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DEATH PENALTY INFORMATION CENTER

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**STATEMENT BY ROBERT DUNHAM,
EXECUTIVE DIRECTOR OF THE DEATH PENALTY INFORMATION CENTER
ON THE FEDERAL EXECUTIONS OF DANIEL LEWIS LEE, WESLEY IRA PURKEY,
AND DUSTIN LEE HONKEN THE WEEK OF JULY 13 – 17**

“The Death Penalty Information Center does not take a position for or against the death penalty. However, we have been critical of the way in which it is administered. The federal government’s administration of the death penalty leaves much to be criticized. Its rush to carry out executions in the midst of a life-threatening pandemic at a facility in which COVID-19 is already present and by an execution preparation team that has already had at least one member test positive for the virus is reckless and irresponsible.

“If there is to be a federal death penalty, it should be administered fairly, consistently, in a non-discriminatory manner, in furtherance of clear federal interests, and in scrupulous adherence to the law. Unfortunately, that has not historically been the case, and the government’s conduct in scheduling and attempting to carry out these executions clearly disregards these principles.

“Federal authorities should not be breaking or bending the law in their efforts to carry out the law. The government has been involved in continuing litigation over the legality and constitutionality of its execution protocol and execution process for more than a decade, and prior administrations — both Republican and Democratic — have respected the integrity of that process. These death warrants, however, like those issued in 2019, disrespect the judicial process. First, seeking an end-run around judicial review, the government selected for execution individuals who were not original parties to the lethal-injection litigation. Then, this year, the administration set new execution dates knowing full well that additional issues in that case were being actively litigated. The execution dates’ proximity in time to the issuance of the death warrants guaranteed that prisoners could not litigate all claims before their imminent execution dates.

“A government that is committed to carrying out the law should respect the legal process. It should not execute anyone without affording the federal courts an appropriate opportunity to review records, take testimony, and meaningfully consider the complicated legal challenges that still remain regarding both the protocol itself and the process by which it was adopted.

“The execution schedule also flouts common sense and good government practice in scheduling three executions in five days after not having carried out any executions in 17 years. Given the passage of time since the last federal execution, one would have expected the government to take all necessary scheduling precautions to minimize the risk that something might go wrong. One would also expect the government to leave sufficient time between executions to redress any problems that might occur and to make adjustments to prevent future problems. 28 corrections officials cautioned this government last year that restarting federal executions by attempting to execute three people in five days increases the risk that something will go wrong, reduces the likelihood that the government will be able to fix the problems, and magnifies the trauma that prison personnel will inevitably suffer as a result of participating in the taking of a human life.

“The execution schedule also manifests an alarming disregard for public health, a dangerous lack of concern about the seriousness of the virus, and an unconscionable contempt for the health and well-being of the victims’ families. After 17 years without a federal execution, what has changed that makes it so important to carry out executions now, in the midst of a pandemic? At this point in history, the American people are more concerned with protecting the health and lives of their families and their communities than they are about taking the lives of prisoners. If the executions are lawful, they can be carried out later, in a responsible manner, when it is safe to do so.

“All of this, of course, begs a larger question: should federal executions restart at all? DPIC does not have an answer to that question. In a [recent commentary in Bloomberg Law](#), we have addressed several of the systemic problems that continue to plague the administration of the federal death penalty. We would note that, even as the number of executions and new death sentences have dropped precipitously across the country in recent years, an increasing proportion of those who continue to face execution (including 85% of those on federal death row) have severe functional impairments that significantly diminish their culpability.

“Capital punishment is supposed to be reserved only for those who commit the worst crimes and who are the most culpable. But those on federal death row come from some of the most vulnerable communities in America and have extensive evidence of impairments that call for mercy. The federal death penalty is disproportionately directed at defendants of color and shows a race-based preference for prosecutions involving white victims. It is geographically arbitrary, and the quality of counsel is too often substandard.

“Without first honestly confronting and addressing these seemingly intractable issues, resuming federal executions — even when they do not jeopardize the health and safety of others — is reckless and arbitrary.

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The Death Penalty Information Center is a national nonprofit organization serving the media and the public with analysis and information on issues concerning capital punishment. DPIC was founded in 1990 and prepares in-depth reports, issues press releases, conducts briefings for the media, and serves as a resource to those working on this issue. DPIC does not take a position for or against capital punishment itself but has been critical of the manner in which it is administered.