

Moore Bad News From Alabama

A nine-member panel of retired judges, serving in place of the Alabama Supreme Court, which had recused itself, has voted to affirm the Court of the Judiciary's decision to suspend former Supreme Court Chief Justice Roy Moore for the remainder of his current term of office.

Due to Moore's age and mandatory retirement laws in the state, that means he will never sit on the bench again. Liberty Counsel's founder and chairman, Mat Staver, called the decision a "tragedy."

"For the first time in the history of Alabama, a justice has been disciplined for issuing an administrative order. Under this system, no judge is safe to issue orders or render dissents," he said. "The system has to change, and politics should be removed from judicial decision making and disciplinary actions."

Calling the decision a "politically-motivated punishment," Staver said Moore has been stripped of all income and benefits since last fall. The decision will also result in the longest judicial suspension in the state's history. He also noted that both the COJ and the Judicial Inquiry Commission violated their own rules to come to their conclusion.

In a press release about the decision, Judicial Counsel stated:

The COJ admitted it did not have a unanimous vote to remove the Chief under COJ Rule 16, so the COJ suspended him for life. Removal or suspending for life is the same thing. And now, the Special Court allows the COJ to violate its own rule.

The Judicial Inquiry Commission (JIC) rules require that a complaint against a judge can only proceed with (1) a

verified Complaint, (2) a vote by the JIC, (3) notice of the Complaint to the judge, and (4) continuing notice every six weeks to the judge that the Complaint is still under review. None of these requirements occurred regarding Charge 6, pertaining to whether Chief Justice Moore should recuse himself from the 2016 opinion. Yet, the Special Court sees no problem with the JIC violating this rule.

“The JIC and the COJ can apparently now violate their own rules and second-guess a judge’s judicial order to remove him from the bench for life,” Staver said. “Some people may applaud today’s decision because they oppose Chief Justice Moore. Many will be saddened by this opinion. No one is a winner today. Neither the people of Alabama [nor] especially its judges should take comfort. The system needs to be fixed.”
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