

Judge Moore Gets a Half-Victory From the Alabama Supreme Court

A half-victory is better than a defeat, right?

That's what suspended Alabama Supreme Court Chief Justice Roy Moore is trying to determine after the other justices agreed to recuse themselves from an appeal hearing over his permanent suspension from serving on the court. That's because they added a twist that could still stack the deck against Moore.

The Alabama court voted 5-3 to recuse themselves and to have replacement Chief Justice Lynn Stuart work with Gov. Robert Bentley to pick eight replacement jurists—all of whom must be retired judges. The split wasn't over whether or not to recuse themselves, but rather over whether or not the replacement judges could only be retirees.

"Chief Justice Moore is merely asking for the same thing any citizen is entitled to receive—equal justice under the law," Liberty Counsel founder and Chairman Mat Staver said. "He wants his case to be heard by an objective and fair panel of judges who will adhere to the rule of law.

"The people of Alabama have increasingly called upon their judges to be accountable. At every turn, this case presents new twists and turns that have never occurred in the history of Alabama."

Staver said the requirement that replacement judges all be retired is unprecedented. However, he is now hopeful the case will proceed quickly to a "final and just" resolution.

"The Court of the Judiciary violated the law when it suspended Chief Justice Moore for life even though it lacked the 9-0

vote," he said. "Never before under the unanimity requirement of COJ Rule 16 has any judge ever been suspended for the rest of the term. A sexting judge gets six months and a judge who writes a four-page order that is not unethical or unlawful gets suspended for life. This is not right."