

# Alabama Supreme Court Judge Scores Appeals Court Victory

Alabama Supreme Court Chief Justice Roy Moore was not the only member of the state court to be attacked by activists, nor is he the only one fighting back.

Justice Tom Parker, another conservative champion of the court, was similarly attacked in an effort to remove him from the bench. But late last week, he won an important victory in federal appeals court that could turn the tide in the war against constitutional originalist judges in America.

Liberty Counsel, which has been defending Parker against these attacks, just as it did for Moore, announced Friday that the 11th Circuit Court of Appeals unanimously sided with its motion to remand its legal challenge against the Alabama Judicial Inquiry Commission back to the lower court. The JIC had sought a dismissal of the appeal, but that motion was denied.

Parker's lawsuit is challenging the constitutionality of several speech restrictive Alabama Canons of Judicial Ethics and the automatic disqualification provision that was used to replace both himself and Moore following complaints filed by the Southern Poverty Law Center. SPLC has been using the provision and Alabama's unique complaint process in an effort to silence judges who oppose their liberal agenda.

The lower court dismissed Justice Parker's lawsuit, on the grounds that the JIC's pending investigation required federal courts to abstain from the matter. However, while Parker's appeal was pending, the JIC dismissed the SPLC's complaint. With the likelihood that SPLC would file more complaints, Liberty Counsel filed a motion to have the case returned to the lower court to address the merits of the legal challenge.

Alabama is the only state in the nation that automatically removes a judge from the bench when a charge is issued. Alabama provides no due process. The case can drag on for months or years, as is the case with Moore.

Parker is also challenging a judicial canon that prohibits a judge from commenting on any case pending anywhere in the country even though the case is not before that judge. Many years ago, the American Bar Association took the position that such restriction is unconstitutional and violates the First Amendment, but the canon has not been revised.

"We will continue to press this case until we receive justice," Liberty Counsel Founder and Chairman Mat Staver said. "The judicial canon that prohibits judges from commenting on any case anywhere in the country is patently unconstitutional.

"Every judge who teaches law school students would be silenced by this broad restriction on speech. The automatic removal provision is also unconstitutional because judges are deprived of due process. Our system of law presumes innocence until proven guilty but the automatic removal provision turns this cornerstone of justice on its head."