News



This undated file photo provided by the Alabama Department of Corrections shows Willie B. Smith III. The lethal injection of Willie B. Smith III was called off Thursday, Feb. 11, 2021, when the U.S. Supreme Court maintained an injunction. The state prison system said the execution would not proceed given the ruling. (Alabama Department of Corrections via AP)

Kim Chandler

View Author Profile

The Associated Press

View Author Profile

Join the Conversation

Send your thoughts to Letters to the Editor. Learn more

Atmore, Ala. — February 12, 2021 Share on BlueskyShare on FacebookShare on TwitterEmail to a friendPrint



This undated file photo provided by the Alabama Department of Corrections shows Willie B. Smith III. The lethal injection of Willie B. Smith III was called off Thursday, Feb. 11, 2021, when the U.S. Supreme Court maintained an injunction. The state prison system said the execution would not proceed given the ruling. (Alabama Department of Corrections via AP)

An Alabama man won a reprieve from a planned lethal injection after the U.S. Supreme Court said the state must allow his personal pastor in the death chamber. The planned execution of Willie B. Smith III, which had been scheduled for Feb. 11, was called off by Alabama officials after the justices maintained an injunction issued by the 11th U.S. Circuit Court of Appeals, saying he could not be executed without his pastor present in chamber.

Department of Corrections spokeswoman Samantha Rose said the execution would not proceed given the ruling. Alabama has maintained that non-prison staff should not be in the room for security reasons.

"Willie Smith is sentenced to death, and his last wish is to have his pastor with him as he dies," Justice Elena Kagan wrote in an opinion joined by three other justices, including Amy Coney Barrett.

"Alabama has not carried its burden of showing that the exclusion of all clergy members from the execution chamber is necessary to ensure prison security. So the State cannot now execute Smith without his pastor present, to ease what Smith calls the 'transition between the worlds of the living and the dead,'" Kagan wrote.

The case was the latest in a series of legal fights over personal spiritual advisers at executions. The court in 2019 halted the execution of a Texas man who claimed his religious freedom would be violated if his Buddhist spiritual adviser was not allowed to be in the death chamber with him.

Justice Brett Kavanaugh suggested in a dissent that states that want to avoid litigation on the issue "should figure out a way to allow spiritual advisors into the execution room, as other states and the federal government have done."

Justices Samuel Alito and Neil Gorsuch did not disclose how they voted, but both would have had to side with Kavanaugh, John Roberts, and Clarence Thomas for the execution to proceed.

If the execution had gone forward, it would have been the first by a state in 2021 and one of the few at the state level since the start of the COVID-19 pandemic last year. According to the Death Penalty Information Center, no state has had an execution since last July 8.

Afterward, Smith was taken from a holding cell near the execution chamber and returned to his cell on death row, a prison spokeswoman said.

"The state is currently reviewing its options in light of last night's Supreme Court order leaving the 11th Circuit Court of Appeals' preliminary injunction in effect," Mike Lewis, a spokesman for Attorney General Steve Marshall, wrote in an email.

Smith had sought to allow his spiritual adviser, Pastor Robert Wiley, in the execution chamber, something the state does not allow.

Advertisement

"Mr. Smith pled that he believes that the point of transition between life and death is important, and that having his spiritual advisor physically present at that moment is integral to his faith," Smith's lawyers wrote in court documents.

Robert Dunham, executive director of the Death Penalty Information Center, said the Supreme Court has not ruled whether states are constitutionally required to permit a spiritual advisor in the execution chamber, but added that states, "can make this issue disappear simply by permitting a religious advisor to be present."

"If they don't, it will continue to be an issue until the Supreme Court rules on the substance of one of these claims, rather than issuing shadow-docket rulings to grant or vacate stays of execution or preliminary injunctions," Dunham said.

In the past, Alabama routinely put a Christian prison chaplain, who was employed by the state, in the execution chamber to pray with an incarcerated person if requested. The state stopped that practice after a Muslim person asked to have an imam present. The prison system, which did not have Muslim cleric on staff, said non-prison staff would not be allowed in the chamber.

Prosecutors said Smith abducted Johnson at gunpoint from an ATM, stole \$80 from her and then took her to a cemetery where he shot her in the back of the head. The victim was the sister of a police detective.

"Over twenty-nine years ago, Smith gunned down a woman whose only crime was stopping to use the ATM," attorneys for the state wrote in court documents seeking to let the lethal injection proceed.

Justices vacated another stay issued by the 11th Circuit related to Smith's intellectual capacity. His lawyers argued the state failed to give the man, who has an

IQ below 75, required assistance with forms affecting the timing of his execution. The Alabama attorney general's office in court filings disputed that Smith is disabled and called it a last-minute delaying maneuver.

Associated Press writer Mark Sherman in Washington contributed to this story.