

BEFORE THE JUDICIAL INQUIRY COMMISSION OF ALABAMA

Inquiry Concerning a Judge, No. ____.

**SECOND SUPPLEMENT IN SUPPORT OF COMPLAINT OF THE
SOUTHERN POVERTY LAW CENTER AGAINST CHIEF JUSTICE ROY
S. MOORE**

We lodged a Complaint against Chief Justice Roy S. Moore on January 28, 2015, regarding the January 27, 2015, letter he sent to Governor Robert Bentley and the Chief Justice's related public statements. On February 3, 2015, we filed a supplement in support of that Complaint based on the Chief Justice's subsequent public comments. We now write to supplement the Complaint again. The Chief Justice continues to flout and violate the Alabama Canons of Judicial Ethics.

In particular:

- Chief Justice Moore knowingly has continued repeatedly to violate **Canons 3 and 5** by making public comments about pending or impending proceedings and by engaging in numerous extra-judicial public speeches and interviews on the legality of same-sex marriage and specifically the United States Supreme Court's recent decision in *Obergefell v. Hodges*, 576 U.S. ____ (June 26, 2015). In those public comments, Chief Justice Moore has

said that the *Obergefell* decision is illegitimate and unlawful and that state executive actors need not obey it.

- The Chief Justice's comments about the legitimacy of the constitutional right to same-sex marriage, the tyranny of the federal judiciary, his embrace and promotion of the subversive "Lesser Magistrate Doctrine," and his suggestion that the *Obergefell* decision need not be obeyed and followed as the supreme law of the land also violate **Canon 2** because they undermine public confidence in and respect for the integrity of the judiciary and do not show respect and faithfulness to the law.
- In addition, the Chief Justice has violated **Canon 2** through his continued association with and promotion of the Foundation for Moral Law, a legal services organization that represents individuals in federal and state courts, of which he is identified as President emeritus and for which his wife, Kayla Moore, serves as President.
- Finally, Chief Justice Moore has violated the Canons of Judicial Ethics by announcing that rather than carrying out his adjudicative responsibilities by following binding Supreme Court precedents, he will selectively recuse himself from adjudicating cases that would require him to apply precedents with which he personally disagrees.

A. Chief Justice Moore Has Violated Canons 3(A)(6) and 5(A)

Canon 3(A)(6) of the Alabama Canons of Judicial Ethics provides that “[a] judge should abstain from public comment about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to his direction and control.” In addition, Canon 5 provides that “[a] judge should regulate his extra-judicial activities to minimize the risk of conflict with his judicial duties.” Specifically, Canon 5(A) provides that “A judge may write, lecture, teach, and speak on *nonlegal* subjects, . . . *if such avocational activities do not detract from the dignity of his office or interfere with the performance of his judicial duties.*” *Id.* (emphasis added). Chief Justice Moore has repeatedly violated these ethical rules.

In the lead up to and after the United States Supreme Court’s decision in *Obergefell*, Chief Justice Moore has given numerous speeches and interviews regarding *legal* subjects, including the constitutionality of state prohibitions on same-sex marriage, the competing powers of federal and state courts to interpret the United States Constitution, and the legitimacy of various court decisions finding a constitutional right to marriage equality, knowing that such conduct violated the Canons of Judicial Ethics.

On March 23, 2015, Chief Justice Roy Moore was the headline speaker at a political event, the Defense of the Texas Marriage Amendment Rally, in Austin,

Texas. *See*

http://www.al.com/news/index.ssf/2015/03/roy_moore_at_texas_rally_state.html;

<https://www.youtube.com/watch?v=rcBKN42LRKY> (transcript of remarks

attached hereto as Exhibit A). This speech was given during the pendency of a number of legal proceedings in Alabama relating to Alabama's marriage laws, including *Searcy v. Strange* and *Strawser v. Strange*, pending in the United States District Court for the Southern District of Alabama, *Hard v. Strange*, pending in the United States District Court for the Middle District of Alabama, and *Ex parte State v. King*, pending before the Alabama Supreme Court. At the time of the speech, Judge Callie V. S. Granade had issued an order on January 23, 2015, in *Searcy v. Strange*, declaring Alabama's discriminatory marriage laws unconstitutional and preliminarily enjoining their enforcement by the Attorney General and Alabama probate judges. Chief Justice Moore had also previously individually issued an "administrative" order to the Alabama probate judges on February 8, 2015, instructing them, in light of the *Searcy* order, to continue to enforce Alabama's unconstitutional marriage laws. In addition, the Alabama Supreme Court had issued a mandamus order on March 3, 2015, in *Ex parte State v. King*, declaring the Alabama marriage laws constitutional and ordering Alabama

probate judges to continue to refuse to issue marriage licenses to same-sex couples despite the *Searcy* order.¹

Chief Justice Moore was fully aware that his speech at this political event violated the Alabama Canons of Judicial Ethics. During his remarks he openly acknowledged as much, stating: “I’m a judge. [00:30] Normally, judges don’t speak in public about issue like this, but if I should hold back my opinions at such a time as this, I would consider myself guilty of treason toward my country.” Ex. A. Despite being fully aware that his conduct was improper, he consciously prioritized the opportunity to make a political speech above his ethical duties and obligations as a judge.

This was not an isolated incident. On multiple occasions since the Supreme Court’s decision in *Obergefell*, Chief Justice Moore has continued to engage in conduct in violation of these Canons of Judicial Ethics.²

¹ Because of his previous public comments regarding the pending *Searcy* and *Strawser* cases, Chief Justice Moore was forced to recuse himself from *Ex parte State v. King*.

² See, e.g., April 17, 2015 Award Ceremony Speech, http://www.al.com/news/index.ssf/2015/04/group_to_give_alabama_chief_ju.html; <https://www.youtube.com/watch?v=JGHIthmiSUc> (transcript of remarks attached hereto as Exhibit B); June 19, 2015 Kimberly Church Speech, <http://www.politico.com/story/2015/06/roy-moore-alabama-supreme-court-christians-persecution-gay-marriage-ruling-119545.html>; http://www.al.com/news/index.ssf/2015/06/roy_moore_speaking_at_kimberly.html ; <https://www.youtube.com/watch?v=BmpS0V9L6tI> (transcript of remarks attached hereto as Exhibit C); July 7, 2015 Randall Terry Interview, https://www.youtube.com/watch?v=3hdot2_BX7o (transcript of remarks attached

If Chief Justice Moore chooses to make political speeches, he is free to do so, but he cannot do so and simultaneously hold the position of Chief Justice of the Alabama Supreme Court.³ His open and blatant disregard for judicial ethics demonstrates that the Chief Justice is unfit to be a judge.

The Chief Justice's continued extra-judicial activities also have interfered with the performance of his judicial duties in violation of Canon 5(A). As a result of the Chief Justice's speeches on these legal subjects, he has been forced to recuse himself from legal proceedings pending before the Alabama Supreme Court. *See Ex parte State v. King*, No. 1140460. Because Chief Justice Moore has violated Canons 3 and 5, it is also likely that he will be required to recuse himself from many future cases that implicate the Alabama marriage laws and *Obergefell*. In fact, the Foundation for Moral Law, representing a defendant in a marriage case

hereto as Exhibit D); July 11, 2015 Magnolia Springs Church Speech, http://www.al.com/news/mobile/index.ssf/2015/07/alabama_supreme_court_chief_ju.html#incart_river; July 12, 2015 Operation Save America Speech, <http://www.montgomeryadvertiser.com/story/news/2015/07/11/hate-homosexuals-chief-justice-roy-moore/30041083/>; <https://www.youtube.com/watch?v=S96lHVvyyUg> (transcript of remarks attached hereto as Exhibit E); July 13, 2015 Baldwin County Young Republicans Speech, <https://www.facebook.com/BaldwinCountyYRs>.

³ *See* Canon 2, Commentary (“Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges. A judge must avoid all impropriety and appearance of impropriety. He must expect to be the subject of constant public scrutiny. He must, therefore, accept restrictions on his conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly.”).

pending in the federal district court for the Middle District of Alabama, *Hard v. Strange*, has recently asked the federal court to certify a question of law about the application of the *Obergefell* decision to the Alabama Supreme Court. Certainly, given his vocal opposition to the legitimacy of the *Obergefell* decision, the Chief Justice would be required to recuse himself from deciding the certified question. The Chief Justice's extra-judicial activities have brought into doubt his ability to be impartial and thus directly "interfere[s] with the performance of his judicial duties" because the Canons require him to recuse himself.

The Chief Justice's violations of the Canons of Judicial Ethics demonstrate why the prohibition on public comment on pending cases and the prohibition on speeches on legal issues exist. They guard against the perception of impartiality and are meant to promote the rule of law and public confidence in the judicial system. Recusal is a concept that the Chief Justice seems to have grasped, but recusal is not meant to be the rule; it is the exception for judges who are expected to be able to sit and decide cases. Chief Justice Moore cannot be allowed to ignore Canons 3 and 5 and then seek to cure his violation by recusing himself from the case or issues on which he comments. The Chief Justice is a judge, not a preacher or a politician. He simply cannot have it both ways.

Moreover, Chief Justice Moore is expected to decide impartially the cases that come before him and be bound by controlling precedents from the U.S.

Supreme Court. He cannot simply recuse himself from cases which would require him to apply Supreme Court precedents with which he personally disagrees, as he has suggested that he would do in response to *Obergefell*. See Feb. 12, 2015 CNN Interview, <http://www.mediaite.com/tv/chris-cuomo-battles-al-justice-roy-moore-in-epic-25-minute-interview-on-gay-marriage/> at 08:52 (“If it’s an unlawful mandate, you don’t have [09:00] to recognize it, you can recuse from the case.”); 10:24 (“If I can’t follow what the Supreme Court, if I can’t follow what the Supreme Court says, I recuse from the case.”) (full transcript attached hereto as Exhibit F). Such a rule would allow the Chief Justice (or any judge) to shirk his or her adjudicative duties and obligations under Canon 3 to “perform the duties of his office impartially and diligently.” Again, Chief Justice Moore cannot have it both ways. The fact that the Chief Justice is willing (and apparently thinks it appropriate) to play fast and loose with the Canons of Judicial Ethics so that he can indulge his true desire to be a politician or preacher while at the same time maintaining the mantle of the Chief Justice of the Alabama Supreme Court is corrosive and destructive to the judicial system and warrants his removal. The Chief Justice has engaged in a pattern of misconduct that establishes that he is unfit for judicial office.

B. Chief Justice Moore Has Violated Canon 2(A)

The content of Chief Justice Moore's remarks at the political rally and during his other public comments also shows that he is unfit to be a judge. Canon 2(A) provides that "A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."

In his speech at the Texas rally, Chief Justice Moore refuses to accept the supremacy of the federal Constitution over conflicting state constitutional provisions (an established, bedrock principle of the U.S. legal system) and intentionally pits federal courts against state courts, denigrates and undermines the legitimacy of the federal judiciary by accusing it of a tyrannical power grab, and even accuses Judge Granade of using "intimidation" in seeking to have federal court orders respected and given effect.

Moore: You see the law does not allow the federal courts to come into the state of Texas or to come into the state of Alabama and say that your constitution is unconstitutional and start issuing same-sex marriage licenses because that authority does not belong [03:30] to the federal government.

Audience: [03:31] [applause]

Moore: [03:32] Last month, when a federal judge came into our state and, through intimidation, indicated that all the federal court or all the probate judges of our state would have to issue same-sex marriage licenses, myself and the Alabama Supreme Court said no.

Audience: [03:51] [applause]

Moore: [03:52] Today, no same-sex marriage licenses are issued in our state.

Ex. A.

The Chief Justice then ends his speech with a call on the Texas judiciary to follow his example and defy federal decisions. “I ask the judges of this state and the justices of this state to stand up—to stand up for the people of Texas and to do the right thing . . . [07:30] Texas is recognized across this country as a leader in state’s rights, as a leader in state sovereignty. If we fail to stand up today, we will disown the memory of, not only of [commander of the Alamo] Colonel Travis but all those who have died in the history of this great state.” Ex. A.

Furthermore, on July 7, 2015, Chief Justice Moore gave an hour-long interview to political activist Randall Terry that was posted on YouTube. *See* Ex. D. In this interview, the Chief Justice continues to indicate that he is in active “conflict” with the federal judiciary and the United States Supreme Court. He indicates that he thinks the *Obergefell* decision contradicts the Constitution and that he (and unnamed others) are fighting with briefs and by giving speeches. “We’re engaged with a conflict with the federal court and the Supreme Court of the United States has just issued a horrendous opinion that, I think, contradicts the

constitution. . . . so we're fighting with briefs and we're fighting—writing and speaking and letting people know what this is really about.” *Id.* at 00:17.⁴

Chief Justice Moore indicates that, in his view, the Supreme Court “very clearly” went outside of the rule of law and went beyond their constitutional authority. *Id.* at 18:08; *see also* Ex. B at 16:49 (“Then you must ask, well, how have these states adopted same sex marriage? They’ve not adopted. They’ve enforced by illegal federal court orders.”). Shockingly, he then concludes that state officers such as governors are not to obey the Supreme Court’s decision: “If the decision contradicts the Constitution, it’s not law and if it’s not a law, then you’re not to obey it. If it’s contrary to the United States Constitution.” *Id.* at 27:57.⁵ The Chief Justice notes that his view that the *Obergefell* decision was not constitutionally supported is consistent with the opinions of the four dissenting justices. *See also* Ex. E at 32:14–32:30. While it is not improper for him to commiserate with the dissenters and suggest that they had the better of the legal argument, the Chief Justice Moore violates Canon 2(A) and crosses the ethical line by suggesting that the decision is unlawful and, therefore, should not be obeyed.

⁴ It is unclear to what “briefs” the Chief Justice is referring and to whom he is referring by the use of the pronoun “we,” but his comments lend credence to the allegation of his improper continued involvement and association with the Foundation for Moral Law described below.

⁵ *See also* Ex. D at 27:16–31:30; 35:39 (“I think that all officials have a right to obey an unlawful order.”).

Chief Justice Moore also promotes the erroneous legal proposition that opinions of the Supreme Court are not the supreme law of the land under the Supremacy Clause.⁶ *See id.* at 32:20; Ex. E at 53:30–54:30. In advancing these arguments, the Chief Justice appears to be adopting and promoting the subversive and fringe “Doctrine of the Lesser Magistrate” rather than abiding by Canon 2(A) which requires a judge to respect and comply with the law, including the bedrock principles found in the Supremacy Clause and the legal doctrine of *stare decisis*.

Adherents to the “Doctrine of the Lesser Magistrate” believe that when a higher or superior authority, in this case the U.S. Supreme Court, creates unjust or immoral laws, i.e., the constitutional right to same-sex marriage, the lesser ranking civil authority has both the right and the duty before god to not only refuse to obey but to actively resist such unjust laws. *See* <https://lessermagistrate.com/>. This “doctrine” has been popularized in recent years not by legal scholars or courts but by religious ministers, particularly Matt Trehwella, a pastor at the Milwaukee-area Mercy Seat Christian Church (founded in 1988) and the founder of Missionaries to the Preborn, an anti-abortion group. *See id.*

This doctrine is anathema to the rule of law and undermines public confidence in the integrity of the judiciary. In fact, it calls for active resistance to

⁶ He also notes that he keeps “reminding reporters” of this ridiculous position, demonstrating that he continues to comment on these cases in violation of the ethical canons. Ex. D at 32:20.

the rule of law. *See* Scott Whiteman, *The Not So Supreme Court*, <http://lessermagistrate.com/01/Not-So-Supreme-Court2.pdf>, at 3 (“Lawyers and judges are not beholden to each other, nor collectively bound by the latest Supreme Court opinion. Instead, we are individually bound by oath to the Constitution, not the judiciary nor its interpretations of the Constitution. Just as an associate lawyer cannot hide behind the unethical instructions of his superior, subordinate lawyers and judges should learn to resist long-standing traditions of men that run against the will of a righteous people as expressed in the United States Constitution. Through this action, lawyers and judges, within their respective spheres, adopt the ‘Doctrine of the Lesser Magistrate’ and refuse compliance with the ungodly and unconstitutional opinions of men.”) (attached hereto as Exhibit G). It has no legitimate basis or place in our country’s jurisprudence.

The Chief Justice’s apparent embrace of this outlandish doctrine and his association with organizations⁷ that adhere to and promote it brings into serious doubt his fitness to continue to serve as a judge.

Finally, the Chief Justice catastrophizes the *Obergefell* decision and undermines the judiciary’s legitimacy by drawing parallels between this decision

⁷ Operation Save America is such an organization. Chief Justice Moore spoke at a recent OSA gathering. *See* Ex. E. At the event, the Chief Justice was presented with the Godly Statesman Award and was blessed as an “example for lesser magistrates throughout the United States of America, that it’s time to say no to the federal beast in Jesus’ name.” *Id.* at 22:30. The Chief Justice then also referenced the doctrine in his following remarks. *See id.* at 48:00–50:00.

and the Dred Scott decision, ultimately concluding that “I think [*Obergefell* is] going to destroy the nation.” *Id.* at 36:39.⁸ Such comments are the height of irresponsibility. They seek to turn the public against the rule of law and undermine their confidence in the judicial system by laying the downfall of the nation at its feet.

C. Chief Justice Moore Has Violated Canon 2(C)

Canon 2(C) provides, as a part of the requirement that a judge should avoid the appearance of impropriety in all of his activities, that “[a] judge should not allow his family, social, political, or other relationships to influence his judicial conduct or judgment. He should not lend the prestige of his office to advance the private interests of others; nor should he convey or permit others to convey the impression that they are in a special position to influence him.” Chief Justice Moore’s continued association with and promotion of the Foundation for Moral Law and his wife’s continued reference to the Chief Judge as the former president of the organization violates Canon 2(C).

The Foundation for Moral Law touts itself as a non-profit, tax-exempt organization that focuses on litigation in which it represents individuals in religious liberty cases and files amicus curiae briefs in state and federal courts. *See Exhibit H.* Chief Justice Moore is credited with founding the organization and served as its

⁸ *See also* Ex. D at 47:15– 48:33.

president for a period of time prior to his election as Chief Justice in 2012. *See* http://www.al.com/opinion/index.ssf/2015/02/roy_moore_was_elected_chief_ju.html; http://www.al.com/opinion/index.ssf/2015/07/alabama_gay_marriage_fight_who.html; Exhibit I.

Kayla Moore, the Chief Justice's wife, took over the position of president upon Moore's becoming Chief Justice in January 2013. Ex. I. Chief Justice Moore remains affiliated with the Foundation, having taken the title of President Emeritus of the Foundation for Moral Law. Exs. H & I. Kayla Moore's biography on the Foundation's website makes repeated mention that she is the wife of Judge Roy Moore and "was front and center during the Judge's battles with the ACLU and all those who seek to hide America's history as a Christian nation." *See* Ex. I. It goes on to note that "Kayla is married to Roy S. Moore, the current Chief Justice of the Alabama Supreme Court and the Founder and President Emeritus of the Foundation for Moral Law." *Id.*

On June 6, 2015, Kayla Moore, speaking on behalf of the Foundation for Moral Law, appeared at a rally in support of traditional marriage on the steps of the Alabama State House. Mrs. Moore made a point to associate herself and the Foundation with the Chief Justice. In fact, her first sentence was "I am the wife of Chief Justice Moore." *See* June 6, 2015 Kayla Moore Speech,

<https://www.youtube.com/watch?v=gsNR7ymy7dg> (transcript attached hereto as Exhibit J) at 00:04. She then made known that she is also the president of the Foundation for Moral Law which is fighting for rights given by god and protected under the Constitution. *Id.*⁹ Even though Chief Justice Moore did not attend this rally, his wife did not hesitate to invoke his name. “My husband was president of the Foundation before he became your Chief Justice.” *Id.* at 05:41. “Chief Justice Moore is not here. There are cases before the Supreme Court, and even though he has not voted on them, [01:36] he does not want his appearance to have any sway with opinions.” *Id.* Even though the Chief Justice apparently knew it would be improper for him to appear, he allowed his wife to act as a surrogate to convey his sentiments and to promote the Foundation that is litigating the very issue on which the Chief Justice has publicly commented and which required him to recuse himself in the case she mentioned. Mrs. Moore could have appeared and promoted her organization without any mention of the Chief Justice or his affiliation with it, yet she chose to invoke the Chief Justice’s name and position to lend credibility to her cause, apparently with the full support of Chief Justice Moore.

Rather than seek to prevent his name from being used to promote the Foundation for Moral Law, the Chief Justice appears to endorse his wife’s use of his name. In his July 12, 2015, speech to the anti-abortion, anti-gay marriage

⁹ Mrs. Moore also notes that the Foundation had a table set up at which it was selling pamphlets.

advocacy group Operation Save America,¹⁰ Chief Justice Moore made a point to introduce his wife as the president of the Foundation for Moral Law, mentioned her speech at the state capitol (at which he could not speak because of his “duties”), and peddled pamphlets whose description sounded remarkably like the ones offered by the Foundation for Moral Law. *See* Ex. E at 28:50–30:30. He also promoted the Foundation and the sale of its pamphlets at another speech on July 11, 2015. *See*

http://www.al.com/news/mobile/index.ssf/2015/07/alabama_supreme_court_chief_ju.html#incart_river (noting that Chief Justice Moore promoted the Foundation for Moral Law in his speech to the Magnolia Springs Baptist Church and sold pamphlets).¹¹

On another occasion on April 17, 2015, in the rotunda of the State Supreme Court building, while giving an acceptance speech for an award, Chief Justice Moore again mentioned his wife’s work with the Foundation for Moral Law. “I would like to recognize my wife, who I failed to recognize, who’s standing back here. [11:15] The Foundation for Moral Law, which has done a lot of work in trying to improve the institution of marriage. Of course, I appreciate her. Yes.”

¹⁰ The Chief Judge’s support for this organization is the subject of another pending ethics complaint. *See* http://www.al.com/news/index.ssf/2015/07/abortion_rights_group_files_et.html.

¹¹ Kayla Moore often accompanies the Chief Justice at his speaking engagements. *See, e.g.,* Exs. B, D & E.

Ex. B. The Chief Justice easily could have acknowledged and thanked his wife without any reference to the Foundation for Moral Law. The reference to the Foundation was a gratuitous attempt to promote the work of the organization his wife runs and with which he is still affiliated.

The continued interconnectedness of the Chief Justice and the Foundation for Moral Law can also be seen in his parroting of the positions of the organization in his public comments. On at least two occasions, for example, in his public comments on the Supreme Court's consideration of *Obergefell*, Chief Justice Moore referenced the argument set forth in a motion by the Foundation for Moral Law filed in the *Obergefell* case that Justice Ginsberg and Justice Kagan should have recused themselves.¹² See Foundation for Moral Law Press Release dated April 27, 2015 (attached hereto as Exhibit K); Ex. D at 21:00–23:08 (citing Foundation for Moral Law motion); Ex. B at 06:30–06:58 (Chief Justice Moore arguing that Justices Kagan and Ginsberg should have recused themselves); Ex. J at 01:36 (Kayla Moore suggesting that Justice Ginsberg should learn the judicial ethics of recusal like her husband).

The Foundation for Moral Law, the organization for which the Chief Justice now serves as President Emeritus and which he consistently promotes, actually represents one of the intervenor-defendants in the *Hard v. Strange* marriage case in

¹² The Chief Justice even goes so far as to suggest that the Justices should be impeached for failure to recuse themselves. See Ex. D at 20:33.

the Middle District of Alabama. The same day the *Obergefell* decision was handed down by the Supreme Court on June 26, 2015, the Foundation for Moral Law issued a press release quoting Kayla Moore as saying “This means we’ve got more work to do, but we are determined to do it. The Foundation is involved with a same-sex marriage case in the Middle District of Alabama, and that case will continue. There are issues in this case that the Supreme Court’s decision didn’t resolve.” Ex. L. Then just a few days later, in his interview with Randall Terry the Chief Justice mentioned that “[w]e’re engaged with a conflict with the federal court and the Supreme Court of the United States has just issued a horrendous opinion that, I think, contradicts the constitution. . . . so *we’re fighting with briefs* and we’re fighting—writing and speaking and letting people know what this is really about.” Ex. D at 00:17 (emphasis added). Shortly thereafter, the Foundation for Moral Law filed a motion in the *Hard* case suggesting that *Obergefell* was unlawful and should not be applied retroactively and asking that the question be certified to the Alabama Supreme Court.¹³ It strains credulity to believe that the Chief Justice’s activities are independent from those of the Foundation for Moral Law.

The foregoing demonstrates that the Chief Justice has repeatedly violated Canon 2(C) by allowing his wife to appropriate the prestige of his office to

¹³ ~~*Hard v. Strange* appears to be the only Alabama marriage case in which the Foundation for Moral Law is currently engaged.~~


advance her private interests and those of the Foundation for Moral Law. Even worse, the Chief Justice has directly promoted his wife's organization – a group that will likely have business before the Alabama Supreme Court, including the *Hard* case (the only Alabama marriage case in which the Foundation for Moral Law is engaged) – and that pays her a salary that benefits his own personal financial interests, even if indirectly.

For these additional reasons and for the reasons set forth in the Complaint, Chief Justice Roy Moore has improperly commented on pending and impending cases; improperly engaged in extra-judicial activities which have and will continue to interfere with his ability to perform his adjudicative duties assuming he properly recuses himself; demonstrates his desire to recuse himself selectively in cases requiring him to apply and follow precedents with which he personally disagrees, demonstrated faithlessness to foundational principles of law and embrace of fringe, subversive positions such as the “Lesser Magistrate Doctrine;” taken affirmative steps to undermine public confidence in the integrity of the judiciary by suggesting that the *Obergefell* decision is illegitimate and not the supreme law of the land, and therefore, must not be obeyed; allowed his wife to appropriate the prestige of his office to advance her private interests and those of the Foundation for Moral Law; has improperly lent the prestige of his office to advance the work of the private interests, and even appears to continue to be in active concert with the Foundation

for Moral Law. We respectfully request that this Judicial Inquiry Commission investigate the allegations in the Complaint and recommend that Chief Justice Moore face charges in the Court of the Judiciary.

Dated: July 29, 2015

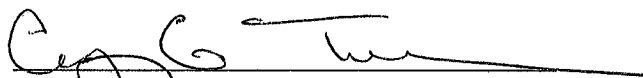
SOUTHERN POVERTY LAW CENTER



By: J. Richard Cohen, President
Ala. Bar No. ASB-1092-N73J

Subscribed and Sworn to or affirmed before me this 29th day of July, 2015.

My commission expires: 9-19-18



Notary Public