohio

LaShawn Ajamu of Richmond Heights, Ohio, whose brother, James Nero, was murdered in Canton, Ohio

Ezra Aldern of Denver, Colorado, whose mother, Wendy Aldern, was murdered in Aurora, Colorado

Arnold Alpert of Canterbury, New Hampshire, whose grandfather, Charlie Alpert, was murdered in Springfield, Massachusetts

Ruth Andrews of Cassopolis, Michigan, whose mother, Helen Klassen, was murdered in Elkhart, Indiana

Cathy L. Ansheles of Santa Fe, New Mexico, whose great aunt, Grace Grischele, was murdered in Newark, New Jersey

Caitlin Baker of Texas, whose mother, Debra Baker, was murdered in Austin, Texas

Victoria Baker-Willford of Racine, Ohio, whose mother, Carolyn Jansen, was murdered in Aurora, Colorado

Dale Beck of Estes Park, Colorado, whose sister-in-law, Christine Ann Shambow, was murdered in Fond Du Lac, Wisconsin

Michae S. Berg of Norfolk, Virginia, whose son, Nicholas Berg, was murdered in Iraq

Al-Tariq Best of Newark, New Jersey, whose uncle, Robert Manns, was murdered in Newark, New Jersey

Jennifer Bishop-Jenkins of Northfield, Illinois, whose sister, Nancy Bishop Langert, was murdered in Winnetka, Illinois

Patsy Bjork of Colorado Springs, Colorado, whose mother, Shirley John, was murdered in Moses Lake, Washington

Carolyn Blevins of Jefferson City, Tennessee, whose daughter, Kym R. Blevins, was murdered in Jefferson City, Tennessee

William Blevins of Jefferson City, Tennessee, whose daughter, Kym R. Blevins, was murdered in Jefferson City, Tennessee

SueZann Bosler of Hallandale, Florida, whose father, Rev. Bill Bosler, was murdered in Opa-Locka, Florida

Furonda Brasfield of Little Rock, Arkansas, whose uncle, cousin, and nephew were murdered in Arkansas

Cherrell Brown of Atlanta, Georgia, whose cousin, Teagen Gibson, was murdered in Laurinburg, North Carolina

Maureen Elise Burford of Thetford, Vermont, whose mother, Gretchen Burford, was murdered in Menlo Park, California

Linda Louise Burks-Brown of Denver, Colorado, whose brother, Willie Frazier, was murdered in Aurora, Colorado

Helene Burns of Austin, Texas, whose mother, Maxine Weiswasser, was murdered in San Pedro, California

Gail Canzano of West Hartford, Connecticut, whose brother-in-law, Thomas Otte, was murdered in Hartford, Connecticut

Brenda Carrasco of Denver, Colorado, whose cousin, Brandon Cruz Sigala, was murdered in Denver, Colorado

Stephanie Cassatly of Jupiter, Florida, whose mother, Jeanne Marban, was murdered in New Orleans, Louisiana

James Castillo of Beaumont, Texas, whose mother, Pilar Castillo, was murdered in Houston, Texas

Kelli Cervantes of Philadelphia, Pennsylvania, whose mother, Noni Cervantes, was murdered in Oregon

Patricia Clark of Austin, Texas, whose uncle and cousin, Robert Frazier and Dorothy Lewis, were murdered in New Jersey

Kristie Conrad of Hampton, New Hampshire, whose father-in-law, Robert Reynolds Cushing, Sr., was murdered in Hampton, New Hampshire and whose brother-in-law, Stephen McRedmond, was murdered in Nashville, Tennessee

Catherine Louise Crino of Chicago, Illinois, whose sister, Stephanie Crino, was murdered in El Paso, Texas

Grace Cushing of Salt Lake City, Utah, whose grandfather, Robert Reynolds Cushing, Sr., was murdered in Hampton, New Hampshire and whose uncle, Stephen McRedmond, was murdered in Nashville, Tennessee

Marie Cushing of Memphis, Tennessee, whose grandfather, Robert Reynolds Cushing, Sr., was murdered in Hampton, New Hampshire and whose uncle, Stephen McRedmond, was murdered in Nashville, Tennessee

Carol Clare Czyzewski of Hamburg, New York, whose cousin, Victoria Kalbarczyk, was murdered in Baltimore, Maryland

Phyllis D'Anna of San Carlos, California, whose father was murdered in East Palo Alto, California

Flozell Daniels, Jr of New Orleans, Louisiana, whose son, Nnamdi Richard Louis, was murdered in New Orleans, Louisiana

Lisa D. Daniels of Chicago, Illinois, whose son, Darren B. Easterling, was murdered in Park Forest, Illinois

Susan K. DeBree of Helena, Montana, whose daughter, Gretchen, was murdered in Great Falls, Montana

William Lowrance Denham of Portland, Oregon, whose stepson, Matthew Solomon, was murdered in San Francisco, California

Celeste Dixon of Larned, Kansas, whose mother, Marguerite Dixon, was murdered in Hockley, Texas

Devonte Douglass of Philadelphia, Pennsylvania, whose chosen family member, Terrell McNeal, was murdered in Philadelphia, Pennsylvania

Carol Dreiling of Alexander, North Carolina, whose parents, Joan and Fred Dreiling, were murdered in Blacksburg, Virginia

Barbara B. Dunn of Fort Collins, Colorado, whose brother, John Kent Breckenridge, was murdered in International waters in the Carribean

Patricia Sommers Earnhardt of Nashville, Tennessee, whose grandfather and aunt, Fred Sommers Sr. and Elaine Brooks, were murdered in Houston and Austin, Texas, respectively

Catherine Ednie of Hancock, Maine, whose brother, David Froehlich, was murdered in Georgetown, Connecticut

Joyce Ehlenfeldt of La Crosse, Wisconsin, whose mother and father, Lynn Wiese Ehlenfeldt and Richard Ehlenfeldt, were murdered in Palatine, Illinois

Lakeesha Eure of Newark, New Jersey, whose brother, Kevin Frazier, was murdered in Newark, New Jersey

Sharletta Evans of Aurora, Colorado, whose son, Casson "Biscuit" Xavier Evans, was murdered in Denver, Colorado

Linda P. Falcon of Seattle, Washington, whose grandfather was murdered in Keithville, Louisiana

Celeste Fitzgerald of Clearwater, Florida, whose cousin, Ann, was murdered in New York City

Kelly Fitzgerald of Clearwater, Florida, whose cousin, Ann, was murdered in New York City

Dennis Fleming of Creve Coeur, Missouri, whose sister, Mary Fleming, was murdered in St. Charles, Missouri

Stanford O'Neill Franklin of Fort Myers, Florida, whose chosen family member, Edward Toatley, was murdered in Washington, DC

Rev. Marcia Free of Knoxville, Tennessee, whose mother, Eleanor Free, was murdered in Erie, Pennsylvania

Kristin Froehlich of Wilmington, Delaware, whose brother, David Froehlich, was murdered in Georgetown, Connecticut

Susanne Fusso of Middletown, Connecticut, whose mother was murdered in Kansas City, Missouri

Jenni Gerhauser of Nixa, Missouri, whose cousin, Sarah Bonnie, was murdered in New Bloomfield, Missouri

Rae Giesing of Groton, Connecticut, whose son, Gregory Giesing, was murdered in Groton, Connecticut

Diane Gillespie of Brier, Washington, whose cousin, John Kent Breckenridge, was murdered in International waters in the Caribbean

Paulette Williams Givens of Aurora, Colorado, whose son, Dejon Andre L Williams, was murdered in Aurora, Colorado

Coretta Good of Mauldin, South Carolina, whose cousin, Colus Turner, was murdered in Boston, Massachusetts

Lisa Good of Albany, New York, whose cousin, John Joseph Harrington was murdered in Shreveport, Louisiana

Shahmet Gordon of Brooklyn, New York, whose cousin, Robert, was murdered in Staten Island, New York

Clemmie Greenlee of Nashville, Tennessee, whose son, Rodriquez D. Greenlee, was murdered in Nashville, Tennessee

Margaret Hawthorn of Rindge, New Hampshire, whose daughter, Molly MacDougall, was murdered in Henniker, New Hampshire

Mary K. Head of Lawrence, Kansas, whose sister, Patricia Erikson, was murdered in Norwood, Colorado

Christine Henderson of Saint Johns, Florida, whose uncle, Raphael Edmond, was murdered in Port au Prince, Haiti

Eddie E Hicks, Sr of Portsmouth, Virginia, whose daughter, Jamila Hicks, was murdered in High Point, North Carolina

Kilsy I. Hidalgo of Montville, New Jersey, whose sister, Ramona Elizabeth Rodriguez, was murdered in Manhattan, New York

Timothy Holton of Shelbyville, Tennessee, whose cousins, Stephen, Eric, Brent, and Kayla Holton, were murdered in Shelbyville, Tennessee

Giovanna Hurley of Falmouth, Maine, whose father, Robert Reynolds Cushing, Sr, was murdered in Hampton, New Hampshire

Sunny Jacobs of New York, New York, whose husband, Jesse Tafero, was murdered in Florida

Marietta Jaeger of Punta Gorda, Florida, whose daughter, Susie Jaeger, was murdered in Three Forks, Montana

Bobbi Rollins Johnson of Rockville, Virginia, whose father, David H. Rollins Sr., was murdered in Rockville, Virginia

Dr. Dorothy Johnson-Speight of Philadelphia, Pennsylvania, whose son, Khaaliq Jabbar Johnson, was murdered in Philadelphia, Pennsylvania

Miriam Thimm Kelle of Beatrice, Nebraska, whose brother, James Thimm, was murdered in Rulo, Nebraska

Charles Keith of Canton, Ohio, whose brother, Durad Keith, was murdered in Canton, Ohio

Judy Kerr of Albany, California, whose brother, Robert James Kerr, was murdered in Seattle, Washington

Sunny Khadjavi of Shelton, Connecticut, whose father, John Finseth, was murdered in Brooklyn, New York

Bess Klassen-Landis of Windsor, Vermont, whose mother, Helen Klassen, was murdered in Elkhart, Indiana

Anna Lee of Knoxville, Tennessee, whose great uncle was murdered in North Carolina

Victoria Levine of New Haven, Connecticut, whose son, Tyler R. Coward, was murdered in New Haven, Connecticut

Frances Kuizenga Liefert of Loveland, Colorado, whose father, Henry Kuizenga, was murdered in Oceanside, California

Bill Lucero of Topeka, Kansas, whose father, Rubel Lucero, was murdered in Santa Fe, New Mexico

Valerie Lucznikowska of Warwick, New York, whose nephew, Adam Arias, was murdered in New York City at the World Trade Center

Tialisha Lumpkin of Louisville, Kentucky, whose cousin, Nakhia Williams, was murdered in Louisville, Kentucky

Anne Lyczak of Portsmouth, New Hampshire, whose husband, Richard Lyczak, was murdered in Portsmouth, New Hampshire

Sadie MacDougall of Acworth, New Hampshire, whose sister, Molly MacDougall, was murdered in Henniker, New Hampshire

Jonathan Mann of Columbus, Ohio, whose father, John W. Mann, was murdered in Parma Heights, Ohio

Louise Marchena of Bronx, New York, whose uncle, German Enrique Bodden, was murdered in New York, New York

Maria of St Louis, Missouri, whose son and brother were murdered in St. Louis, Missouri

Christal Martin of Green River, Wyoming, whose mother and husband, Stella Martin and Wesley Brooks, were murdered in Green River, Wyoming and Bowie, Texas, respectively

Teresa Mathis of Seattle, Washington, whose brother, Charlie Mathis, was murdered in Tacoma, Washington

Elvira Maxwell of Columbia, Missouri, whose sons, Charlie and Darron Sneed, were murdered in Denver, Colorado

Charles William Maynard of Knoxville, Tennessee, whose uncle, Charles P. Almon III, was murdered in Cocke County, Tennessee

Rebecca O'Neil McBrayer of Portland, Oregon, whose cousin, mom, and step-dad, Ruth O'Neil, Timmie O'Neil, and Craig Stumpf, were murdered in Oregon

Pat McCoy of Charlotte, North Carolina, whose sister, Kathy Lu McCoy, was murdered in Spokane, Washington

Margarita McLarty of Livingston, Montana, whose grandmother, Rosalind Goodrich Bates, was murdered in Los Angeles, California

Deldelp Medina of San Francisco, California, whose aunt, Magali Medina, was murdered in Miami

Philip Melendez of Sacramento, California, whose stepbrother, Ernie Gabaldon, was murdered in Sacramento, California

Elizabeth Miller of Port Jervis, New York, whose father, Firefighter Douglas C. Miller, was murdered at the World Trade Center in New York, New York

Tricia Ross Moore of Omaha, Nebraska, whose son, Jer'ray W Moore, was murdered in Omaha, Nebraska

Rafiah Muhammad-McCormick of Murfreesboro, Tennessee, whose son, Rodney Armstrong, was murdered in Murfreesboro, Tennessee

Zayid Muhammad of East Orange, New Jersey, whose nephew, Sundiata Shakur, was murdered in Newark, New Jersey

Leila Murphy of New York, New York, whose father, Brian Joseph Murphy, was murdered in New York City

Ryan Nixon of Norfolk, Virginia, whose sister, Christy Anne Nixon, was murdered in Richmond, Virginia

Monique Normand of Reno, Nevada, whose uncle, Willie Normand, was murdered in Nevada

Daniel O. Otte of New Haven, Connecticut, whose uncle, Thomas Otte, was murdered in Hartford, Connecticut

Debra Bergsma Otte of Little Falls, New Jersey, whose brother-in-law, Thomas Otte, was murdered in Hartford, Connecticut

Elizabeth Otte of Brooklyn, New York, whose uncle, Thomas Otte, was murdered in Hartford, Connecticut

Michael Otte of Little Falls, New Jersey, whose brother, Thomas Otte, was murdered in Hartford, Connecticut

Timothy Otte of West Hartford, Connecticut, whose brother, Thomas Otte, was murdered in Hartford, Connecticut

Helen Pajama of Orange City, Florida, whose uncle, Harry Staples, was murdered in Maine

Madelon Jean Parks of Asheville, North Carolina, whose sister, Elizabeth "Betsy" Parks Rosenberg, was murdered in Raleigh, North Carolina

Linell Patterson of Rockingham, Virginia, whose father and stepmother, Terry and Lucy Smith, were murdered in Ephrata, Pennsylvania

Kathleen Pequeño of Brooklyn, New York, whose brother, Edward Pimental, was murdered in Wiesbaden, Germany

Laporcscha Peoples of Nashville, Tennessee, whose brother, Samuel Jamal Haggins, was murdered in Forrest City, Arkansas

Angell Pérez of Denver, Colorado, whose cousin, Anthony J. Montoya, was murdered in Thornton, Colorado

Nathaniel Phillipps, his father, James Phillipps, was murdered in Las Vegas, NV

Amy Plapp of Stratford, Connecticut, whose brother, Steven F. Plapp, was murdered in Carrollton, Texas

Leah G. Popp of Santa Fe, New Mexico, whose niece, Wendy Wagner, was murdered in Glorieta, New Mexico

Alice Randolph of Lakewood, Colorado, whose son, Loren Collins, was murdered in Aurora, Colorado

Tonjie Reese of Detroit, Michigan, whose uncle, Otto, was murdered in Detroit, Michigan

Diane Debbie Regala of Tacoma, Washington, whose brother-in-law, Antonio Regala, was murdered in Seattle, Washington
Gail VanderJagt Rice of Palos Heights, Illinois, whose brother, Bruce VanderJagt, was murdered in Denver, Colorado

Rev. Sharon Risher of Charlotte, North Carolina, whose mother, Ethel Lance, and cousins were murdered at Emanuel AME church in Charleston, South Carolina

Deborah J. Ross of Boulder Creek, California, whose mother, Jane Ross, was murdered in Lagunitas, California

Jean Ross of Princeton, New Jersey, whose chosen family member, Willie, was murdered in the South

Samantha of New Orleans, Louisiana, whose cousin, Robert, was murdered in Brooklyn, New York

Robert Schentrup of Seattle, Washington, whose sister, Carmen Schentrup, was murdered in Parkland, Florida

Vicki Schieber of Frederick, Maryland, whose daughter, Shannon Schieber, was murdered in Philadelphia, Pennsylvania

Tana M. Schiewer of Toledo, Ohio, whose great uncle was murdered in Brooklyn, New York

Sharon of Miami, Florida, whose chosen family member, Rev. Bill Bosler, was murdered in Opa-Locka, Florida

John Simmons of Sparta, North Carolina, whose son, Petty Officer Brian Eddie Colletti, was murdered in Wilmington, North Carolina

Lynda Simmons of Sparta, North Carolina, whose son, Petty Officer Brian Eddie Colletti, was murdered in Wilmington, North Carolina

Andre Xavier Smith of Raleigh, North Carolina, whose son, Daniel Dietmar Smith, was murdered in Raleigh, North Carolina

Megan E. Smith of Asheville, North Carolina, whose father and stepmother, Terry and Lucy Smith, were murdered in Ephrata, Pennsylvania

Fr. Mark Soehner, OFM of Cincinnati, Ohio, whose sister, Anne Soehner, was murdered in Dayton, Ohio

John Starbuck of Stone Mountain, Georgia, whose daughter and grandfather, Meleia Willis-Starbuck and Lester King, were murdered in California

James Edgar Staub Jr. of Nashville, Tennessee, whose mother, Patricia Eileen Andrews Staub, was murdered in Griffin, Georgia

Anne Stone of Worcester, Massachusetts, whose son, Ralph Upson Stone, was murdered in Washington, DC

David A. Stone of Ashburnham, Massachusetts, whose brother, Ralph Upson Stone, was murdered in Washington, DC

Cecilia Ramirez Suero of Suwanee, Georgia, whose nephew, Rasean Devon King, was murdered in Detroit, Michigan

The Rev. Dr. Jack Sullivan, Jr. of Canal Winchester, Ohio, whose sister, Jennifer Ann McCoy, was murdered in Cleveland, Ohio

Rachel Ann Sutphin of Christiansburg, Virginia, whose father, Corporal Deputy Eric Sutphin, was murdered in Blacksburg, Virginia

Sateria Tate-Alexander of Baton Rouge, Louisiana, whose God brother, Shewanna Brown, was murdered in Baton Rouge, Louisiana

David Taynor of Lancaster, Ohio, whose brother, Daniel Taynor, was murdered in Olive Hill, Kentucky

Davis W. Turner of Nashville, Tennessee, whose brother, Thomas A. Turner III, was murdered in Nashville, Tennessee

Emily Turner of New York, New York, whose uncle, Thomas A. Turner III, was murdered in Nashville, Tennessee

Reed Turner of New York, New York, whose uncle, Thomas A. Turner III, was murdered in Nashville, Tennessee

Mary Van Valkenburg of Hobart, New York, whose brother, John Bosco, was murdered in Big Fork, Montana

Cynthia K. Vaughn of Horn Lake, Mississippi, whose mother, Connie Johnson, was murdered in Memphis, Tennessee

Suzanne Verge of Santa Monica, California, whose brother, Peter Verge, was murdered in Santa Monica, California

Rev. Dr. Crystal D. Walker of Dayton, Ohio, whose son, Edward Michael Powers, was murdered in Dayton, Ohio

Bethany Webb of Huntington Beach, California, whose sister, Laura Webb, was murdered in Seal Beach, California

Adele Welty of New York, New York, whose son, Firefighter Timothy Welty, was murdered in New York City at the World Trade Center

Ami Lyn White of Houston, Texas, whose mother, Cathy Lyn O'Daniel, was murdered in Houston, Texas

George White of Manassas Park, Virginia, whose wife, Charlene White, was murdered in Enterprise, Alabama

Deborah Joan Wiese of Port Townsend, Washington, whose sister and brother-in-law, Lynn Wiese Ehlenfeldt and Richard Ehlenfeldt, were murdered in Palatine, Illinois

Amanda Wilcox of Golden, Colorado, whose daughter, Laura Wilcox, was murdered in Nevada City, California

Nick Wilcox of Golden, Colorado, whose daughter, Laura Wilcox, was murdered in Nevada City, California

Melora Wilkins Turner of Nashville, Tennessee, whose brother-in-law, Thomas A. Turner III, was murdered in Nashville, Tennessee

Robert Wilkins Wiley of Memphis, Tennessee, whose husband, Teon A Wiley, was murdered in Memphis, Tennessee

Dr. Dewey Williams of Durham, North Carolina, whose father, Granville Williams, was murdered in Denver, Colorado

Barak Wolff of Santa Fe, New Mexico, whose niece, Wendy Wagner, was murdered in Glorietta, New Mexico

David Works of Denver, Colorado, whose daughters, Stephanie & Rachel Works, were murdered in Colorado Springs, Colorado

Hannah Yoo of Rancho Mirage, California, whose father, Kenneth Yoo, was murdered in Seoul, Korea

Carolyn J. Zimmerman of Topeka, Kansas, whose father was murdered in Warrensburg, Missouri

November 27, 2024

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear President Biden:

We write to you – as Americans who cherish the sanctity and dignity of all human life – to ask that you grant clemency to the 40 men on federal death row before you leave office. We believe that life is the most precious and most fragile gift and therefore should be protected by our nation's leaders.

In calling ourselves “pro-life,” we are committed to a consistent ethic that affirms life begins at conception and ends in natural death. The death penalty, in both theory and in practice, directly contradicts this principle and forever ends the possibility of growth and redemption.

Human life, no matter the circumstances, is worthy of protection. There is no amount of judicial process that can overcome the truth that the death penalty is the purposeful taking of a human being's life.

As you complete your Presidency, you have an extraordinary opportunity to uphold the sacred nature of human life by commuting all federal death sentences. We urge you to do so, securing your legacy as a life-affirming leader.

Respectfully,

Miles Bedlan
President
Eagles for Life at UNT

Kathleen Boylan
Dorothy Day Catholic Worker

Harriet Bradley
Pastor

Aaron Davis
Pastor

Rachel Enders
Educator

Brett Farley
Executive Director
Catholic Conference of OK

Jason Froehlich
School Social Worker

Doran Gray
Pastor

Sam Heath
EJUSA Evangelical Network

Cherilyn Holloway
Founder

Elizabeth Jennings
Volunteer
Justice For All

John Kelly
Dorothy Day Catholic Worker

Elise Ketch
Pro-lifer

Hayden Laye
President
Pro-Life Greenville, SC

Demetrius Minor
Manager
Conservatives Concerned

Ronda Moreland
Catholic Pro-life Committee Dallas

Nan Tolson
Director
Texas Conservatives Concerned

Robert Treat
Retired

Jasmine Woodson
State Director
Tennessee Conservatives Concerned

WITNESS TO INNOCENCE

November 1, 2024

President Joseph R. Biden, Jr.
The White House 1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Biden:

We are 20 exonerated survivors of death row. Collectively, we spent more than 230 years wrongfully imprisoned before proving our innocence and being released from prison. We are living proof that the death penalty poses too much risk of executing an innocent person.

Before you leave office in January, we urge you to keep your campaign promise to end the death penalty at the federal level. We ask that you commute all federal death sentences.

The American public has become increasingly aware of the risks of executing the innocent. Since 1973, 200 people have been exonerated from death row with evidence of their innocence. Data from the Death Penalty Information Center shows that for every 8.3 people who have been put to death since executions resumed in the 1970s, one innocent person has been exonerated and released from death row.

The death penalty system's error rate is unacceptable. At least one in 25 people sentenced to death in the United States is innocent, according to a study published in the prestigious Proceedings of the National Academy of Sciences. Even worse, we know that innocent people have been executed. Earlier this year, Missouri executed Marcellus Williams despite evidence of his innocence compelling enough that the county prosecutor sought to vacate his conviction, and Texas is still fighting to execute Robert Roberson despite overwhelming evidence that his daughter's death was not a crime, let alone capital murder.

As is true in many aspects of American life, people of color are hit the hardest by mistakes and unfairness in the death penalty system. Black people who are convicted of murder are about 50 percent more likely to be innocent than others convicted of murder, according to the National Registry of Exonerations. Innocent African Americans also spend longer in prison before being exonerated. A 2014 study in California found that white jurors were more likely to sentence poor Latino defendants to death than poor white defendants.

The federal death penalty system is not immune from the errors that riddle state systems. As long as human beings are in charge, mistakes – tragic, irreversible, and entirely avoidable mistakes – will be made. We don't know for certain that there are innocent people on federal death row today, in part because procedural bars prevent review of some of these cases. But we do know that the circumstances

that increase the risk of wrongful convictions have been and still are present in federal death penalty cases, including cases where defense lawyers did poor work, prosecutors unconstitutionally withheld evidence, and Black men were convicted by all-white juries or in prosecutions that were otherwise infected with racial bias.

Some of us have been hours or days away from being executed for crimes we did not commit. Clearing the federal death row is the only way to ensure that the federal government doesn't kill people like us. Thank you for doing what is right and just.

Kwame Ajamu, Board Chair, Witness to Innocence

Exonerated in 2014, 39 years after being wrongfully convicted and sentenced to death in Ohio, and after 28 years wrongfully incarcerated.

Kirk Bloodsworth, Exonerated in 1985 after 2 years on death row, and a total of 9 years wrongfully incarcerated, in Maryland

Albert Burrell, Exonerated in 2001 after 13 years on death row in Louisiana

Gary Drinkard, Board Member, Witness to Innocence

Exonerated in 2001 after 6 years on death row in Alabama

Nathson Fields, Exonerated in 2009 after 11 years on death row, and a total of 20 years wrongfully incarcerated, in Illinois

Shujaa Graham, Peer Organizer, Witness to Innocence

Exonerated in 1981 after 3 years on death row, and a total of 5 years wrongfully incarcerated, in California

Paul House, Exonerated in 2009 after 22 years on death row, and a total of 23 years wrongfully incarcerated, in Tennessee

Derrick Jamison, Peer Specialist, Witness to Innocence

Exonerated in 2005 after 20 years on death row in Ohio

Lawyer Johnson, Exonerated in 1982 after 2 years on death row, and a total of 10 years wrongfully incarcerated, in Massachusetts

Ron Keine, Exonerated in 1976 after 2 years on death row in New Mexico

Ray Krone, Co-Founder and Board Member, Witness to Innocence

Exonerated in 2002 after 3 years on death row, and a total of 10 years wrongfully incarcerated, in Arizona

Herman Lindsey, Executive Director, Witness to Innocence

Exonerated in 2009 after 3 years on death row in Florida

Juan Melendez, Exonerated in 2002 after 18 years on death row in Florida

Debra Milke, Administrative Assistant, Witness to Innocence

Exonerated in 2015 after 22 years on death row, and a total of 25 years wrongfully incarcerated, in Arizona

Randal Padgett, Older Adult Peer Specialist, Witness to Innocence

Exonerated in 1997 after 3 years on death row, and a total of 5 years wrongfully incarcerated, in Alabama

Alfred Rivera, Exonerated in 1999 after 2 years on death row in Nebraska

Jeremy Sheets, Exonerated in 2001 after 5 years on death row in Nebraska

Sabrina Smith, Communications Assistant, Witness to Innocence

Exonerated in 1995 after 2 years 9 months on death row, and a total of 6 years 6 months wrongfully incarcerated, in Mississippi

Ron Wright, Exonerated in 2017 after 3 years on death row in Florida

Nancy Vollertsen signs on behalf of her brother, Greg Wilhoit, who passed away in 2014. He was exonerated in 1993 after 5 years on death row in Oklahoma.

INNOCENCE PROJECT

Executive Director
Christina Swarns

Co-Founders & Special Counsel
Barry C. Scheck, Esq.
Peter J. Neufeld, Esq.

November 25, 2024

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20050

Dear President Biden:

In 2019, as the Trump Administration began its unprecedented 13 person execution spree, you offered a powerful call to end capital punishment. Recognizing that over 180 individuals who were sentenced to death since 1973 had been exonerated, you stated, “Because we can’t ensure that we get these cases right every time, we must eliminate the death penalty.”¹ In the five years since you made that powerful statement, 20 additional individuals who were sentenced to death in this country were exonerated.² Others who were innocent, including our client, Marcellus Williams,³ were executed. Because we, at the Innocence Project, know from hard experience that the risk of executing the innocent is both intolerable and all too real, we write to urge you to commute the death sentence of every person on federal death row.

About the Innocence Project

The Innocence Project works to free the innocent, prevent wrongful convictions, and create fair, compassionate, and equitable systems of justice for all. Our work is guided by science and grounded in anti-racism. Since our inception in 1992, we have relied on DNA and other scientific advancements to help free or exonerate more than 250 people who, collectively, spent more than 3,600 years behind bars. Twenty-three of our freed or exonerated clients faced the death penalty.⁴

Sixty-three percent of our exoneration cases involved eyewitness misidentification (including, in some cases, as many as five erroneous identifications); more than half were driven by unreliable and invalidated forensic science; almost one-third relied on false confessions; and nineteen

¹ [@JoeBiden](#), X (July 25, 2019, 5:14 PM).

² [Innocence Database](#), Death Penalty Info. Ctr. (last visited Oct. 31, 2024).

³ See [Who is Marcellus Williams](#), Innocence Project (Aug. 15, 2023) (Missouri case where there was no reliable evidence proving that Williams committed the crime and the prosecutor had moved to vacate the conviction and death sentence).

⁴ [Explore the Numbers: Innocence Project’s Impact](#), Innocence Project (last visited July 24, 2024).

percent were driven by jailhouse informant testimony.⁵ These trends are consistent with exonerations across the country.⁶ Notably, 60% of wrongful convictions nationwide involve official misconduct.

For example, Ron Williamson was convicted of murder and condemned to death by an Oklahoma jury in 1988. The key evidence against him was seventeen hairs recovered from the crime scene. An expert in the now-debunked field of “hair microscopy” testified that the hairs “matched” Mr. Williamson’s. Mr. Williamson came within five days of execution but he was exonerated after the Innocence Project used DNA testing to establish that *none* of the hairs belonged to Mr. Williamson.⁷

Because these leading causes of wrongful conviction remain pervasive in our state and federal criminal and capital punishment systems, the Innocence Project works alongside policymakers, supporters, and partner organizations and has spearheaded the passage of more than 200 transformative state laws and federal reforms. Still, the risk of executing an innocent person remains.

There is little doubt that the factors driving wrongful convictions in the state system are also at play in the federal death penalty system. While there have been no documented federal capital exonerations to date, the same risks are clearly visible. Take, for instance, reliance on “junk science.” The case of Daniel Lee, the first individual executed under the Trump administration, exemplifies this. His conviction and death sentence rested in part on a single hair found in a cap worn by one of the perpetrators. The government told the jury that the hair matched Mr. Lee’s but post-conviction DNA testing established that it was *not* Mr. Lee’s hair.⁸ The federal court vacated neither his conviction nor his death sentence when they learned of this new evidence.⁹

Mr. Lee’s case is not an anomaly. Dustin Higgs’s conviction and death sentence also rested on “junk science”—specifically, comparative bullet analysis,¹⁰ a forensic technique that the FBI publicly

⁵ [Eyewitness Misidentification](#), Innocence Project (last visited Oct. 30, 2024); [Misapplication of Forensic Science](#), Innocence Project (last visited Oct. 30, 2024); [Informing Injustice: The Disturbing Use of Jailhouse Informants](#), Innocence Project (last visited Oct. 30, 2024).

⁶ [% Exonerations by Contributing Factor](#), Nat’l Registry of Exonerations (last visited Nov. 24, 2024).

⁷ [Ron Williamson](#), PBS Frontline (last visited Oct. 30, 2024); [Ron Williamson](#), Innocence Project (last visited Oct. 30, 2024).

⁸ Movant’s Supplemental Memorandum, *United States v. Lee*, No. 4:97-CR-00243-(02) (E.D. Ark. July 18, 2007), ECF No. 1139.

⁹ *United States v. Lee*, 2008 WL 4079315 (E.D. Ark. Aug. 28, 2008). Lee’s death sentence was also tainted by false evidence. *Lee v. Warden*, No. 2:19-cv-00468, 2019 WL 6608724, at *6–9 (S.D. Ind. Dec. 5, 2019) (requiring hearing and stay of execution where prosecution claimed a teenaged Lee was responsible for a murder and “got away with it” with a plea bargain, but neither was true), *stay of execution vacated*, 2019 WL 6718924 (7th Cir. Dec. 6, 2019).

¹⁰ *Higgs v. United States*, 711 F. Supp. 2d 479 (D. Md. 2010).

renounced and ceased using in 2005.¹¹ He was the 13th and final person rushed to execution by the Trump Administration in 2021, just days before your inauguration as President.

The Federal Capital System Risks Executing the Innocent

The pathway to post-conviction exoneration is limited and difficult to navigate for innocent people convicted of crimes at both the state and federal level. The Innocence Project's exonerations – which arise, predominantly, from state court convictions across the country – overwhelmingly occur decades after conviction and after the appellate process has been completed. This is because some of the leading causes of wrongful conviction are, by their nature, unlikely to be uncovered quickly or easily — for instance, official misconduct and perjured testimony are intentionally obscured and advances in science emerge years or even decades after a conviction. Just this year, we helped to overturn the conviction of Sandra Hemme in Missouri, who pleaded guilty 43 years ago to a murder she did not commit.¹² Last year, we secured the exonerations of Leonard Mack 47 years after his 1976 wrongful rape conviction in New York¹³ and Perry Lott 35 years after his 1988 conviction for rape, burglary, and other charges in Oklahoma.¹⁴

To date there have been 143 federal exonerations since 1989.¹⁵ That there has not been a documented exoneration of a federal death row prisoner is not surprising. For federal death row prisoners, pathways to post-conviction relief are not only limited, they can also be dangerously truncated. While state prisoners are afforded post-conviction review first through the state courts and then through the federal courts, federal prisoners have a single opportunity in federal court. Furthermore, exonerations occur almost exclusively during the post-conviction process where discovery and other factfinding tools become available. When access to these tools or the ability to present evidence in court is denied, the likelihood of establishing a wrongful conviction sharply diminishes.¹⁶

The federal system also makes little to no allowance for scientific advancements that occur after the post-conviction process or even discoveries of long-suppressed evidence central to a conviction or sentence. Where some states have enacted “newly discovered” post-conviction

¹¹ [FBI Laboratory Announces Discontinuation of Bullet Lead Examinations](#), FBI Nat'l Press Off. (Sept. 1, 2005).

¹² [Missouri Circuit Court Overturns Sandra Hemme's Murder Conviction After 43 Years](#), Innocence Project (June 17, 2024).

¹³ [Hit in DNA Database Proves Leonard Mack's Innocence After 47 Years of Wrongful Conviction](#), Innocence Project (Sept. 5, 2023).

¹⁴ [Perry Lott](#), Nat'l Registry of Exonerations (last visited Oct. 30, 2024).

¹⁵ [Exonerations in the United States Map](#) (sorted by "Federal"), Nat'l Registry of Exonerations (last visited Nov. 19, 2024).

¹⁶ Many federal prisoners never get an evidentiary hearing in their one chance at post-conviction review. This has implications for the reliability of both their convictions and sentences. *See, e.g., Jackson v. United States*, 638 F. Supp. 2d 514 (W.D. N.C. 2009) (federal death row prisoner denied expert funding, discovery, an evidentiary hearing and any appeal in case asserting that key sentencing evidence about stun-gun use against victim was junk science).

statutory schemes that accommodate claims based on developments in forensic science,¹⁷ federal law has no analog. If occurring “too late,” the federal courthouse doors will remain closed to claims based on new scientific evidence or changes in the law that undermine a conviction or a death sentence.¹⁸ The Supreme Court recently interpreted the federal “savings clause” to shut the door on nearly all such claims.¹⁹ As Justice Jackson observed: “Apparently, legally innocent or not, [an individual] must just carry on in prison regardless, since . . . no path exists for him to ask a federal judge to consider his innocence assertion.”²⁰

Because they are subject to less scrutiny of their cases, people convicted of crimes in federal court face a higher risk of wrongful conviction. That translates to a higher risk of being executed by the government for a crime they did not commit.

The Pernicious Role of the Death Penalty in Pressuring the Innocent to Plead Guilty

State and federal prosecutors often use the threat of the death penalty in plea bargaining: pressuring people charged with crimes to plead guilty in order to avoid the prospect of an execution. They also leverage the threat of the death penalty to secure the testimony of alleged co-conspirators.²¹ Since 1989, 872 innocent people pled guilty to a crime for which they were later exonerated, and 20 of these people had federal convictions.²² Our cases demonstrate that such conduct also compels innocent people to falsely confess to crimes they did not commit and/or to

¹⁷ See, e.g., Tex. Code Crim. Proc. Ann. art. 11.073.

¹⁸ Norris Holder, a federal death row prisoner who completed § 2255 proceedings, the federal post-conviction process, has sought to test the ballistics evidence in his case now for over a decade. At trial, Mr. Holder admitted his involvement in the bank robbery, but denied he ever fired his weapon in the bank or intended that anyone be shot much less killed. In contrast, the Government’s ballistics expert—despite “inconclusive” findings—testified that certain shots fired at the victim could be attributed to Mr. Holder. His trial counsel never retained a ballistics expert to independently examine the ballistics evidence. *Holder v. United States*, No. 4:03CV00923, 2008 WL 2909648, at *5–6, *36–37 (E.D. Mo. July 22, 2008). Attempting to prove that their client did not fire, current counsel sought to examine and test the ballistics evidence in his case. The district court ruled that it lacked jurisdiction to consider the request, deeming it a “successive” motion—i.e., one filed after Mr. Holder’s § 2255 proceedings had been completed. *Holder v. United States*, 2016 WL 10706271 (E.D. Mo. May 19, 2016). In 2024, he provided an expert report that cast doubt on the Government’s ballistics testimony as not being supported by the examiner’s own data or by accepted scientific standards, but the Government has continued to refuse Mr. Holder’s requests to conduct independent testing of the evidence. He thus remains unable to establish whether his death sentence is predicated on junk science.

¹⁹ See *Jones v. Hendrix*, 599 U.S. 465 (2023) (rejecting ability of federal applicant who had completed post-conviction proceedings to rely on 28 U.S.C. § 2241 to establish innocence).

²⁰ *Id.* at 495 (Jackson, J., dissenting) (“[T]he majority generally claims that the saving clause only authorizes the filing of a habeas petition if filing a §2255 motion would be ‘impossible or impracticable.’ . . . say, if the courthouse . . . has burned to the ground or been carried away by a mudslide.”).

²¹ Susan Ehrhard, *Plea Bargaining and the Death Penalty: An Exploratory Study*, 29 Just. Sys. J. 313, 314 (2008); see also Ilyana Kuziemko, *Does the Threat of the Death Penalty Affect Plea Bargaining in Murder Cases? Evidence From New York’s 1995 Reinstatement of Capital Punishment*, 8 Am. L. & Econ. Rev. 116 (2006); Sherod Thaxton, *Leveraging Death*, 103 J. Crim. L. & Criminology 475 (2013).

²² [Exonerations in the United States Map \(sorted by "Guilty Plea" and "Federal"\)](#), Nat’l Registry of Exonerations (last visited Nov. 19, 2024).

falsely implicate others. Earlier this month, a southern Illinois court vacated the conviction of Danny Davis based on new DNA evidence after he spent 32 years in prison. Mr. Davis pleaded guilty to avoid a death sentence and stated, at the time of his plea, “I just want to live.”²³ Additionally, when Christopher Ochoa was 22 years old, he falsely implicated himself and a friend in a rape/murder and agreed to plead guilty in exchange for a life sentence after he was threatened with lethal injection. It took 12 years for Mr. Ochoa to be exonerated.²⁴

Innocent people who plead guilty face significant hurdles to achieving an exoneration. They relinquish their right to appeal and the chance of an acquittal. They forgo the fact-finding process inherent at trial which dims the chances that their wrongful conviction will later be uncovered. Avoiding the death penalty is a “substantial incentive” to make this otherwise impossible decision—regardless of their actual innocence or guilt. In this way, the credible threat of federal execution contributes to wrongful convictions of individuals not only on death row but also elsewhere in the U.S. criminal legal system.

The Role of Racial Bias in Wrongful Conviction

The imperfections of the criminal legal system are most pronounced in cases involving people of color who face overwhelmingly worse outcomes than similarly-situated white people. The wrongful conviction data is stark:

- Black people are seven times more likely than white people to be falsely convicted of serious crimes.
- Even accounting for crime rates, Black people convicted of murder are almost 80% more likely to be innocent than other people convicted of murder.
- The exonerations of innocent Black people convicted of murder were almost 50% more likely to include misconduct by police officers than the exonerations of white people convicted of murder.²⁵

The racial disparities reflected in the federal death penalty system are similar. As of June 3, 2024, 49% of the 541 people whose cases the government authorized for federal capital prosecution since 1988 were Black; 73% were people of color.²⁶ Over half of the prisoners currently on federal

²³ [Police Coerced a False Confession from 20-Year-Old Danny Davis – 32 Years Later. His Murder Conviction is Finally Vacated. Innocence Project](#) (Nov. 14, 2024).

²⁴ [Christopher Ochoa](#), Innocence Project (last visited Oct. 30, 2024).

²⁵ [Exonerations by Race/Ethnicity and Crime](#), Nat’l Registry of Exonerations (last visited Oct. 31, 2024); Samuel R. Gross et al., [Race and Wrongful Convictions in the United States](#), Nat’l Registry of Exonerations, 4 (2022).

²⁶ [Decl. of Matthew Rubenstein Regarding the Geographic Location of Federal Cases, the Frequency of Authorizations, Death Sentences and Executions, and the Race and Gender of Defendants and Victims](#) (hereinafter Rubenstein Declaration), Fed. Death Penalty Res. Counsel ¶ 8 (June 3, 2024).

death row are people of color. Black men alone account for nearly 40% of the row, even though they comprise far less than 10% of this country's population.²⁷

Furthermore, 26% of those who were exonerated from death rows across the country were wrongfully convicted of killing a white person even though only 13% of murders by Black people involve white victims.²⁸ And 60% percent of prisoners currently on federal death row were sentenced to death for the murder of a white person,²⁹ even though white people comprise 50% of homicide victims.³⁰

And it is not just racial disproportionality. All the key issues leading to wrongful conviction are exacerbated when the accused is a person of color. Eyewitness identification is considerably less reliable when the witness seeks to identify someone of a different race.³¹ Indeed, research indicates that this bias is strongest when white witnesses attempt to identify Black subjects, and weaker in the inverse.³² People of color are also the subject of biased policing which can lead to wrongful convictions, even in capital cases.³³

For example, Walter McMillian was exonerated in 1993 after spending six years on Alabama's death row. Mr. McMillian, a Black man who was condemned to death for the murder of a young white woman, recalled the Sheriff telling him: "I don't give a damn what you say or what you do. I don't give a damn what your people say either. I'm going to put twelve people on a jury who are going to find your goddamn black ass guilty."³⁴ The dozens of Black men and women who could attest to his whereabouts at the time of the murder were disregarded.³⁵

²⁷ [See *Race for the Population 18 Years and Over, 2020*](#), U.S. Census Bureau (last visited Jan. 11, 2024); [Race, 2020](#), U.S. Census Bureau, (last visited Jan. 11, 2024). Only those 18 years old and over are punishable by death. And while both adult men and women are equally eligible for the death penalty, in practice, men overwhelmingly populate our nation's death rows: Federal death row is currently all male.

²⁸ Gross et al., *supra*, at 3.

²⁹ Rubenstein Decl. Ex. A. (sorted by status "Death Sentence" and race of victim "white").

³⁰ See, [United States Dep't of Justice, Federal Bureau of Investigation \(2019\), *Crime in the United States*](#).

³¹ Christian A. Meissner & John C. Brigham, *Thirty Years of Investigating Own-Race Bias in Memory for Faces: A Meta-Analytic Review*, 7 Psych. Pub. Pol'y & L. 3, 15 (2001).

³² John P. Rutledge, *They All Look Alike: The Inaccuracy of Cross-Racial Identifications*, 28 Am. J. Crim. L. 207, 211 (2001).

³³ Gross et al., *supra*, at 16.

³⁴ Colman McCarthy, [A Matter of Death and Life](#), Wash. Post (Oct. 9, 1995).

³⁵ [Walter McMillan](#), Equal Just. Initiative (last visited Oct. 30, 2024). Anthony Ray Hinton, who spent 30 years on death row for a crime he did not commit, was exonerated after bullets that purportedly came from his gun were properly tested. [Anthony Ray Hinton](#), Equal Just. Initiative (last visited Oct. 31, 2024). He describes the role race played in his arrest, trial, and sentencing in his memoir, *The Sun Does Shine*.

No action has been taken to address the racial inequities in the capital federal system or to provide redress to those individuals so harmed by them.

Conclusion

Mr. President, the execution of an innocent person is a morally and constitutionally intolerable event. But scores of innocent people have been wrongly convicted of murder and sentenced to death and the factors that drive such wrongful convictions persist within the federal death penalty system. Under these circumstances, we urge you to commute the sentences of the 40 men currently on federal death row. It is the one act in your power that guarantees that this country will not kill an innocent person.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Christina Swarns', with a stylized, cursive script.

Christina Swarns
Executive Director



November 25, 2024

President Joseph Biden
The White House
1600 Pennsylvania Ave N.W.
Washington, D.C.

Re: Prosecutors and Law Enforcement Leaders in Support of Clemency for Federal Death Row

Dear President Biden:

We are a group of 38 current and former District Attorneys,¹ Attorneys General, and law enforcement leaders, and former United States Attorneys, Department of Justice officials, and judges writing to urge you to fulfill your commitment to justice and use your power to immediately clear the federal death row. We call on you to commute the sentences of every person currently sentenced to death in the federal system.

In the waning days of the first Trump Administration, the federal government executed thirteen people in rapid succession. These executions were an assault on human dignity and an affront to the American values that you represent. This killing spree laid bare the unacceptable injustices embedded in our nation's use of the death penalty: we watched as our government killed people with severe intellectual disabilities, people who had worked for decades to take responsibility for their crime and rehabilitate themselves, and a disabled woman who suffered an unspeakable history of abuse and trauma. These tragedies demand bold and definitive action. They also demand a return to the fundamental values of human decency in this nation.

We applaud your stance against the death penalty and believe that this is a critical moment in our nation for action and justice. We need clear and lasting steps that will ensure that the next administration will not execute the people currently facing death sentences in the federal system. The Trump Administration's prior rush to execute federal prisoners during a global pandemic demonstrated that a regard for justice, due process, and the rule of law did not guide or dictate their actions. Their abandonment of these hallmarks of American jurisprudence—and stated interest in doing so again—requires a full commutation of all federal death sentences. In this moment, we ask you to lead by example and choose justice, mercy, and compassion for our nation.

Make no mistake: the crimes for which the people on federal death row were sentenced to death are horrific and heartbreaking, and our hearts go out to the victims and their families. However, unlike what we might want to believe, we know that we have not always executed the worst of the worst, but often instead put to death the unluckiest of the unlucky—the impoverished, the poorly represented, and the most broken. Time and again, we have executed people with long histories of debilitating mental illness, childhoods marred by unspeakable physical and mental abuse, and intellectual disabilities that have

¹ This term is used generally to refer to any chief local elected prosecutor, including State's Attorneys, County Attorneys, and Prosecuting Attorneys.

prevented them from leading independent adult lives. We have also likely executed the innocent.² Many have tried to make America's death penalty system more just. But the way that the death penalty has been carried out in our country raises serious concerns that it has not been applied consistent with our constitutional ban against cruel and unusual punishment and the guarantees of due process and equal protection under the law.³ The death penalty's immense flaws were particularly apparent in the Trump Administration's rush to execute thirteen people in the last six months of his presidency.⁴

Race has also always played a deeply disturbing and unacceptable role in the application of the death penalty. Studies have documented that defendants of color are disproportionately likely to be sentenced to die—this is particularly and uniquely true when the victim is white. The pernicious and racially disparate legacy of the death penalty is incontrovertible: people of color have accounted for a disproportionate 44% of executions in the United States since 1976, and 57% of defendants currently awaiting execution are people of color.⁵ Moreover, there are stark disparities in executions relative to the race of the victim: since 1976, a total of 21 white defendants were executed for crimes perpetrated against a Black victim; in contrast, in that same time period, 304 Black defendants were executed for crimes perpetrated against a white victim.⁶ Strikingly, while over 75% of all death penalty cases involve white victims,⁷ less than one-half of all murder victims are white.⁸ This research underscores the systemic racism evident throughout our justice system.

Condemning people to death by the state does not advance public safety. The death penalty fails as an effective deterrent and does not reduce crime.⁹ As an outdated, error-riddled, and racially-biased practice, its continued use—and the potential for its abuse—erodes public trust in the criminal legal system and undermines the legitimacy of the entire criminal legal system. This erosion of trust and faith in the legitimacy of the criminal legal system threatens to reduce public cooperation with the criminal legal system and, consequently, jeopardizes public safety.

Our nation's use of the death penalty separates us from many other democratic nations. Germany abandoned the death penalty after the Holocaust and enshrined protecting human dignity as a core value of its justice system. Italy abolished the death penalty to reckon with the horrors of fascism in the 1930s and 40s. Abolition of the death penalty was part of how these nations said “never again” to atrocity and oppression—and it is time for our nation to revisit its place in this history.

² Death Penalty Information Center, *Executed But Possibly Innocent*, <https://deathpenaltyinfo.org/policy-issues/innocence/executed-but-possibly-innocent>; Andrew Cohen, *Yes, America, We Have Executed an Innocent Man*, *The Atlantic* (May 14, 2012), <https://www.theatlantic.com/national/archive/2012/05/yes-america-we-have-executed-an-innocent-man/257106/>.

³ ACLU, *The Case Against the Death Penalty*, <https://www.aclu.org/other/case-against-death-penalty>.

⁴ Michael Tarm, *Fuller Picture Emerges of the 13 Federal Executions at the End of Trump's Presidency*, AP (Oct. 3, 2023) <https://apnews.com/article/trump-executions-biden-death-penalty-brandon-bernard-c1b26807c5c40b337d14485c3d6df2de>.

⁵ As of January 1, 2024; Legal Defense Fund, *Death Row U.S.A. 1* (Winter 2024), <https://www.naacpldf.org/wp-content/uploads/DRUSAWinter202490.pdf>.

⁶ *Id.*

⁷ *Id.*

⁸ See, e.g., Statista, *Number of Murder Victims in the United States in 2023, by Race* (2024), <https://www.statista.com/statistics/251877/murder-victims-in-the-us-by-race-ethnicity-and-gender/#:~:text=Published%20by%20Statista%20Research%20Department,586%20victims%20of%20another%20race>.

⁹ Michael Radelet & Traci Lacock, *Do Executions Lower Homicide Rates: The Views of Leading Criminologists* (2009), <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7323&context=jclc>; Death Penalty Information Center, *Studies on Deterrence, Debunked* (2012), <https://deathpenaltyinfo.org/policy-issues/deterrence/discussion-of-recent-deterrence-studies>.

For all these reasons, we urge you to commute the sentences of everyone on federal death row. President Biden can set an example for justice-system leaders in difficult times by showing mercy and a respect for both human dignity and the rule of law. Granting clemency informed by conscience and a respect for human dignity advances public trust in the legal system and demonstrates to the American people that the rule of law informed by compassion is the heart of true justice.

Respectfully,

Roy L. Austin, Jr.

Former Deputy Assistant Attorney General, Civil Rights Division, U.S. Department of Justice
Former Deputy Assistant to President Obama for the Office of Urban Affairs, Justice, and Opportunity
(White House Domestic Policy Council)

Donald Ayer

Former Deputy Attorney General, U.S. Department of Justice
Former United States Attorney, Eastern District of California

Wesley Bell

Prosecuting Attorney, St. Louis County, Missouri

Buta Biberaj

Former Commonwealth's Attorney, Loudoun County, Virginia

Chesa Boudin

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John Choi

County Attorney, Ramsey County (St. Paul), Minnesota

Dave Clegg

Former District Attorney, Ulster County, New York

Laura Conover

County Attorney, Pima County (Tucson), Arizona

Brendan Cox

Former Chief, Albany Police Department, New York

Parisa Dehghani-Tafti

Commonwealth's Attorney, Arlington County and the City of Falls Church, Virginia

Matt Ellis

District Attorney, Wasco County, Oregon

Ramin Fatehi

Commonwealth's Attorney, City of Norfolk, Virginia

Stan Garnett

Former District Attorney, Twentieth Judicial District (Boulder), Colorado

Nancy Gertner

Former Senior Judge, U.S. District Court for the District of Massachusetts

George Gascón

District Attorney, Los Angeles County, California

Deborah Gonzalez

District Attorney, Western Judicial Circuit (Athens), Georgia

Andrea Harrington

Former District Attorney, Berkshire County, Massachusetts

James Hingeley

Commonwealth's Attorney, Albemarle County, Virginia

Elizabeth K. Humphries

Commonwealth's Attorney, Fredricksburg, Virginia

Natasha C. Irving

District Attorney, Sixth Prosecutorial District, Maine

Kathy Jennings

Attorney General, Delaware

Justin F. Kollar

Former Prosecuting Attorney, County of Kaua'i, Hawaii

Timothy K. Lewis

Former Judge, U.S. Court of Appeals for the Third Circuit; U.S. District Court for the Western District of Pennsylvania

Anne E. Lopez

Attorney General, Hawaii

Beth McCann

District Attorney, Second Judicial District (Denver), Colorado

Mary Moriarty

County Attorney, Hennepin County (Minneapolis), Minnesota

Bryan Porter

Commonwealth's Attorney, City of Alexandria, Virginia

Abdul D. Pridgen

Chief, San Leandro Police Department, California

Former Chief, Seaside Police Department, California

Mike Schmidt

District Attorney, Multnomah County (Portland), Oregon

Carol Siemon

Former Prosecuting Attorney, Ingham County (Lansing), Michigan

Carter Stewart

Former United States Attorney, Southern District of Ohio

Shannon Taylor

Commonwealth's Attorney, Henrico County, Virginia

James Tierney

Former Attorney General, Maine

Matthew Van Houten

District Attorney, Tompkins County, New York

Seth Waxman

Former Solicitor General of the United States, U.S. Department of Justice

December 11, 2024

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Biden:

We are former federal judges who are deeply committed to the rule of law.

While we may have different views on various issues related to the death penalty, we are united in our view that it is appropriate and important for you to commute all federal death sentences to life in prison without parole. Based on our experience and understanding, the administration of the federal death penalty has been rife with fundamental problems, including race discrimination in trial and sentencing, intellectual disability of defendants, and appallingly poor legal representation. Accordingly, federal executions should not proceed. We urge you to use your constitutional commutation power.

We greatly appreciate your attention to this issue.

Sincerely yours,

The Honorable Mark W. Bennett (Ret.)
U.S. District Court for the Northern District of Iowa
1994-2019 (Chief Judge, 2015-2019)
Magistrate Judge, U.S. District Court for the Southern District of Iowa
1991-1994

The Honorable Ruben Castillo (Ret.)
U.S. District Court for the Northern District of Illinois
1994-2019 (Chief Judge, 2013-2019)

The Honorable Robert J. Cindrich (Ret.)
U.S. District Court for the Western District of Pennsylvania
1994-2004

The Honorable Andre M. Davis (Ret.)
U.S. Court of Appeals for the Fourth Circuit
2009-2017
U.S. District Court for the District of Maryland
1995-2009

The Honorable Raymond J. Dearie
U.S. District Court for the Eastern District of New York
1986-2011 (Chief Judge, 2007-2011)

The Honorable Katharine B. Forrest (Ret.)
U.S. District Court for the Southern District of New York
2011-2018

The Honorable Royal Furgeson (Ret.)
U.S. District Court for the Western District of Texas
1994-2008
U.S. District Judge for the Northern District of Texas
2008-2013 (Senior Judge)

The Honorable Nancy Gertner (Ret.)
U.S. District Court for the District of Massachusetts
1994-2011

The Honorable James T. Giles (Ret.)
U.S. District Court for the Eastern District of Pennsylvania
1979-2008 (Chief Judge, 1999-2005)

The Honorable Thelton E. Henderson (Ret.)
U.S. District Court for the Northern District of California
1980-2017 (Chief Judge, 1990-1997)

The Honorable Richard J. Holwell (Ret.)
U.S. District Court for the Southern District of New York
2003-2012

The Honorable Barbara S. Jones (Ret.)
U.S. District Court for the Southern District of New York
1995-2013

The Honorable Timothy K. Lewis (Ret.)
U.S. Court of Appeals for the Third Circuit
1992-1999
U.S. District Court for the Western District of Pennsylvania
1991-1992

The Honorable Beverly B. Martin (Ret.)
U.S. Court of Appeals for the Eleventh Circuit
2010-2021
U.S. District Court for the Northern District of Georgia
2000-2010

The Honorable Stephen M. Orlofsky (Ret.)
U.S. District Court for the District of New Jersey
1995-2003
Magistrate Judge, U.S. District Court for the District of New Jersey
1976-1980

The Honorable Shira A. Scheindlin (Ret.)
U.S. District Court for the Southern District of New York
1994-2016
Magistrate Judge, U.S. District Court for the Eastern District of New York
1982-1986

The Honorable David S. Tatel (Ret.)
U.S. Court of Appeals for the District of Columbia Circuit
1994-2024

The Honorable John Daniel Tinder (Ret.)
U.S. Court of Appeals for the Seventh Circuit
2007-2015
U.S. District Court for the Southern District of Indiana
1987-2007

The Honorable Thomas Vanaskie (Ret.)
U.S. Court of Appeals for the Third Circuit
2010-2018
U.S. District Court for the Middle District of Pennsylvania
1994-2010 (Chief Judge, 1999-2006)

The Honorable Alexander Williams, Jr. (Ret.)
U.S. District Court for the District of Maryland
1994-2014

The Honorable Diane P. Wood (Ret.)
U.S. Court of Appeals for the Seventh Circuit
1995-2024 (Chief Judge, 2013-2020)



For people with intellectual
and developmental disabilities

The Arc
2000 Pennsylvania Ave NW, Suite 500
Washington, DC 20006

T 202 534-3700
F 202 534-3731
thearc.org

December 2, 2024

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear President Biden,

The Arc of the United States, founded in 1950, is the largest organization of and for people with intellectual and developmental disabilities in the country. Together with nearly 600 statewide and local chapters, The Arc promotes and protects the human and civil rights of people with intellectual and developmental disabilities, supporting their full inclusion and participation in the community throughout their lifetimes.

President Biden, we address you with urgency regarding the decision you must make about exercising your power to review the records of and grant sentence commutation to any individual on federal death row who has demonstrated a diagnosis of intellectual disability. Based on what we know about the federal death penalty as it affects people with intellectual disability, we urge you to show mercy and, consistent with the platform on which you ran for President, act to spare the lives of those with intellectual disability currently on federal death row.

The Arc has long advocated for capital defendants with intellectual disability. We were encouraged when the Supreme Court, in *Atkins v. Virginia*, recognized their vulnerability to wrongful conviction and excessive punishment and held that the Constitution prohibits executing people with intellectual disability. We were optimistic when, in subsequent decisions like *Hall v. Florida* and *Moore v. Texas*, the Court rejected reliance on arbitrary IQ cutoffs and stereotypes for diagnosis and when it held that determinations of intellectual disability must be made in accordance with the best medical science and well-established clinical standards.

However, we have seen first-hand that these safeguards often fail. In both state and federal courts, people with intellectual disability are repeatedly tried, convicted, sentenced to death, and – tragically – executed, notwithstanding the constitutional bar. In 2020 and 2021, The Arc was dismayed to see the federal government execute Corey Johnson and Alfred Bourgeois, who had both been diagnosed with intellectual disability by highly regarded experts in the field; men whose disabilities were entirely overlooked or inadequately investigated by their trial counsel.

December 2, 2024

Letter to President Biden from The Arc of the United States

These men's deaths – these executions by our federal government – were breaches of constitutional safeguards. And unless you act, President Biden, we are poised to see deaths like these again, because similar problems exist on federal death row today.

For example, Chadrick Fulks, who is currently on federal death row, has structural brain damage stemming from prenatal alcohol exposure and has suffered from significant cognitive and adaptive deficits since birth. At the time his initial § 2255 motion was filed, six mental health experts had concluded that Mr. Fulks had significant impairments, but that his IQ was just above the then-imposed cutoff score for a formal diagnosis of intellectual disability to be made under the diagnostic standards in place at that time. As a result of advancements in the fields of IQ testing and intellectual disability, diagnostic standards have since rejected hard IQ-score cutoffs in the diagnosis of intellectual disability. Additionally, current diagnostic standards now require that these scores be corrected for the inflation that occurs as IQ tests age. Under these current standards, Mr. Fulks's IQ score falls squarely within the range for intellectual disability, he meets all other criteria for the diagnosis, and multiple experts have diagnosed him as a person with intellectual disability. However, because the courts have refused to hear Mr. Fulks's intellectual disability claim on procedural grounds, he will be eligible for execution should executions resume even though he is a person with intellectual disability and his execution should be prohibited under *Atkins*.

Several other men currently under federal death sentence have been diagnosed with intellectual disability by developmental disability experts. Others have amassed strong evidence of cognitive deficits that point to such a diagnosis, but the posture of their case precludes review of their claim. Although the Supreme Court has rejected scientifically unreliable diagnostic standards, federal prosecutors nevertheless stand by findings that were based on such methods, as in the example above, and consistently oppose any court review on procedural grounds or rely on those same antiquated standards to rebut the claim. Even when judges would like to grant relief, or just a hearing, they find that their hands are tied and they cannot provide the relief the constitution requires.

At this time, then, there are men on federal death row with well-established diagnoses of intellectual disability and others with strong but unreviewed claims of intellectual disability. You would not subject any of these men to execution, but they will die if you do not act. It happened when Corey Johnson and Alfred Bourgeois were executed. Morally, ethically, and legally, we believe this calls for the mercy that is your executive prerogative.

We know that the men on federal death row caused terrible, irreparable harm. The Arc has deep sympathy for the victims of these crimes and for their families and friends. The Arc supports, without reservation, the appropriate prosecution and punishment of all responsible parties. The Arc does not seek to eliminate punishment of people with disabilities but, rather, to ensure that justice is served and the rights of all are protected, so that any punishment is consistent with the constitutional restrictions of the Eighth Amendment.

December 2, 2024

Letter to President Biden from The Arc of the United States

Because of our work and expertise in this area, we are aware that a person's disability is sometimes not discovered until a later stage of their case, and that it can be misunderstood or overlooked by the judges and juries who are making decisions about their lives – and sometimes even by their own lawyers. We are concerned that this creates a great risk that a capital defendant will not have their ID properly identified and acknowledged in time for the courts to intervene.

We write to express our concern with this risk, as well as our hope that whatever actions you choose to take regarding the federal death row are done with respect for the spirit of the *Atkins* decision.

President Biden, you can ensure that those with intellectual disability are removed from the risk of wrongful execution. This would be a significant step toward addressing the systemic flaws that have allowed the execution of people with intellectual disability, contrary to the Constitution and federal law. It would be a proud legacy for you and for the American people.

We are grateful for your consideration and for your service as our President.

Respectfully,

Katy Neas

Katy Neas
Chief Executive Officer
The Arc of the United States
2000 Pennsylvania Ave. NW
Suite 500
Washington, DC 20006



January 23, 2024

The Honorable Merrick Garland
Attorney General
U.S Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Garland,

On behalf of the National Alliance on Mental Illness (NAMI), I write to respectfully ask that you commute the death sentences of people with serious mental illness on federal death row. NAMI is the nation's largest grassroots mental health organization, representing people with mental health conditions and their families. Our alliance of over 650 organizations opposes the use of the death penalty against people with serious mental illness, and I hope that you take swift action to address our request.

Approximately half of all people on federal death row exhibit signs of serious mental illness. Many of these individuals have documented histories of extensive trauma and abuse, and each of their stories are riddled with the failures of our society towards people with serious mental illness. During his 2020 campaign, President Biden pledged to eliminate the federal death penalty, and, on several occasions, the Administration has stated a commitment to supporting people with mental illness. In President's 2021 Proclamation on Mental Health Awareness Month, he stated the administration's commitment to "ensuring that people living with mental health conditions are treated with compassion, respect, and understanding." We implore the administration to extend this commitment to the people with serious mental illness on federal death row.

Serious mental illness presents significant issues before, during, and after a criminal trial. Those living with mental illness are more likely to make false confessions under interrogation methods often used for capital crimes. Symptoms of mental illness can seriously reduce a defendant's ability to communicate with their attorneys or participate in their own defense. Defendants may also suffer from anosognosia, a condition in which an individual is unaware of their own mental health condition, which may result in their preventing their attorneys from raising mental illness as a defense.

Furthermore, many lawyers representing capital defendants are typically not trained in mental health, which can lead to challenges in appropriately defending their clients. This can lead to a misunderstanding of how mental health symptoms can impact perception and rationality. Defense attorneys for people with mental illness in capital cases often fail to seek the support and expertise of mental health professionals or may bring the wrong type of expert. In many cases, the impact of mental illness is not even raised during trial, let alone evaluated or appropriately considered.

Our nation's highest courts have also questioned the ethics of executing people with serious mental illness and other cognitive barriers, continuing to highlight the inappropriateness of capital punishment for those with mental illness. In 1986, the U.S. Supreme Court held in *Ford v. Wainwright* that it is unconstitutional to execute people who are "insane." In 2007, the Court clarified in *Panetti v. Quarterman* that this prohibition applies to people who do not have enough of a connection to reality to understand why they are being put to death. More recently, in 2019, the Court in *Madison v. Alabama* held that the Eighth Amendment prohibits executing a prisoner who cannot rationally understand the reasons for his execution, whether that inability is due to psychosis or dementia.

I urge you to take direct and swift action to ensure that those currently on federal death row who suffer from serious mental illness are not executed by reviewing and seriously considering commutation for each person on federal death row. When expressing this request, I do not trivialize the magnitude of the crimes committed or the suffering of victims and their families. However, granting executive clemency will demonstrate your commitment to [fairness and humane treatment](#) while also addressing one of the many flawed systems that are disproportionately harmful to people with serious mental illness.

We appreciate your attention to these urgent matters. Please contact Shannon Scully (sscully@nami.org) if we can provide further information or support regarding our position or request.

Sincerely,

A handwritten signature in black ink that reads "Daniel H. Gillison, Jr." The signature is written in a cursive style with a large, stylized 'D' and 'G'.

Daniel H. Gillison, Jr.
CEO
National Alliance on Mental Illness (NAMI)

CC :

Elizabeth G. Oyer, Pardon Attorney, U.S. Department of Justice
Rosalind Sargent-Burns, Senior Deputy Pardon Attorney, U.S. Department of Justice
Kira Gillespie, Deputy Pardon Attorney, U.S. Department of Justice
Terri Tanielian, Special Assistant to the President, Executive Office of the President
Jessica Schubel, Special Assistant to the President, Executive Office of the President
Matt Klapper, Chief of Staff to the Attorney General, U.S. Department of Justice

November 1, 2024

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500



HRW.org

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Re: Request for Executive Clemency

Dear President Biden:

We write to express Human Rights Watch’s deep concern regarding the continued use of the death penalty in the United States and to respectfully urge you to take significant action by commuting the sentences of those currently on federal death row.

Human Rights Watch is an independent, nongovernmental organization that monitors and reports on human rights abuses by states and non-state actors in over 100 countries around the world. We have been working to promote respect for human rights for more than four decades.

Human Rights Watch opposes the death penalty in all cases because it is an attack on human dignity, uniquely cruel in its finality, and inevitably marked by discrimination, arbitrariness, and error.¹ Indeed, racial discrimination and the death penalty are inextricably linked in the United States.² As an organization that has done extensive work in the US on human rights abuses related to the criminal legal system and racial injustice, we find the federal death penalty of particular concern.

The imposition of the death penalty contradicts the evolving international consensus against its use. To date, some 100 countries have abolished or introduced a moratorium on the death penalty, either in law or in practice, citing moral, legal, and practical concerns.³

The right to life and the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment are established in the Universal Declaration of Human Rights, which the United States helped to draft, and in the

¹ “US: An Attack on Human Dignity,” Human Rights Watch news release, October 10, 2011, <https://www.hrw.org/news/2011/10/10/us-attack-human-dignity>.

² Death Penalty Information Center, “Race, Human Rights, and the U.S. Death Penalty,” undated, <https://deathpenaltyinfo.org/policy-issues/human-rights/race-human-rights-and-the-u-s-death-penalty> (accessed August 28, 2024).

³ Death Penalty Information Center, “Abolitionist and Retention Countries,” last modified July 4, 2023, <https://deathpenaltyinfo.org/policy-issues/international/abolitionist-and-retentionist-countries> (accessed August 26, 2024).

Convention Against Torture.⁴ The International Covenant on Civil and Political Rights (ICCPR), which the US has ratified with reservations, establishes that no one shall be arbitrarily deprived of their life and lays out the right of anyone sentenced to death to seek pardon or commutation of their sentence.⁵ Although the ICCPR permits the use of the death penalty for only the most heinous crimes, the Second Optional Protocol of the ICCPR, which the US has not adopted, declares that “abolition of the death penalty contributes to enhancement of human dignity and progressive development of human rights” and commits nations to ending capital punishment.⁶ The United Nations Office of the High Commissioner for Human Rights has also stated that the use of the death penalty is not consistent with the right to life and the right to live free from torture or cruel, inhuman, or degrading treatment or punishment.⁷

The death penalty has long been a subject of intense debate, and with growing evidence highlighting its inherent flaws, it is essential to reconsider its place in the US criminal legal system. Numerous studies have consistently established that the death penalty does not deter crime⁸ or make communities safer. Research indicates that states with capital punishment do not experience lower crime rates compared to those without it.⁹ Capital punishment does not address the root causes of societal violence, such as systemic inequality and insufficient investments in place-based solutions.¹⁰

Furthermore, the existence of the death penalty can lead to wrongful convictions. The risk of wrongful executions is a profound and troubling reality, with at least 200 people wrongly convicted, sentenced to death, and exonerated since 1973.¹¹ Research estimates that at least 4 percent of those sentenced to death in the US are innocent.¹² Factors such as inadequate legal representation, flawed evidence, racial bias, and unreliable witness testimonies can lead to grave miscarriages of justice.¹³ Once an execution is carried out, there is no possibility of rectifying such errors, making the stakes of capital punishment extraordinarily high. This irreversible nature of the death penalty underscores the critical need for ending the death penalty. As long as there are individuals on federal death row, there remains a risk of executing an innocent person. These injustices not only undermine the credibility of the US legal system but also

⁴ Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), art 3 and 5; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987. The United States has ratified the Convention Against Torture with certain reservations.

⁵ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by the United States in 1992, art 6.

⁶ Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, adopted December 15, 1989, G.A. Res. 44/128, annex, 44 U.N. GAOR Supp. (No. 49) at 207, U.N. Doc. A/44/49 (1989), entered into force July 11, 1991. The United States has not ratified the Second Optional Protocol.

⁷ United Nations Human Rights Office of the High Commissioner, “Death Penalty Incompatible with Right to Life,” January 31, 2024, <https://www.ohchr.org/en/stories/2024/01/death-penalty-incompatible-right-life> (accessed August 26, 2024).

⁸ Death Penalty Information Center, “Deterrence,” undated, <https://deathpenaltyinfo.org/policy-issues/deterrence> (accessed October 22, 2024).

⁹ Death Penalty Information Center, “Murder Rate of Death Penalty States Compared to Non-Death Penalty States,” undated, <https://deathpenaltyinfo.org/facts-and-research/murder-rates/murder-rate-of-death-penalty-states-compared-to-non-death-penalty-states> (accessed October 25, 2024).

¹⁰ Community Safety Agenda, “About the Community Safety Working Group,” undated, <https://communitysafety.us/about-us/> (accessed October 24, 2024).

¹¹ Death Penalty Information Center, “Innocence,” undated, <https://deathpenaltyinfo.org/policy-issues/innocence> (accessed October 24, 2024).

¹² Gross, S. R., O'Brien, B., Hu, C., & Kennedy, E. H., May 20, 2014, “Rate of false conviction of criminal defendants who are sentenced to death,” *Proceedings of the National Academy of Sciences of the United States of America*, 111(20), 7230–7235, accessed October 25, 2024, <https://doi.org/10.1073/pnas.1306417111>.

¹³ Death Penalty Information Center, “DPIC Special Report: The Innocence Epidemic,” last modified February 18, 2021, <https://deathpenaltyinfo.org/facts-and-research/dpic-reports/dpic-special-reports/dpic-special-report-the-innocence-epidemic> (accessed October 24, 2024).

amount to serious violations of human rights.

Often, death sentences are carried out in a discriminatory manner, and they are primarily inflicted on the most marginalized—people living in poverty, people with psychosocial disabilities, and communities of color.¹⁴ These disparities underscore serious concerns about fairness and equality under the law, which are core principles of international human rights law.

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which the United States ratified in 1994, “resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations.”¹⁵ Despite the United States’ legal commitment to this objective, the Committee on the Elimination of Racial Discrimination (CERD) has repeatedly highlighted areas in which the US fails to meet its obligations under the convention.¹⁶ The CERD noted in 2001 “a disturbing correlation between race, both of the victim and the defendant, and the imposition of the death penalty, particularly in states like Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.”¹⁷ The committee’s 2022 observations expressed notable continued concern over the United States’ use of the death penalty and urged “taking concrete steps towards completely abolishing the death penalty.”¹⁸

What is more, the history of the death penalty in the United States is deeply rooted in racism and the legacies of slavery. Racial disparities are evident in the federal death row population; twenty-two of the

¹⁴ The Committee on the Elimination of Racial Discrimination, which provides authoritative interpretations of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), concluded that the United States has disproportionately arrested, charged, and sentenced people of color, and should work to eliminate the death penalty as a possible sentence. See Committee on the Elimination of Racial Discrimination, Concluding Observations on the Combined Tenth to Twelfth Reports of the United States of America, September 21, 2022, CERD/C/USA/CO/10-12, <https://documents.un.org/doc/undoc/gen/g22/495/96/pdf/g2249596.pdf> (accessed August 26, 2024), ratified by the United States in 1994. See also Death Penalty Information Center, “Race, Human Rights, and the U.S. Death Penalty,” undated, <https://deathpenaltyinfo.org/policy-issues/human-rights/race-human-rights-and-the-u-s-death-penalty> (accessed August 26, 2024); United Nations Human Rights Office of the High Commissioner, Death Penalty Disproportionately Affects the Poor, UN Rights Experts Warn, press release, October 6, 2017, <https://www.ohchr.org/en/press-releases/2017/10/death-penalty-disproportionately-affects-poor-un-rights-experts-warn#:~:text=%E2%80%9CIf%20you%20are%20poor%2C%20the,from%20lower%20socio%2Deconomic%20groups> (accessed August 26, 2024); Frank R. Baumgartner and Betsy Neill, “Does the Death Penalty Target People Who Are Mentally Ill? We Checked.,” *Washington Post*, April 3, 2017, <https://www.washingtonpost.com/news/monkey-cage/wp/2017/04/03/does-the-death-penalty-target-people-who-are-mentally-ill-we-checked/> (accessed August 26, 2024).

¹⁵ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 660 U.N.T.S. 195, entered into force January 4, 1969, ratified by the US in 1994, para 10; United Nations Human Rights Office of the High Commissioner, “International Convention on the Elimination of All Forms of Racial Discrimination: 50 Years of Fighting Racism,” <https://www.ohchr.org/en/treaty-bodies/cerd/international-convention-elimination-all-forms-racial-discrimination-50-years-fighting-racism> (accessed August 26, 2024)

¹⁶ Committee on the Elimination of Racial Discrimination, “Concluding Observations on the Combined Tenth to Twelfth Reports of the United States of America” September 21, 2022, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhspzOI9YwTXeABruAM8pBAK1xYN2wdGpGmJxT4qZ%2B%2Fzhl9s68flbQK27IwmDC1j6l2l2QsTq%2B%2FgboEik44QIDIYzdVGiNlspvbKJ1mADJtn5a1Ojg9FFaST8zoSIBL%2FEgHQ%3D%3D> (accessed August 26, 2024); Committee on the Elimination of Racial Discrimination, “Concluding Observations on the Combined Seventh to Ninth Periodic Reports of the United States of America” September 25, 2014, CERD/C/USA/CO/7-9, <https://2009-2017.state.gov/documents/organization/235644.pdf> (accessed August 26, 2024).

¹⁷ CERD, Concluding Observations of the Committee on the Elimination of Racial Discrimination: United States of America, A/56/18, August 14, 2001, <https://law.arizona.edu/sites/default/files/Concluding%20Observations%20of%20CERD%20United%20States%20of%20Americ.a.pdf> (accessed October 24, 2024), paras. 380-407.

¹⁸ CERD, Concluding Observations on the Combined Tenth to Twelfth Reports of the United States of America, September 21, 2022, para 28(d).

forty people, or 55 percent, currently on federal death row are people of color, including fifteen Black men, six Latine men, and one Asian man.¹⁹ Black adults comprise 14 percent of our nation’s population²⁰, but they account for 38 percent of the people currently under a federal death sentence, which does not correlate with murder rates. Seventy-two percent of the 541 defendants whose cases were authorized for federal capital prosecution were people of color; 49 percent were Black.²¹ Some Black men, as well as other people of color, on federal death row were convicted and sentenced by all-white juries.²² These capital juries are created through the process of death qualification²³ and often generate significant issues, such as a biased and less diverse jury pool that is more likely to lean toward conviction and the imposition of the death penalty.²⁴ By excluding those who are opposed to capital punishment, all-white or nearly all-white juries are often constituted through a selection process that undermines a defendant’s right to a fair trial.²⁵

Furthermore, the financial burdens associated with capital punishment are substantial. The costs of lengthy trials, extensive appeals, and incarceration on death row are ultimately borne by taxpayers.²⁶ Policies focused on restorative justice and front-end community investment, such as increasing access to resources like housing, employment, and healthcare, could more effectively enhance public safety and address societal violence.¹

During your election campaign in 2020, your platform included a pledge to “work to pass legislation to eliminate the death penalty at the federal level and incentivize states to follow the federal government’s example.”²⁷ Furthermore, your criminal justice platform stated that those convicted of the most egregious federal crimes “should instead serve life sentences without probation or parole.”²⁸ As the United States

¹⁹ Death Penalty Information Center, “List of Federal Death Row Prisoners,” undated, <https://deathpenaltyinfo.org/state-and-federal-info/federal-death-penalty/list-of-federal-death-row-prisoners> (accessed August 26, 2024).

²⁰ Mohamad Moslimani et al., “Facts About the U.S. Black Population,” *Pew Research Center*, January 18, 2024, <https://www.pewresearch.org/social-trends/fact-sheet/facts-about-the-us-black-population/> (accessed October 22, 2024).

²¹ Federal Death Penalty Resource Counsel, Declaration of Matthew Rubenstein Regarding the Geographic Location of Federal Cases, the Frequency of Authorizations, Death Sentences and Executions and the Race and Gender of Defendants and Victims, June 2024, https://fdprc.capdefnet.org/sites/cdn_fdprc/files/Assets/public/project_declarations/race_gender/declaration_location_and_frequency_of_capital_prosecutions_and_racegender_of_defendants_and_victims_rubenstein_june_2024_0.pdf (accessed October 22, 2024).

²² Associated Press, “Death Penalty Cases Show History of Racial Disparity, Report Finds,” *Los Angeles Times*, September 15, 2020, <https://www.latimes.com/world-nation/story/2020-09-14/report-death-penalty-cases-show-history-of-racial-disparity> (accessed October 24, 2024).

²³ Death qualification is a specific process that occurs in capital cases in which jurors are screened during jury selection to exclude from the jury anyone who would under no circumstances consider a penalty of death.

²⁴ Stephen Bright, “Struck from A Jury for Being Black? It Still Happens All Too Often” *The Washington Post*, February 14, 2024, <https://www.latimes.com/world-nation/story/2020-09-14/report-death-penalty-cases-show-history-of-racial-disparity> (accessed October 24, 2024).

²⁵ Death Penalty Information Center, “The Death Penalty in Black and White: Who Lives, Who Dies, Who Decides,” June 4, 1998, <https://deathpenaltyinfo.org/facts-and-research/dpic-reports/in-depth/the-death-penalty-in-black-and-white-who-lives-who-dies-who-decides> (accessed October 30, 2024).

²⁶ Death Penalty Information Center, Records Disclose Taxpayers Picked Up a Nearly Million Dollar Price Tag for Each Federal Execution, last modified September 25, 2024, <https://deathpenaltyinfo.org/records-disclose-taxpayers-picked-up-a-nearly-million-dollar-price-tag-for-each-federal-execution> (accessed October 22, 2024).

²⁷ Death Penalty Information Center, “As Biden Administration Mulls Federal Death-Penalty Policy, Study Finds U.S. Support for Capital Punishment at Lowest Point Since 1960s,” last modified June 11, 2024, <https://deathpenaltyinfo.org/as-biden-administration-mulls-federal-death-penalty-policy-study-finds-u-s-support-for-capital-punishment-at-lowest-point-since-1960s> (accessed September 4, 2024).

²⁸ Dakin Andone, “Biden Campaigned on Abolishing the Federal Death Penalty. But 2 Years In, Advocates See An ‘Inconsistent’ Message,” *CNN*, January 22, 2023, <https://www.cnn.com/2023/01/22/politics/joe-biden-federal-death-penalty-abolition/index.html> (accessed September 4, 2024).

grapples with issues of systemic inequality and social justice, commuting the federal death row would echo your administration's stated commitment to human rights.

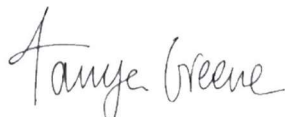
While we applaud the Justice Department's institution of a moratorium on federal executions, we also acknowledge this is a temporary measure that can be swiftly reversed, as we saw during the federal execution spree conducted by the administration of former President Donald Trump in 2020 and 2021. Your executive power allows you to demolish the federal execution chamber in Terre Haute, direct the Justice Department not to pursue the death penalty in pending and future cases, promote federal legislation abolishing the death penalty, and commute the death sentences of the 40 prisoners currently on federal death row.

By commuting the sentences of those on federal death row, you will be acting in line with global leaders, emphasizing social rehabilitation²⁹ and fostering a more rights-respecting system for all. Commuting the sentences of these 40 individuals is consistent with recent bipartisan efforts³⁰ to address the injustice of the flawed federal death penalty system, while also recognizing the seriousness of the harm they caused. Human Rights Watch respectfully requests the Biden administration to make a decision that complies with international human rights laws and standards, aligns with his campaign promises, and furthers human dignity.

We understand many of these individuals to be out of options in the courts, so we urge action now, to protect against a future execution spree. We urge your administration to uphold human rights and racial justice and take a principled stand against capital punishment.

We appreciate your consideration of this important matter and are available for further discussion.

Sincerely,



Tanya Greene
Director, US Program
Human Rights Watch

²⁹ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by the United States on June 8, 1992.

³⁰ Death Penalty Information Center, "Ohio General Assembly Resumes Bipartisan Efforts to Abolish the Death Penalty," last modified September 25, 2024, <https://deathpenaltyinfo.org/ohio-general-assembly-resumes-bipartisan-efforts-to-abolish-the-death-penalty> (accessed October 24, 2024).

WITNESS TO INNOCENCE

December 2, 2024

Dear President Biden,

My name is Sabrina Butler-Smith, and I am the first woman to be exonerated from death row in the United States for a crime that never happened. I want to express my gratitude for your service to our country.

During my time on death row, I experienced fear, despair, and a profound sense of worthlessness, as I faced the reality of a death sentence for non-existent crime. Despite the overwhelming circumstances, I held on because I knew I was innocent.

Now, I advocate to end the death penalty as part of an organization called Witness to Innocence, made up of people who, like me, were wrongfully convicted and survived the torture of death row. Witness to Innocence is part of a growing coalition of groups throughout the world who are working to abolish the cruel practice of capital punishment. Many of our international allies in this work are joining me in signing this letter. We believe that no human being should face that kind of suffering, and we know firsthand that having the death penalty means innocent people will be sentenced to die, and even executed.

Today, I appeal to you to consider commuting the sentences of federal death row prisoners. Every life has value, and the possibility of wrongful conviction is a reality that we must confront. No one should live under the shadow of the unjust death penalty.

Commutations are really important: it is not about freeing people from prison, but it is about freeing them from torture by keeping hope alive and giving the possibility to innocent people to prove it and have their case heard again.

Some of the organizations signing below have also contacted you through other means, but we cannot emphasize enough how important it is for the United States to take a moral stance against the death penalty in ending this inhumane practice worldwide.

Thank you for your attention to this urgent matter.



Sincerely,

Sabrina Butler-Smith

Witness to Innocence

sbutlersmith@witness-to-innocence.org

with members of the World Coalition Against the Death Penalty:



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