

Alabama Justice Scores Free Speech Victory

The Alabama federal district court entered a permanent injunction in favor of Supreme Court Justice Tom Parker and against the Judicial Inquiry Commission (JIC) barring the use of judicial ethics canons to censor judges' public comments.

The JIC has been ordered to pay \$100,000 in compensation to Liberty Counsel for legal fees.

The controversy started in 2015, when the Southern Poverty Law Center (SPLC) filed a politically-motivated ethics complaint with the JIC against Justice Parker's radio comments regarding same-sex "marriage." Instead of dismissing the SPLC's frivolous complaint, the JIC decided to undertake a year-long "investigation" into whether Justice Parker's public comments on an issue of great public importance were in violation of Alabama Judicial Canons 1, 2A and 3A(6). Justice Parker initiated this lawsuit, challenging the canons on First Amendment grounds.

In March 2018, the federal district court entered a preliminary injunction against the JIC, concluding that Justice Parker was likely to prevail on his constitutional challenge because judges have a First Amendment right to speak on issues of public importance if their comments are not likely to affect the outcome or impair the fairness of cases pending before them.

"The Southern Poverty Law Center wanted to silence Justice Parker and remove him from the Alabama Supreme Court," said Mat Staver, founder and chairman of Liberty Counsel "Their ill intent backfired, and now Justice Parker has won the right for all judges to speak on important legal issues. This is an important victory for free speech and we celebrate the court's

approval of this permanent injunction.”

The speech restrictive rule was so broad that it prevented any Alabama judge from commenting on any case pending anywhere in the country. This rule would even apply to judges teaching law school students and commenting on a case pending before the U.S. Supreme Court.

Justice Parker is currently an associate justice of the Alabama Supreme Court and is running for the position of chief justice. Parker won the primary election on June 5, 2018.
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