

IN THE MATTER OF: ROY S. MOORE
CHIEF JUSTICE
OF THE SUPREME COURT OF ALABAMA

ENT

FINAL JUDGME

... they are binding on all judges by the oath taken upon
violations of the Canons can serve as the
action. The charge or charges against
by clear and convincing evidence before
imposed.

... basis for disciplinary
a judge must be proved
any discipline may be

2001. Gov. S. Moore took office as

Alabama's Chief Justice. On August 1, 2001, Chief Justice
Moore had a monument displaying the Ten Commandments and other
quotations installed in the rotunda of
the State Judicial Building. After that monu

... Case No. CV-01-T-1268-N, and Maddox and Howard v. Moore, Case No. CV-01-T-

1269-N, were filed in the United States District Court for the
Middle District of Alabama. These actions, brought against
Chief Justice Moore in his official capacity, claimed that the
monument violated the Establishment Clause of the First
Constitution and sought its

Amendment to the United States Co

November 18, 2002, the

monument from the Alabama Judicial Building, Glassroth v. Moore, 242 F. Supp. 2d 1347 (M.D. Ala. 2003).

Justice Moore's decision was stayed by the district court pending Chief Justice Moore's appeal to the United States Court of Appeals, 11th Circuit, Glassroth v. Moore, 242 F. Supp. 2d 1068 (M.D. Ala. 2003).

The judgment of the United States Court of Appeals, affirmed on July 1, 2003, in Glassroth v. Moore, 335 F.3d 1282 (11th Cir. 2003).

the decision of the Court of Appeals, on August 5, 2003, the district court entered its "Final Judgment and Injunction." Glassroth v. Moore, 275 F. Supp. 2d 1347 (M.D. Ala. 2003). The district court ordered that its previous stay be dissolved and enjoined Chief Justice Moore to remove the monument by August 30, 2003. The district court stated that it could "levy substantial fines against Chief Justice Moore in his official capacity and, thus, against the State of Alabama itself, until the monument was removed." 275 F. Supp. 2d at 1349. Chief Justice Moore stated publicly that he would not remove the monument as directed by the district court. On August 21, 2003, the Alabama Judicial Branch met in the rotunda of the State Building, and on that date the eight associate justices of the

Alabama Supreme Court ordered that the monument be removed.

On August 22, 2003, the Judicial Inquiry Commission (hereinafter referred to as "the JIC") filed a complaint with this court against Chief Justice Moore. In the six-charge complaint, the JIC alleged that Chief Justice Moore had committed six violations of the Canons of Judicial Ethics when he failed to comply with a binding and existing court order of the United States District Court for the Middle District of Alabama. The JIC alleged that Chief Justice Moore violated the Canons of Judicial Ethics in (1) failing to uphold the integrity and independence of the judiciary; (2) failing to observe high standards of conduct so that the integrity and independence of the judiciary might be preserved; (3) failing to avoid impropriety and the appearance of impropriety; (4) failing to comply with the law; (5) failing to conduct himself in a manner promoting the law.

Among other things, Chief Justice Moore was denying the allegations that he had not been held in contempt of the district court's order, that the order would violate his oath of office.

On November 12, 2003, the case was called for trial. At the hearing on that date before the Court of the Judiciary,

the only witness, although Chief Justice Moore was admitted by stipulation of the parties. Chief Justice Moore was shown JIC Exhibit 18, which was the transcript of his testimony before the JIC on August 22, 2003, which he read and testified about it. This transcript included the following testimony before the JIC:

over carefully before it includes the following

August 22, 2003, which he read and testified about it. This transcript included the following testimony before the JIC:

And I did what I did because I would do it again. I didn't say I would defy the order that as you will."

At the time he made his attorneys to prevent efforts by Chief Justice Moore and from becoming illegally and the Federal Court injunction of

been expanded within the... had been submitted in the...
ethically, and in the... and...
... ..

Circuit Court of Appeals,

federal district court, the Eleventh C

...that society can expect that standard cannot be that society, whether the conduct is gauged by whether the conduct is punishable by contempt."

(1998) In re Dean, 246 Conn. 183, 196, 717 A.2d 176, 183

; citations and quotation marks omitted). (emphasis added)

Justice Moore also claims that the district court Chief Justice

in conflict with the Alabama Constitution, relying order was in c

the preamble to the Alabama Constitution of primarily upon

1901:

...of Alabama, in order to "We, the people of the State establish justice insure

domestic tranquility and secure the blessings of liberty to ourselves and our posterity, invoking the favor and guidance of Almighty God, do ordain and establish the following Constitution and form of government for the State of Alabama."

...interpret preambles as The general rule is that courts

...ent and not as sources of statements of general purpose and intent authority for the government. Jacobson v. Massachusetts, 197

U.S. 11, 22 (1905). Further, the oath taken by Chief Justice

...of conflict between the Alabama Constitutions. In the event

United States, the constitutions of Alabama and the

...of the United States which shall be
...the Constitution and the Laws of the United States with
...of state... supreme law... made...
...and the judges in every state shall be bound thereby,
...thing in the constitution or laws of any state to the
...contrary notwithstanding. U.S. Const., art. VI.

Chief Justice Moore further contends that the JIC
...t exhausted... complaint was premature because, he says, he had no
...ted States... all avenues of possible review in that the Uni
...o certiorari... Supreme Court had not issued its order denyin

the courts and appellate courts statements will be settled as...

ht to petition for a writ of certiorari that "neither the filing of such a petition stays the enforcement nor the actual...

ment... reason... of... of... of...

Cooper v. Aaron, 358 U.S. 1, 19 (1958)

... to... the... the... did not have the legal author...

decide whether the federal court order issued to him in his de...

official capacity as the State's highest judicial officer of...

... he was constitutionally mandated to should be obeyed; rather...

legislator or executive or judicial obey it. "No state...

the Constitution without violating his officer can war against...

it." Cooper v. Aaron, 358 U.S. 1, 19 undertaking to support...

(1958).

undertakes a solemn oath to carry out a Any person who und...

in a manner that demonstrates both public trust must act...

... with established rules of law of respect for and complia...

... the... however... the... that...

faced with a situation in which the highest judicial officer

of this state has decided to defy a court order. The Supreme

Court... the... states... and...

... in this country, is so high that he is above the law. No officer of the law may set the law at defiance with impunity. All the officers of the

creatures of the law and are bound to obey it."

330, (1992), in The Supreme Court

United States, 106

Judicial-disciplinary case, said

Judicial Court of Maine, in a j

duct -- the administration, in

that "[l]awless judicial cond

ional brand of justice in which

disregard of the law, of a per

one exhausts all legal remedies, one must refrain from conduct

adversely affecting the impartial and objective carrying out

of one's official duties. Chief Justice Moore sought legal

al review; he was

redress by appealing to the limit of judici

e rulings of the

bound by and had the duty to follow, th

eral courts.

fede

by the Alabama Supreme Court in its Order

...determine an appropriate disposition in this case. While this
...e's right to his personal ... court respects Chief Justice Moor

It is therefore ORDERED and ADJUDGED by the court that