



CBCF EXECUTIVE ORDER TRACKER

Restoring the Death Penalty and Protecting Public Safety.

Executive Order #14164

Date Issued: January 20, 2025

Topic: Criminal Justice

WHAT DOES THIS EXECUTIVE ORDER DO?

- This order directs the Attorney General to resume federal executions and outlines the Trump Administration's stance in favor of the death penalty. It also instructs the Attorney General to motivate State attorneys general and district attorneys to bring State capital charges for all capital crimes.
- The order establishes the federal government's interest in pursuing the death penalty for undocumented immigrants accused of violent crimes and anyone accused of murdering law enforcement officers.
- In his last month in office, former President Biden commuted the sentence of 37 death row inmates, who are now serving life sentences with no opportunity for parole. In this order, President Trump directs the Attorney General to "take all lawful and appropriate action to ensure that these offenders are imprisoned in conditions consistent with the monstrosity of their crimes and the threats they pose." The order also instructs the Attorney General to determine if those prisoners are eligible for death row on the state level and advise the legal authorities in that jurisdiction.
- In the order, President Trump expresses explicit intent to overrule Supreme Court precedents that "limit the authority of State and Federal governments to impose capital punishment" and asks the Attorney General to prosecute cases in consideration of this directive.



HOW WILL THIS EXECUTIVE ORDER BE ENFORCED?

- This order rescinds former President Biden's moratorium on federal executions and instructs the Attorney General to "pursue the death penalty for all crimes of a severity demanding its use."
- The order compels the Attorney General to influence state-level legal proceedings in order to increase the number of death penalty convictions.
- In the order, the Attorney General is instructed to "encourage State attorneys general and district attorneys to bring State capital charges for all capital crimes."
- The order also implores the Attorney General to ensure that states with capital punishment have "a sufficient supply of drugs needed to carry out lethal injection."
- Additionally, the order states that federal law enforcement should coordinate with State and local law enforcement where possible. However, it also asserts the authority of the Attorney General to seek federal jurisdiction over these cases to facilitate the objectives outlined in the order. The order specifically references capital crimes committed by undocumented immigrants and murder charges where the victims are law enforcement officials as relevant to federal interests.
- This order will be enforced by the Attorney General, but the order also modifies the Justice Manual, which provides general guidance to U. S. Attorneys and Justice Department employees who prosecute federal crimes.



HOW DOES THIS IMPACT BLACK COMMUNITIES?

- The Trump Administration's efforts to increase the use of the death penalty could have catastrophic implications for Black death row inmates, as the death penalty has a disproportionate impact on Black communities. Black people comprise roughly 13% of the U.S. population, but over 50% of the death row population. The U.S. criminal justice system is also flawed, and innocent Black people have faced death sentences due to racial bias. Since 1973, over 200 people have been exonerated from death row, and the National Registry of Exonerations reported in 2017 that innocent Black people are seven times more likely to be wrongfully convicted of murder than innocent white people.
- The race of the victim also affects whether the defendant faces capital punishment. A study from Harvard Law School found that those convicted of killing white people are sentenced to death row at seventeen times the rate of those convicted of killing Black people. In 2024, Marcellus Williams, a Black man convicted of murdering a white woman, was put to death by the state of Missouri, even though there was no DNA evidence linking him to the crime, and the victim's husband advocated against his execution. With the federal government and nearly 30 states empowered to pursue the death penalty because of this executive order, Black Americans are at greater risk of facing fatal consequences at the hands of the justice system.





HOW ARE CBC MEMBERS RESPONDING?

The Congressional Black Caucus (CBC) has demonstrated a commitment to addressing issues of racial equity in the criminal legal system and has spoken out against capital punishment on several occasions. Most recently, in December of 2024, the CBC issued the following [statement](#) in response to former President Biden commuting the sentences of 37 [death row prisoners](#):

- “The Congressional Black Caucus has for decades advocated for reforms of our criminal justice system to ensure equal treatment of all people under the law. Today, we join countless others in the civil and human rights space who, like the CBC, have for years advocated against the use of capital punishment at the federal level, in applauding the Biden-Harris Administration for this historic use of the president's clemency powers. The death penalty in America is a fundamentally flawed and error prone tool that has historically been disproportionately used against Black people and other people of color. The CBC thanks President Biden for his continued leadership and commitment to addressing systemic racism within the criminal justice system and for working to set a moral example for our nation.”

To read more about the CBC’s legacy on criminal justice issues, visit [Avoice](#), our virtual library.