

The man at the center of the controversy defends his stand

The battle over the Ten Commandments monument I brought into Alabama's Supreme Court is not about a monument and not about politics. (The battle is not even about religion, a term defined by our Founders as "the duty we owe to our creator and the manner for discharging it.") Federal Judge Myron Thompson, who ordered the monument's removal, and I are in perfect agreement on the fact that the issue in this case is: "Can the state acknowledge God?"

Those were the precise words used by Judge Thompson in his closing remarks in open court. Today, I argue for the rule of law, and against any unilateral declaration of a judge to ban the acknowledgment of God in the public sector.

We must acknowledge God in the public sector because the state constitution explicitly requires us to do so. The Alabama Constitution specifically invokes "the favor and guidance of Almighty God" as the basis for our laws and justice system. As the chief justice of the state's supreme court I am entrusted with the sacred duty to uphold the state's constitution. I have taken an oath before God and man to do such, and I will not waver from that commitment.

By telling the state of Alabama that it may not acknowledge God, Judge Thompson effectively dismantled the justice system of the state. Judge Thompson never declared the Alabama Constitution unconstitutional, but the essence of his ruling was to prohibit judicial officers from obeying the very constitution they are sworn to uphold. In so doing, Judge Thompson and all who supported his order, violated the rule of law.

Alabama Attorney General Bill Pryor and my fellow justices have argued that they must act to remove the monument to preserve the rule of law. But the precise opposite is true: Article VI of the U. S. Constitution makes explicitly clear that the Constitution, and the laws made pursuant to it, are "the supreme Law of the Land." Judge Thompson and the judges of the 11th U.S. Circuit Court of Appeals have all sworn oaths which bind them to support the Constitution as it is written – not as they



Support urged for religious liberties bill

AFA is calling upon supporters to contact their senators and urge them to endorse a bill which would protect Americans' religious liberties.

The bill, "Religious Liberties Restoration Act" (S.1558), would remove from federal court review the displaying of the Ten Commandments, the national motto and the Pledge of Allegiance.

If S.1558 became law, Americans would be free to display the national motto, say the words "under God" in

the Pledge of Allegiance, and display the Ten Commandments wherever the local community decides - even on government property.

Using this approach, a constitutional amendment would not be needed. Senate bill 1558 would become law by a simple majority vote in both houses of Congress and the signature of the President. No federal judge would have any authority to rule on this law.

Section III, Article 2, of the U.S. Constitution grants Congress the authority

to limit federal judicial jurisdiction. Although it has not been widely reported in the media nor understood by the general public, this congressional power was used 11 times during the last Congress.

To contact your senators by E-mail, go to www.afa.net and follow the link for Religious Liberties Restoration Act.

To call the office of your senators, call the U.S. Capitol Switchboard at 202-224-3121, or toll-free at 1-800-962-3524, and ask for a particular legislator.

You can write your Representative at House of Representatives, Washington, D.C. 20515 and your Senators at U.S. Senate, Washington, DC 20510.

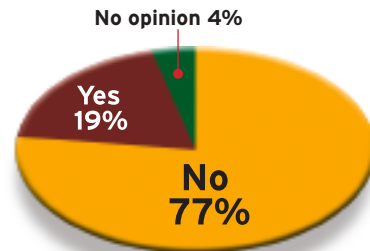
would personally prefer it to be written.

By subjugating the people of Alabama to the unconstitutional edict by Judge Thompson, that public officials may not acknowledge God, the attorney general and my colleagues have made the fiat opinion of a judge supreme over the text of the Constitution. While agreeing with me that the Constitution is supreme, and that the opinion of Judge Thompson was contrary to the Constitution, the attorney general has argued that he must follow an order he himself believes to be in direct violation of the supreme law of the land.

One of the great influences on the Founding Fathers, common law sage William Blackstone, once pointed out that judges do not make laws, they interpret them. No judge has the authority to impose his will on the people of a state, and no judge has the constitutional authority to forbid public officials from acknowledging the same God specifically mentioned in the charter documents of our nation, the Declaration of Independence and the United States Constitution. My decision to disregard the unlawful order of the federal judge was not civil disobedience, but the lawful response of the highest judicial officer of the state to his oath of office. Had the judge declared the 13th Amendment prohibition on involuntary slavery to be illegal, or ordered the churches of my state burned to the ground, there would be little question in the minds of the people of Alabama and the U.S. that such actions should be ignored

Poll shows support for Ten Commandments monument

A *USA Today poll, published on August 28, asked, "Do you approve of a federal court order to remove a Ten Commandments monument displayed in an Alabama court building?"



*A USA Today/CNN/Gallup Poll of 495 adults
Source: USA Today, 8/25/03

as unconstitutional and beyond the legitimate scope of a judge's authority. Judge Thompson's decision to unilaterally void the duties of elected officials under the state constitution and to prohibit judges from acknowledging God is equally unlawful.

For half a century the fanciful tailors of revisionist jurisprudence have been working to strip the public sector naked of every vestige of God and morality. They have done so based on fake readings and inconsistent applications of the First Amendment. They have said it is all right for the U.S. Supreme Court to publicly place the Ten Commandments on its walls, for Congress to open in prayer and for state capi-

tols to have chaplains - as long as the words and ideas communicated by such do not really mean what they purport to communicate. They have trotted out before the public using words never mentioned in the U.S. Constitution, like "separation of church and state," to advocate, not the legitimate jurisdictional separation between the church and state, but the illegitimate separation of God and state.

The First Amendment says that "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof." It does not take a constitutional scholar to recognize that I am not Congress, and no law has been passed. Nevertheless, Judge Thompson's order states that the acknowledgment of God crosses the line between the permissible and the impermissible and that to acknowledge God is to violate the Constitution. Not only does Judge Thompson put himself above the law, but above God, as well. I say enough is enough. We must "dare defend our rights" as Alabama's state motto declares. No judge or man can dictate what we believe or in Whom we believe. The Ninth and 10th Amendments are not a part of the Constitution simply to make the Bill of Rights a round number. The Ninth Amendment secured our right as a people. The 10th guaranteed our right as a sovereign state. Those are the rules of law.

Roy Moore is the chief justice of the Supreme Court of Alabama.