

U.S. House of Representatives

Committee on the Judiciary

Washington, DC 20515-6216

One Hundred Sixteenth Congress

December 18, 2020

Jeffrey Rosen
Deputy Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Deputy Attorney General Rosen:

With the expectation that you will become the Acting Attorney General upon the departure of Attorney General William P. Barr, I write to request that you rescind the execution orders for the three individuals whose executions have been scheduled to take place in January. These are to be the last executions—of 13—carried out by the Trump Administration since this past July. My hope is that you recognize the extraordinary nature of the circumstances that have brought us to where we are now with these planned executions and that you exhibit better judgment than Attorney General Barr by rescinding these last three.

The executions are set to take place at the U.S. Penitentiary (USP) in Terre Haute, Indiana. As you are likely aware, executions mobilize hundreds of people to the location where the execution is held. Prison staff, reporters, spiritual advisors, family members, and witnesses from disparate parts of the country congregate for federal executions in Vigo County, where USP Terre Haute is located. In response to a recent lawsuit, the Bureau of Prisons admitted that eight members of the “execution team” for the November 19, 2020 execution of Orlando Hall had tested positive for COVID-19. A few days after Mr. Hall’s execution, his spiritual advisor—who had been exposed to at least two maskless executioners while in the execution chamber—also tested positive for COVID-19. This information is alarming—and calls into question the ability of USP Terre Haute to keep staff, prisoners, and others safe while carrying out the extraordinary step of an execution during a pandemic, much less three executions all within three days of each other.

As you know, the federal government had not carried out any executions for over 17 years, until Attorney General Barr decided to resume executions last July. Since then, 10 men have been put to death under Attorney General Barr’s watch. In a sharp break from the norm that has governed the scheduling of executions for well over a century, three men have already been executed by the outgoing President. And three remaining individuals are scheduled to die roughly in the week before President Elect Joseph Biden’s inauguration. But an outgoing president has not executed anyone since 1889. This norm has existed this long for a reason: the incoming president deserves deference, particularly in carrying out the most severe punishment available in our laws. Moreover, it is particularly egregious for the outgoing Administration to be carrying out executions when, as it has been widely reported, it has completely sidelined the Office of the

Pardon Attorney in the process of evaluating clemency applications from prisoners. For those on death row, the Office of the Pardon Attorney is their final stop, their final prayer—and this, they have been denied.

As the Supreme Court has reminded us, “death is different” and exercising its “machinery” under the present circumstances is not only problematic, it is unconscionable. I implore you to refuse to carry out these executions, which will not make us safer.

Sincerely,

A handwritten signature in black ink that reads "Jerrold Nadler". The signature is written in a cursive, flowing style with a long, sweeping underline that extends to the left.

Jerrold Nadler
Chairman

c: The Honorable Jim Jordan, Ranking Member, Committee on the Judiciary