



Dear friend,

On April 2, 2019, the Texas Department of Criminal Justice published a revised Execution Procedure in which it removed all chaplains from the execution chamber. This new policy now denies all people of faith the right to comfort in their last moments, comfort that has been provided to hundreds of inmates since the State resumed executions in 1982.

You'll find background information on the revised Execution Procedure below.

We invite you to join clergy across the state in expressing outrage at this cruel decision and calling on TDCJ to reconsider its new policy. You'll find an Interfaith Statement for your consideration online at this link: <https://forms.gle/2X1qiWrqwwESr4cz5>

If you agree with this statement, please sign and share with your clergy networks in Texas. The Texas Coalition to Abolish the Death Penalty (TCADP) will be collecting signatures through the end of May. The statement will be delivered to the appropriate person at TDCJ and may also be shared with the media.

If you have questions, please contact TCADP North Texas Outreach Coordinator Jim Webner at [jwe...@tcadp.org](mailto:jwe...@tcadp.org) or TCADP Executive Director Kristin Houle at [kho...@tcadp.org](mailto:kho...@tcadp.org).

Thank you for your support for this initiative.

Background Information: New TDCJ Execution Procedure removes all chaplains/spiritual advisors from execution chamber

On March 28, 2019, the U.S. Supreme Court stayed the execution of Patrick Murphy based on his complaint of religious discrimination. Murphy's request for a reasonable accommodation to have a Buddhist priest in the execution chamber was denied by the Texas Department of Criminal Justice (TDCJ). Murphy asked for injunctive relief to ensure that he is executed in a manner that does not violate the Establishment Clause or the Free Exercise Clause of the First Amendment or substantially burden the exercise of his religious beliefs and complies with the Religious Land Use and Institutionalized Persons Act.

His case received strong support in an amicus brief from the Becket Fund for Religious Liberty, a nonprofit, nonpartisan law firm dedicated to protecting the free expression of all religious traditions. The brief notes that the modern practice of offering the presence of a chaplain in the execution chamber is rooted in centuries-old religious practices:

"The right of a condemned person to the comfort of clergy—and the rights of clergy to comfort the condemned—are among the longest-standing and most well-recognized forms of religious exercise known to civilization. ...

Preventing or prohibiting this fundamental religious exercise flies in the face of the Free Exercise Clause and reflects an impoverished view of that Clause's scope and its historical meaning. The Founders would not have recognized a Free Exercise Clause

that did not ensure a man's last moments included the opportunity to make peace with his faith."

<https://www.becketlaw.org/case/murphy-v-collier/>

In its response to the Court's ruling, the Baptist Joint Committee for Religious Liberty praised the decision but also cautioned that "[Justice] Kavanaugh leaves open the possibility that the state will simply disallow all clergy in the execution chamber, which would be a cruel outcome in its own right."

<https://bjconline.org/this-time-u-s-supreme-court-halts-execution-over-clergy-refusal-032819/>

And yet that is exactly the route the Texas Department of Criminal Justice (TDCJ) decided to take. A new version of TDCJ's Execution Procedure, dated April 2, 2019, states that "Only TDCJ personnel shall be permitted in the execution chamber. The CID Director or designed and the Huntsville Unit Warden or designed shall accompany the offender while in the Execution Chamber. TDCJ Chaplains and Ministers/Spiritual Advisors designated by the offender may observe the execution only from the witness rooms." (Section VF. Pre-execution Procedures).

In other words, out of hostility to Mr. Murphy's sincere desire to practice his Buddhist faith, TDCJ has retaliated by denying religious freedoms to inmates of all faiths.

An editorial in the Palestine (TX) Herald-Press called the new policy "unnecessary, constitutionally shaky, and mean-spirited." ("Department of Criminal Justice should permit clergy in execution chamber," April 14, 2019)

[https://www.palestineherald.com/news/php-editorial-department-of-criminal-justice-should-permit-clergy-in/article\\_ed2df9c8-5e56-11e9-82cb-c3102e7af1a2.html](https://www.palestineherald.com/news/php-editorial-department-of-criminal-justice-should-permit-clergy-in/article_ed2df9c8-5e56-11e9-82cb-c3102e7af1a2.html)

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