

Judge Tom Parker Continues to Fight for Freedom of Speech

Despite being deemed “unconstitutional” by the American Bar Association, Alabama remains the only state in the country where a judge is removed merely on the submission of a complaint to the state’s Judicial Inquiry Commission.

Justice Tom Parker of the Alabama Supreme Court participated in a radio interview 17 months ago, answering questions on a wide-range of issues, including his thoughts on matters of constitutional importance. That single interview resulted in an ethical complaint being lodged against him by the Southern Poverty Law Center—which has used Alabama’s laws repeatedly to “punish” conservative judges in the state—triggering a yearlong investigation by the JIC.

Now, Parker is trying to do something about it, but even the state’s Republican Attorney General, Steve Marshall, is getting in his way. With assistance from Liberty Counsel, however, he continues to fight to have his day in court to defend the First Amendment rights of judges in his state.

“We are earnestly fighting for the free speech of not only Justice Parker but for every judge in Alabama,” Liberty Counsel founder and chairman Mat Staver said. “It is unbelievable that any state would force people to abandon their free speech rights, when everyone agrees that this speech restriction is unconstitutional.

“We are focusing on restoring our nation’s guiding principles to Alabama. This lawsuit exposes a clear violation of the First Amendment that no one can honestly defend.”

Liberty Counsel has filled a response opposing the Judicial Inquiry Commission and the Attorney General’s briefs asking the court to dismiss Parker’s case without addressing the

constitutional questions he has raised about the free speech of judges. They argue these rules have “chilled speech to such a great extent that it seeks to completely silence Alabama judges in any public setting.”

“This inquisition was based on nothing more than his exercise of his constitutionally protected freedom of speech,” Liberty Counsel stated in a press release. “After lengthy litigation, the court has yet to even consider the merits of Justice Parker’s case ...

“One of the main arguments of the JIC is that his speech was regarding the 2016 election. However, it is illogical to argue that no future Alabama judge will have a public opinion on a future election or that Justice Parker will not run again for judicial office.

“If Justice Parker had been charged, he would have been suspended pending a hearing. This automatic removal provision is a critical part of Parker’s lawsuit. The speech restrictive judicial canon violates the First Amendment, and the automatic removal violates due process and other constitutional provisions. Alabama is the only state to have this automatic removal provision that removes a judge for any charge.” {eo}