Opinion
Guest Voices
Demonstrators hold signs protesting capital punishment in front of the U.S. Supreme Court bu

Demonstrators hold signs protesting capital punishment in front of the U.S. Supreme Court building in Washington, June 29, 2022. (OSV News/Reuters/Kevin Lamarque)



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The trial for the gunman accused of the 2018 killing of 11 members of the Tree of Life Synagogue in Pittsburgh began this week with jury selection. Federal prosecutors are seeking the death penalty for 50-year-old Robert Bowers, even though the defendant offered in 2019 to plead guilty to the murders, which were motivated by antisemitism, in exchange for a life sentence.

The U.S. Department of Justice also sought the death penalty for Sayfullo Saipov, who while under the influence of the Islamic State group, used a truck to kill eight people on a New York City bike path in 2017. The jury was unable to reach a unanimous decision about the death penalty, so he was sentenced to life in prison.

These prominent cases illustrate the confusing messages sent by the administration of President Joe Biden and the Justice Department under Attorney General Merrick Garland. Despite signaling intentions to abolish capital punishment in the United

States and having imposed a moratorium on federal executions, the administration mystifyingly and distressingly continues to pursue the death penalty.

It's past time for Biden to honor his campaign promises to end the federal death penalty and incentivize capital punishment states to do the same. U.S. attorneys must stop pursuing death sentences, and the president should make clear the moratorium will lead to universal abolition nationally.

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The administration's push toward abolition can build upon the growing momentum for it. In 2021, Virginia, a commonwealth that had executed more individuals than any other state, became the 23rd state to abolish state killing. With four states having imposed moratoria on executions, 27 states — more than half — don't execute individuals.

Public attitudes reflect the turn away from capital punishment. Americans' support for it has dropped from the high of 80% in 1994 to 55% in 2022, according to a Gallup poll. A 2019 Gallup poll revealed most tellingly that 60% of respondents preferred life without parole sentences, as opposed to the 36% who thought capital punishment was a better option.

Juries also increasingly reject state killing. In 2022, juries only imposed 21 death sentences nationally down from the record high of 315 in 1996.

Several factors explain the public and juries' growing disenchantment with capital punishment. Some critics point to its racist, arbitrary applications.

Those favoring state killing may believe it is reserved for the worst of the worse, such as Bowers and Saipov. In actuality, race and place largely determine who is sentenced to death in America. According to the Death Penalty Information Center, 75% of persons sentenced to death in the U.S. have been accused of killing a white person, although whites and Blacks are almost equally likely to be murdered.

Also, since capital punishment's reinstatement in 1976, 82% of executions have occurred in 12 Southern states, and fewer than 2% of U.S. counties account for more than half of the nation's death-row population, demonstrating the geographic arbitrariness of where the death penalty is imposed.

Police officers are seen speaking with Jewish men after a gunman killed at least eleven peopl

Police officers are seen speaking with Jewish men after a gunman killed at least eleven people Oct. 27, 2018, at the Tree of Life Synagogue in Pittsburgh. Robert Bowers opened fire that morning during a service at the synagogue, also wounding at least six others, including four police officers, authorities said. (CNS/Reuters/John Altdorfer)

The fallible ways death sentences are administrated and executions are carried out should also trouble people.

When the punishment is irrevocable, our death system can't afford to make mistakes. Yet, since 1976, 190 death row prisoners have been exonerated. The fact, moreover, that one-third of executions in 2022 were deemed botched raises legitimate questions if capital punishment violates the eighth amendment's prohibition "against cruel and unusual punishment."

These upsetting developments informing people's increasing demands for abolition should spur Biden to act.

First, the president should endorse the Federal Death Penalty Prohibition Act, which would end the federal death penalty and re-sentence federal death row prisoners.

Biden should also spell out his incentives to states to eliminate capital punishment and appoint a task force to work with states to ensure they become death penalty free.

"I'm not Trump," candidate Biden assured us. Acting to end state killing, the president can reverse his predecessor's shameful, tawdry legacy: the murder binge, overseen by Catholic Attorney General William Barr, that took 13 lives in his final six months in office, a beyond cynical, craven appeasement of his base to demonstrate how tough he was on crime by a man some mystifyingly call "the most pro-life president in U.S. history."

(If re-elected in 2024, former President Donald Trump has talked about reinstituting firing squads and conducting mass executions.)

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Promoting abolition, Biden could encourage us to end the national stain and international embarrassment of remaining the only Western democracy that enforces capital punishment. In December, a record number of nations — 125 — endorsed a United Nations resolution urging a global moratorium on capital punishment.

The U.S., to our shame, voted "no" along with such notorious human rights abusers as Iran, Iraq, Saudi Arabia, China and North Korea. If the U.S. wants to be authentically regarded as a human rights leader, Biden should help Americans understand that state killings haven't made us safer or better or brought victims' families closure. And he should remind us we can hold murderers accountable without sinking to the perpetrator's level.

The Catholic president who believes everyone should be treated with dignity should remind others that Pope Francis has said that "the death penalty is an inhuman measure that humiliates personal dignity, in whatever form it is carried out."

If he wants to heal the nation's soul, the president should finally promote abolition. We won't be whole until we end this barbaric practice.