



Attorney General Steve Marshall Files Motion to Stay Jefferson County Circuit Court Ruling Against Alabama Memorial Preservation Act

(MONTGOMERY) -- Attorney General Steve Marshall announced the State of Alabama has filed a motion to stay a January 14, 2019, Jefferson County Circuit Court judgment declaring the Alabama Memorial Preservation Act of 2017 to be unconstitutional.

The motion to stay, filed Friday morning in Jefferson County Circuit Court, seeks to preserve the status quo condition of the Confederate Soldiers and Sailors Monument in Linn Park in downtown Birmingham pending the State of Alabama's appeal of the Court decision to the Alabama Supreme Court.

"We believe the Court's decision against the Memorial Preservation Act will be overturned due to the fact that it incorrectly assigns the right of free speech to a government subdivision (the City of Birmingham)," said Attorney General Marshall.

"Federal constitutional law, recognized by the U.S. Supreme Court for over 100 years, is clear that '...a political subdivision, created by the state for the better ordering of government, has no privileges or immunities under the federal constitution which it may invoke in opposition to the will of its creator.'"

Attorney General Marshall previously filed a notice of appeal of the court ruling with the Alabama Supreme Court on January 17, 2019.

Links to both filings are below.

Attorney General's Office [Motion to Stay](#)

Attorney General's Office [Notice of Appeal](#)

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