



The Leadership Conference
on Civil and Human Rights

December 13, 2022

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AAJC

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

RE: UN Resolution on a Death Penalty Moratorium

Dear President Biden:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 230 national organizations to promote and protect civil and human rights in the United States, and the undersigned 48 organizations, we write to urge you to keep your promise of ensuring equality, equity, and justice in our criminal-legal system by abstaining from or voting for the forthcoming UN resolution on a death penalty moratorium. Any criminal-legal system truly dedicated to the pursuit of justice should recognize the humanity of all who encounter it and not sanction the use of a discriminatory practice that denies individuals their rights, fails to respect their dignity, and stands in stark contrast to the fundamental values of our democratic system of governance.

As The Leadership Conference has made clear, state-sanctioned killing as a form of criminal punishment is, in all cases, both inhumane and in conflict with our country's most fundamental principles.¹ A cruel and unusual punishment, the death penalty fails to comport with either the 8th or 14th Amendments and violates our obligations under international law. Since 1973, more than 190 individuals have been sentenced to death and exonerated on innocence grounds, demonstrating the high propensity for error in our criminal-legal system and the unfathomable consequences that may follow. The only way to eliminate the possibility of executing an innocent person is to do away with the punishment altogether.

Moreover, the use of the death penalty in this country continues to perpetuate patterns of racial and economic oppression endemic to the American criminal-legal system — patterns that you have recognized and have committed to eradicating.² Throughout history, Black people have been routinely put to death for offenses for which White individuals received lesser punishments, have been more likely to be executed as juveniles, and have been less

¹ "Letter to President Biden about Death Penalty Actions." *The Leadership Conference on Civil and Human Rights*. Jan 26, 2021. <https://civilrights.org/resource/letter-to-president-biden-about-death-penalty-actions/>.

² See, e.g., "Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government." *The White House*. 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/>.

likely to have their death sentence convictions reviewed by higher courts than their White counterparts. Still today, stark racial disparities in the application of capital punishment exist. For example, while just 13 percent of the U.S. population is Black, 17 of the 44 individuals remaining on federal death row as of April 2022 — or approximately 38 percent — are Black.³

The United States is an outlier in the international community when it comes to the death penalty. More than two-thirds of all countries have abolished the death penalty in either law or practice.⁴ Experts on human rights have called for the complete abolition of the death penalty, saying that it is “almost impossible” to administer the death penalty without violating the human rights of defendants.⁵ National and international organizations have condemned the use of the death penalty in the United States as violative of human rights obligations and treaties and international law against torture, cruel, inhuman, or degrading treatment.⁶ The Inter-American Commission on Human Rights (IACHR) has found the United States in contempt of its international obligations regarding the death penalty several times.⁷ The United States flouts human rights laws and norms in its continued use of the death penalty.

Over the past few years, millions of individuals have made clear that our nation must meaningfully address systemic racism and inequality and fundamentally transform our criminal-legal system as we continue our work to chart a path towards a more fair, just, and inclusive society. You have the power to take action to begin to right the injustices of today and prevent their occurrence tomorrow. By abstaining from or voting in favor of the forthcoming UN resolution, you have the ability to set the United States on a path towards honoring human rights and recognizing and respecting the dignity and humanity of all.

³ “List of Federal Death Row Prisoners.” *Death Penalty Information Center*. April 2022.

<https://deathpenaltyinfo.org/state-and-federal-info/federal-death-penalty/list-of-federal-death-row-prisoners#list>.

⁴ “Death Sentences and Executions 2021.” *Amnesty Int’l*. May 2022.

<https://www.amnesty.org/en/documents/act50/5418/2022/en/>.

⁵ “UN experts call for complete abolition of death penalty as ‘only viable path.’” Oct. 10, 2022.

<https://news.un.org/en/story/2022/10/1129382>.

⁶ *See, e.g.*, Amnesty Int’l. “The Power of Example: Whither the Biden Death Penalty Promise?” July 2022. P. 20.

<https://www.amnestyusa.org/wp-content/uploads/2022/06/The-Power-of-Example-Whither-the-Biden-Death-Penalty-Promise-.pdf>; “United States’ Compliance with the International Covenant on Civil and Political Rights: American Civil Liberties Union Suggested List of Issues Prior to Reporting to Country Report Task Force on the United States.” 2019. P. 24-27. <https://www.aclu.org/report/aclu-suggested-list-issues-un-country-report-task-force-us-compliance-international-covenant>.

⁷ Inter-American Commission on Human Rights Resolution 22/2022. “Precautionary Measure No. 331-22: Clarence Wayne Dixon regarding the United States of America.” May 10, 2022.

https://www.oas.org/en/iachr/decisions/mc/2022/res_22-22_mc_331-%2022_us_en.pdf. IACHR. “Report No. 71/18 Case 12.958: Russell Bucklew.” 10 May 2018. <https://www.oas.org/en/iachr/decisions/2018/USPU12958EN.pdf>.

For other examples of obligations regarding human rights and the death penalty, *see, e.g.*, “Committee on the Elimination of Racial Discrimination: Concluding Observations on the combined tenth to twelfth reports of the United States of America.” United Nations International Convention on the Elimination of All Forms of Racial Discrimination. Sept. 21, 2022. Pg.7.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FUSA%2FCO%2F10-12&Lang=en; “International Convention on the Elimination of All Forms of Racial Discrimination.” United Nations. Dec. 21, 1965. <https://www.ohchr.org/sites/default/files/cerd.pdf>.

If you have any questions, please contact Jesselyn McCurdy, executive vice president of government affairs at The Leadership Conference, at mccurdy@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
Advancement Project
Advocate for Friends on Death Row
American Atheists
American Constitution Society
American Civil Liberties Union
American Humanist Association
American-Arab Anti-Discrimination Committee (ADC)
Americans for Democratic Action (ADA)
Amnesty International USA
Arab American Institute
Center for Death Penalty Litigation
Center for Disability Rights
Clearinghouse on Women's Issues
Death Penalty Action
Death Penalty Alternatives for Arizona
Death Penalty Focus
Disability Rights Education & Defense Fund
Drop LWOP New England
Fair and Just Prosecution
Feminist Majority Foundation
Freedom from Religion Foundation
Georgians for Alternatives to the Death Penalty (GFADP)
Hip Hop Caucus
Human Rights First
Impact Fund
Just Solutions
Juvenile Law Center
Kentucky Committee to End Executions
Lambda Legal
LatinoJustice PRLDEF
Louisiana Advocates for Immigrants in Detention (LA-Aid)
Muslim Advocates
NAACP
NAACP Legal Defense and Educational Fund, Inc. (LDF)
National Association of Criminal Defense Lawyers
National Center for Transgender Equality
National Council of Jewish Women, Greater Miami Section

National Employment Law Project
National Legal Aid & Defender Association
National Organization for Women
NETWORK Lobby for Catholic Social Justice
North Carolina Coalition for Alternatives to the Death Penalty
Robert F. Kennedy Human Rights
Southern Poverty Law Center
The Advocates for Human Rights
The Sentencing Project
True Colors United
Witness to Innocence