

It's Time To End The Federal Death Penalty: Durbin, Leahy, Booker, Colleagues

August 9 2021 3:05 PM



WASHINGTON, D.C. – U.S. Senate Majority Whip Dick Durbin (D-IL), Chair of the Senate Judiciary Committee, and U.S. Senators Patrick Leahy (D-VT) and Cory Booker (D-NJ), both members of the Senate Judiciary Committee, today led 14 of their Senate Democratic colleagues in urging the Department of Justice (DOJ) to take further steps to end the federal death penalty once and for all.

In a letter to Attorney General Merrick Garland, the Senators commend the recent decision to impose a moratorium on federal executions pending a review of death penalty policies and procedures, and urge Garland to take the additional steps of withdrawing all pending death notices and authorizing no new death notices while the review proceeds.

“There are serious concerns about arbitrariness in the application of the death penalty, its disparate impact on people of color, and the alarming number of exonerations in capital cases,” the Senators wrote. “These concerns justify not only a review of the procedures for carrying out the death penalty, but also support halting its use—including prohibiting federal prosecutors from seeking the death penalty—during the review process.”

In 2020, the Justice Department, under the leadership of former President Donald Trump and Attorney General Bill Barr, ended a 17-year moratorium on the federal death penalty and executed 13 individuals—more than the total number executed over the previous seven decades. Last month, Attorney General Garland imposed a moratorium on federal executions pending a formal review supervised by Deputy Attorney General Lisa Monaco, reversing the Trump Administration’s decision.

In addition to Durbin, Leahy, and Booker, the letter was signed by Senators Mazie Hirono (D-HI), Bernie Sanders (I-VT), Ed Markey (D-MA), Tammy Baldwin (D-WI), Chris Van Hollen (D-MD), Alex Padilla (D-CA), Amy Klobuchar (D-MN), Sherrod Brown (D-OH), Jeff Merkley (D-OR), Tim Kaine (D-VA), Chris Coons (D-DE), Elizabeth Warren (D-MA), Jon Ossoff (D-GA), and Tina Smith (D-MN).

Full text of today’s letter is available [here](#) and below:

August 9, 2021

Dear Attorney General Garland:

We commend you for your recent decisions to impose a moratorium on federal executions pending a review of death penalty policies and procedures and to withdraw

several notices of intent to seek the death penalty that the Justice Department filed during the Trump Administration. These are important steps toward ending the injustice of the death penalty. We urge you to take the additional steps of withdrawing all pending death notices, and authorizing no new death notices, while your review proceeds.

As your memorandum announcing the moratorium recognizes, there are serious concerns about arbitrariness in the application of the death penalty, its disparate impact on people of color, and the alarming number of exonerations in capital cases. These concerns justify not only a review of the procedures for carrying out the death penalty, but also support halting its use—including prohibiting federal prosecutors from seeking the death penalty—during the review process.

We were alarmed when the previous administration ended the 17-year moratorium on the federal death penalty and executed 13 individuals, more than the total number executed over the previous seven decades. By refusing to seek the death penalty and add more prisoners to death row, you can reduce the risk that a future administration will carry out federal executions at a similar rate.

The plan for strengthening America's commitment to justice advanced by President Biden during the election included the elimination of the federal death penalty, and Vice- President Harris was an original cosponsor of legislation we sponsored to eliminate the federal death penalty when she served in the Senate. We are hopeful that the Administration will support this bill, but while the Administration reviews capital punishment policy, you can take an important step toward the goal of eliminating the federal death penalty.

Thank you for your time and consideration. We look forward to your prompt response.

Sincerely,