

United States Senate

WASHINGTON, DC 20510

August 9, 2021

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

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,




RICHARD J. DURBIN
United States Senator



PATRICK LEAHY
United States Senator



CORY A. BOOKER
United States Senator



MAZIE K. HIRONO
United States Senator



BERNARD SANDERS
United States Senator



EDWARD J. MARKEY
United States Senator



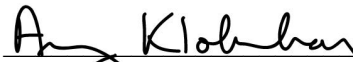
TAMMY BALDWIN
United States Senator



CHRIS VAN HOLLEN
United States Senator



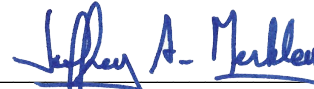
ALEX PADILLA
United States Senator



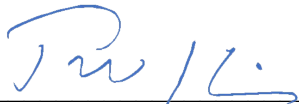
AMY KLOBUCHAR
United States Senator



SHERROD BROWN
United States Senator



JEFFREY A. MERKLEY
United States Senator



TIM KAINE
United States Senator



CHRISTOPHER A. COONS
United States Senator



ELIZABETH WARREN
United States Senator



JON OSSOFF
United States Senator



TINA SMITH
United States Senator