



**NLADA**  
National Legal Aid &  
Defender Association



**SOUTHERN  
CENTER FOR  
HUMAN  
RIGHTS**

November 22, 2024

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

Re: Commutation of All Federal Death Sentences

Dear President Biden:

We write to you with a united voice and call on you to use your Executive power and grant commutations to everyone currently facing the death penalty at the federal level.

We were gratified that you campaigned on your opposition to the death penalty and that the Democratic criminal justice platform included a pledge, laid out on your campaign website, to “work to pass legislation to eliminate the death penalty at the federal level,” and stating that those convicted of the most egregious federal crimes “should instead serve life sentences without probation or parole.” We are urgently asking you now to fulfill that promise. As you know, the incoming administration, during its past time in office, increased executions to a historic level and has expressed its intent to do so again. We can and must save the lives that we can – those now on federal death row.

With tens of thousands of members, our organizations represent criminal defense attorneys nationwide, including private criminal defense lawyers, public defenders, military defense counsel, law professors, judges, and others who share our vision for a rational and humane criminal legal system. We work tirelessly to expose systemic flaws, combat racial bias, and ensure that every person accused of a crime receives due process, including a fair trial and humane treatment.

Continuation of the death penalty is particularly abhorrent, and its application remains arbitrary, inconsistent, and discriminatory. Recent data establish that the death penalty continues to be used

disproportionately against minorities, the poor, and those with cognitive impairments.<sup>1</sup> The death penalty does not deter crime, risks executing innocent people, and has no place in a just society.<sup>2</sup> The United States is increasingly isolated in its use of capital punishment, as more and more countries around the world abolish this archaic practice.

The death penalty undermines public confidence in the fairness and integrity of our legal system. Public opinion in the U.S. has shifted against the death penalty – with a significant majority of Democrats opposing the punishment.<sup>3</sup> The American public has also increasingly shown a favorable view toward the exercise of the power of clemency to correct injustices and to promote a more just and humane legal system.

Your pledge to eliminate the death penalty at the federal level, and the Department of Justice’s implementation of a moratorium while conducting a review of capital case policies and procedures, were positive first steps. **However, time has run out.** We believe that the only fair and moral approach is to use the power you still retain to commute these pending sentences.

Your decisive action in this matter will cement your legacy as a compassionate leader committed to human rights, equal justice under law, and the eradication of systemic inequities. This is truly a matter of life or death. We implore you to commute all federal death sentences.

Sincerely,

National Association of Criminal Defense Lawyers

Black Public Defender Association

Gideon’s Promise

National Association for Public Defense

National Legal Aid and Defender Association

Southern Center for Human Rights

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<sup>1</sup> Death Penalty Information Center, The Death Penalty in 2023: Year End Report, <https://deathpenaltyinfo.org/facts-and-research/dpic-reports/dpic-year-end-reports/the-death-penalty-in-2023-year-end-report>; United Nations, Death penalty disproportionately affects the poor, UN rights experts warn, <https://www.ohchr.org/en/press-releases/2017/10/death-penalty-disproportionately-affects-poor-un-rights-experts-warn>

<sup>2</sup> Parker, B. (2021), Death Penalty Statutes and Murder Rates: Evidence From Synthetic Controls. *Journal of Empirical Legal Studies*, 18: 488-533. <https://doi.org/10.1111/jels.12291>; Oliphant, S. N. (2022). Estimating the effect of death penalty moratoriums on homicide rates using the synthetic control method. *Criminology & Public Policy*, 21, 915–944. <https://doi.org/10.1111/1745-9133.12601>

<sup>3</sup> Jones, Jeffrey, Drop in Death Penalty Support Led by Younger Generations, Nov. 14, 2024, <https://news.gallup.com/poll/653429/drop-death-penalty-support-led-younger-generations.aspx>