

Stay of execution granted for Buddhist on Texas Death Row

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NEW ORLEANS (RNS)—A federal appeals court has upheld a second stay of execution for a Buddhist Texas inmate who was scheduled to die by lethal injection Nov. 13, the latest move in an ongoing legal battle over his religious liberty rights.

The court found inmate Patrick Henry Murphy had a First Amendment grievance with Texas' death row policy, which does not allow his Buddhist spiritual adviser to be with him in the execution chamber.

In March, a Supreme Court ruling stopped Murphy's execution hours before it was scheduled to begin, finding Texas' policy regarding chaplains allowed into the chamber was a violation of his religious rights.

The Texas Department of Criminal Justice only allowed prison employees into the chamber, and the state only employs Christian and Muslim chaplains.

In response to the ruling, Texas immediately adopted a policy that would stop all chaplains and spiritual advisers from entering the chamber. But Murphy argued that the state's pre-execution protocol still prevented him from meeting his spiritual adviser, while Christian inmates have access to Christian chaplains employed by the state.

When the Supreme Court stay expired, a Houston federal district court stayed his execution a second time on Nov. 7. Texas' Department of Criminal Justice filed an emergency appeal to the U.S. 5th Circuit Court of Appeals in New Orleans.

Texas attorneys argued that the protocol does not favor any religion because their Christian chaplains are encouraged to learn about many faiths and will listen to and be a “calming presence” for all inmates regardless of their religion, the Nov. 7 court order states.

On Nov. 13, the court denied the appeal.

‘Death row should not be a religion-free zone’

“The Fifth Circuit did the right thing in stopping this execution,” said Eric Rassbach, vice president at the Becket religious liberty law firm, which filed an amicus brief arguing Murphy has a First Amendment right to access a priest of his own faith during the execution. “Death row should not be a religion-free zone.”

Becket also filed a brief in the Supreme Court case, arguing that prohibiting a Buddhist chaplain from being present in the chamber violated the First Amendment’s free exercise clause.

“Texas long allowed ministers in the death chamber, so there is no practical reason why Texas can’t allow it for Buddhists also,” Rassbach said. “The Fifth Circuit should order Texas to allow Murphy access to a Buddhist priest at the time of his death.”

Texas may appeal the decision to the 5th Circuit or it may land at the U.S. Supreme Court a second time.

Murphy, 58, was a member of the group of prison escapees known as the “Texas Seven,” who committed multiple robberies and killed a police officer during a 2000 crime spree in Dallas.

The Supreme Court’s decision to block Murphy’s execution was

controversial among civil rights advocates at the time. Just one month before, the court had greenlighted the execution of a Muslim death row inmate who was not allowed a Muslim chaplain with him at his time of death.