

Complaint filed after judge gave Bible to convicted Guyger

October 8, 2019

DALLAS (RNS)—The Freedom from Religion Foundation has filed a letter of complaint with a Texas judicial conduct commission against a Dallas judge for offering a Bible to former police officer Amber Guyger after sentencing her for the murder of her neighbor, Botham Jean.

The actions of Judge Tammy Kemp of Texas' 204th District Court were captured on video Oct. 3, soon after Kemp sentenced Guyger to 10 years in prison. Shortly before, her victim's brother had hugged Guyger and told her he forgave her.

The Freedom from Religion Foundation said the judge's actions were "inappropriate and unconstitutional" because she was acting in an official rather than a private role.

"She was in a government courtroom, dressed in a judicial robe, with all of the imprimatur of the state, including armed law enforcement officers, preaching to someone who was quite literally a captive audience, and even instructing her on which Bible verses to read!" wrote Dan Barker and Annie Laurie Gaylor, co-presidents of the organization, in an Oct. 2 letter to the State Commission on Judicial Conduct.

"We understand that it was an emotional moment, particularly when the victim's brother, Brandt Jean, publicly forgave and hugged Guyger," the officials wrote. "It is perfectly acceptable for private citizens to express their religious beliefs in court, but the rules are different for those acting in a governmental role."

Some affirm judge's actions

Others praised the judge for her actions.

The Freedom from Religion Foundation “is protesting Judge Kemp rather than joining the rest of the nation celebrating the compassion and mercy Judge Kemp demonstrated,” said Hiram Sasser, general counsel of First Liberty Institute. “We should all be thankful the law allows Judge Kemp’s actions and we stand with her and will gladly lead the charge in defending her noble and legal actions.”

A tweet from the Dallas Police Department’s Twitter account said, “Botham Jean’s brother’s request to hug Amber Guyger and Judge Kemp’s gift of her Bible to Amber represent a spirit of forgiveness, faith and trust. In this same spirit, we want to move forward in a positive direction with the community.”

Footage from a Law & Crime Network video, whose link the Freedom from Religion Foundation included in its complaint, shows Kemp crossing the courtroom, Bible in hand, to where Guyger was seated.

“This is the one I use every day,” she can be heard saying. “This is your job for the next month. You read right here: John 3:16. And this is where you start, ‘For God so loved the world that he gave his one and only Son, that whosoever.’ You stop at ‘whosoever’ and say, ‘Amber.’”

At some points in the face-to-face conversation, Guyger nods. Kemp hugs her twice during the exchange, which lasted more than four minutes.

The Freedom from Religion Foundation asked the commission to investigate Kemp’s actions for possible violations of the Code of Judicial Conduct and “take all appropriate steps to ensure no future misconduct.”

‘Crossed an ethical line’

Asked what kind of action the group was hoping the commission might take, Gaylor told Religion News Service: “We would trust the commission to determine any sanctions, but we would certainly like to see a pronouncement that this behavior crossed an ethical line and was improper.”

Rachel Laser, president of Americans United for Separation of Church and State, agreed with the Freedom from Religion Foundation’s stance and said that proselytizing by a judge violates religion-government separation.

“By distributing a Bible and telling the defendant it is her ‘job’ to read a religious text as she’s on her way to prison, Judge Kemp has sent a message to all defendants who come before her that their religious beliefs could affect the outcomes of their cases and their sentences,” Laser said.

Gaylor said there have been other instances when her organization considered judges’ religious actions to be inappropriate.

“Over the years there unfortunately have been ethics violations of this nature, such as a judge sentencing someone to attend church, ruling in favor of a religious parent for custody because the other parent is an atheist, or invoking the Bible to jurors or in sentencing,” said Gaylor.

In May, the group refiled a suit against a Montgomery County justice of the peace who has a practice of inviting local clergy to appear as guest chaplains to offer prayers at the start of court sessions.

In 2013, then Tennessee magistrate Lu Ann Ballew ordered that an infant’s first name be changed from “Messiah,” to “Martin” because Messiah is “a title that has only been earned by one person and that one person is Jesus Christ.”

Ballew was removed from her magistrate post and later censured after the Freedom from Religion Foundation sought an investigation by the Tennessee Board of Judicial Conduct. She has since lost a bid to become a state Circuit Court judge.