

BEFORE THE JUDICIAL INQUIRY COMMISSION OF ALABAMA

Inquiry Concerning a Judge, No. ____.

will continue to enforce Ala a a s arriage restrictions regardless of any federal

restrictions unconstitutional. He then gave interviews to the press regarding the letter and the substance of the ruling. Rather than simply replying that the Canons of Judicial Ethics prevented him from speaking publicly about pending cases, Chief Justice Moore penned and made public a letter to the Governor expressing his reaction to the ruling and urging defiance.

Second, Chief Justice Moore's public comment expressly addresses a pending case. The case is the widely reported case of *Ecycitne No. cv. CG N S D Ala.* in which U.S. District Judge Callie V.S. Granade on January entered a Memorandum Decision and Order declaring that Alabama's marriage restrictions violate the United States Constitution. *See* Exhibit B. Chief Justice Moore expressly references this order entered in a pending case in the first sentence of his letter. *See* Exhibit A at

The recent ruling of Judge Callie Granade of the United States District Court for the Southern District of Alabama, *Ecycitne No. cv. CG N S D Ala.*, 2014 WL 1234567 (S.D. Ala. 01/15/14), is available at [http://www.courtlistener.com/doc/2014/1/14/14-cv-00000-granade/14-cv-00000-granade-01-15-14.pdf](#).

the Matter of Roy S. Moore, Chief Justice of the Supreme Court of Alabama, attached hereto as Exhibit C. By that Final Judgment, the Court of the Judiciary removed then Chief Justice Moore because of his refusal to obey a federal court order requiring the removal of a statue of the Ten Commandments from the State Judicial Building. Then Chief Justice Moore justified his refusal in part on his belief that the federal order was in conflict with the Alabama Constitution. *See* Exhibit C at

The Court of the Judiciary *rejected* this argument, which in fact was simply further evidence of then Chief Justice Moore's faithlessness to the law.

The Oath taken by Chief Justice Moore commands him to support both the United States and Alabama Constitutions. In the event of a conflict between the constitutions of Alabama and the United States, the Constitution of the United States must prevail. The Supremacy Clause of the United States Constitution provides that ⁷this

Chief Justice Moore can point to no change in law or other circumstance that could justify his continued defiance of the foundational principle that federal law is supreme. His continued resistance to the principle demonstrates faithlessness and incompetence in violation of Canon 4A.

C. **Canon 1 – Disrespect for the Dignity of the Judiciary; and Canon 2(A) – Undermining Public Confidence in the Integrity of the Judiciary.**

Chief Justice Moore's letter and comments in the press assault the authority and integrity of the federal judiciary and publicly urges Alabama's Governor to join him in opposing its purported tyranny. His letter thereby violates two related Canons of Judicial Ethics. Canon 1 obligates Chief Justice Moore to observe high standards of conduct so that the integrity of the judiciary may be preserved. Similarly, Canon 4A requires that he conduct himself at all times in a manner that promotes public confidence in the integrity of the judiciary.

The disregard for the integrity of members of the federal judiciary that Chief Justice Moore propounds in his letter is nearly unprecedented. He accuses the federal judiciary of being intent on destruction of the institution of marriage. *See* *Elliott v. City of Birmingham*, 393 U.S. 271 (1969). He complains that the forty-four federal courts that have found marriage restrictions unconstitutional have done so by means of judicial fiat. *See* *Id.* He further characterizes the growing number of such decisions as tyranny. *See* *Id.*

Canons and codes and Chief Justice Moore to act to preserve the integrity and public confidence in the integrity of the judiciary Chief Justice Moore is duty bound to uphold the integrity of the judiciary as the impartial branch of our government to which all Alabamians Christian or Jew man or woman gay or straight can turn for justice or for protection from government overreach or intrusion His wild and unfounded invocation of purported federal judicial tyranny directly undermines and indeed appears intended to undermine public confidence in the federal judiciary

Chief Justice Moore's letter goes beyond simply expressing his own personal disdain for the federal judiciary however He expressly and openly invites Governor Bentley and other judges to join in his defiance and disregard for the integrity of the federal judiciary We must act to oppose such tyranny he proclaims *see Exhibit A at* I ask you to continue to uphold and support the Alabama Constitution with respect to marriage *see Exhibit A at* In this way Chief Justice Moore attempts to conscript a virtual army of state officials and judges who he hopes to array in unified defiance of the federal judiciary This threatened confrontation is unethical irresponsible and lawless It is the precise opposite of what we should expect from the chief judicial officer

The words that Chief Justice Moore has expressed might be words we could expect to read in an op-ed to hear on a street corner or to debate at a coffee shop

Subscribed and Sworn to or affirmed before me this _____th day of January

My commission expires (.....)
Notary Public