

## **The Trump Executions: A Race to Kill**

Between July 2020 and January 2021, the Trump Administration carried out 13 executions. These executions ended a 17-year pause in federal executions and brought the total number of federal executions in the modern era from 3 to 16. The Trump Administration raced to complete its execution spree before President Biden took office, even explicitly asking the U.S. Supreme Court to vacate lower court stays so that executions could be completed before the Presidential transition (it did so).

Beginning in the summer of 2019 when the Department of Justice announced its plans to resume executions, hundreds of individuals and groups from diverse perspectives called on President Trump to stop federal executions and commute the sentences of those condemned to die. A compilation of representative letters calling on President Trump to stop the federal executions is available [here](#). The widespread opposition to the Trump executions also was reflected in hundreds of editorials, op-eds, and news pieces published across the country. A few examples of editorial and op-ed pieces are provided here from [The Washington Post](#), [The New York Times](#), [The Baltimore Sun](#), [CNN](#), [Newsweek](#), [the Federalist](#), [Fox News](#), [America Magazine](#), [the Christian Post](#), and the [Christian Century](#). Representative news pieces are provided here from [The Washington Post](#) and [The New York Times](#).

### **The federal executions under President Trump were emblematic of the broken federal death penalty system.**

- The government executed 12 men and one woman despite serious questions about the validity of many of their death sentences.
  - Two people were executed despite the fact that they had an intellectual disability, a condition that should have made them constitutionally exempt from execution.
  - Two people were executed despite suffering from serious mental illness and experiencing deteriorating mental states that left them legally incompetent to face execution. They were denied any hearing to assess their competency before being executed.
  - More than half of those executed were either Black or Native American.
  - Three prisoners were executed over the vehement opposition of their victims' family members, the prosecutors, judges and/or jurors involved in their cases.

- Several individuals were executed despite revelations that the government had withheld important evidence that might have changed the outcome of their cases; they were denied any evidentiary hearing on those claims before being executed.
- Eight of the 13 people executed by the Trump Administration were sentenced in Texas, Missouri, or Virginia, and 11 were sentenced in the Fourth, Fifth, or Eighth Circuits, reflecting the same over-concentration in a few jurisdictions that characterizes federal death row as a whole.
- Some of the executed prisoners had co-defendants who were far more culpable but received lesser sentences.

**The federal courts were unable or unwilling to correct serious errors in the cases of those executed under President Trump.**

- During the Trump executions, federal district courts and federal courts of appeals granted a total of 22 stays of execution, but the Supreme Court allowed all of the executions to proceed.
- Most of these decisions by the Supreme Court were part of their so-called “shadow docket,” coming late at night and with no explanation. As Justice Sotomayor wrote in her dissenting opinion in the case of Dustin Higgs (available [here](#)), the Court “repeatedly sidestepped its usual deliberative processes, often at the government’s request, allowing it to push forward with an unprecedented, breakneck timetable of executions.”
- In several of these 13 cases, prisoners were executed without ever having any court give substantive consideration to their claims of intellectual disability, mental incompetence, prosecutorial misconduct, racial bias, flawed forensic evidence or other grave errors.
- In some of those cases, lower courts granted stays or injunctions to allow the prisoner’s claims to be addressed, but the government asserted procedural objections and the courts of appeals or the Supreme Court allowed the execution to proceed.