

Alabama judge engineers Ten Commandments showdown

David Walsh
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Christian fundamentalist forces are continuing their protests and legal actions aimed at preserving the Ten Commandments monument installed by Alabama's Chief Justice Roy Moore in the rotunda of the Alabama Judicial Building in Montgomery, the state's capital. One hundred people demonstrated August 25 in opposition to a federal court order requiring the removal of the 5,300-pound representation of the Biblical commandments.

A lawsuit on behalf of a Christian talk show host was expected to be lodged in a Mobile, Alabama court Monday naming as defendants the eight state supreme court associate justices who last Thursday overruled Moore and directed that the federal court be obeyed. Moore organized the installation of the monument in 2001.

On August 21 the state's high court instructed building manager Graham George to "take all steps necessary to comply" with the removal order. The monument could be removed early this week. Some of the fundamentalist protesters have promised civil disobedience if an attempt is made to cart off the two-and-a-half ton piece of granite.

On August 22 Moore was suspended without pay when Alabama's Judicial Inquiry Commission referred an ethics complaint against him to the Court of the Judiciary. A proceeding there could lead to his removal from the bench. The Commission charged the chief justice with six ethics violations for defying the federal court order. It asserted that Moore failed "to respect and comply with the law" and "willfully failed to comply with an existing and binding court order directed at him." Further, it argued that the judge had not upheld "the integrity and independence of the judiciary," observed "high standards of conduct" or avoided "impropriety and the appearance of impropriety in his activities."

Significant sections of the US media continue to treat Moore with sympathy, as perhaps misguided or overzealous, but a 'man of principle,' a 'man of God walking a lonely path,' and so on. In reality, he is a reactionary political figure who has organized the confrontation with the federal court for calculated reasons. Seeking to galvanize the most backward social layers in Alabama and elsewhere, the chief justice apparently hopes to use the current conflict as a springboard for a statewide or national political career. He is receiving support from the neo-fascist Christian right (Pat Robertson, Jerry Falwell, Gary Bauer, James Dobson and company) in this effort.

Moore won the chief justice post in a 2000 election. On the night

of July 31, 2001, after his fellow justices had gone home, Moore had the monument installed in the rotunda, as the *Washington Post* noted, "with the entire episode recorded on film by an evangelical Christian media organization." The latter, Fort Lauderdale, Florida's Coral Ridge Ministries, has used the proceeds from the sale of the film to pay Moore's legal expenses.

In November 2002 U.S. District Judge Myron Thompson ruled that Moore's action was unconstitutional, fostering "excessive government entanglement with religion. ... His [Moore's] fundamental, if not sole, purpose in displaying the monument was non-secular; and the monument's primary effect advances religion." Thompson said in his ruling that Moore's granite marker was "nothing less than an obtrusive year-round religious display ... The only way to miss the religious or nonsecular appearance of the monument would be to walk through the Alabama State Judicial Building with one's eyes closed."

In July 2003 the 11th US Circuit Court of Appeals in Atlanta upheld Thompson's ruling. The appeals court bluntly compared Moore to "those Southern governors who attempted to defy federal court orders during an earlier era," likening him to segregationists Governors George Wallace of Alabama and Ross Barnett of Mississippi. (Republicans in the House of Representatives got into the act July 25 when they carried a measure, by 260 to 161, to block the federal government from spending money to enforce the court order.)

On August 5, at the behest of the 11th Circuit, Thompson issued an order for the removal of the monument by no later than August 20. The US Supreme Court refused to issue a stay in the case. Moore has indicated he plans to file an appeal with the Supreme Court in September.

After the August 20 deadline came and went, without Moore's compliance, his eight fellow justices voted unanimously to overrule him and remove the religious display.

The *Post* notes that Moore refused to ask the courts to continue holding off enforcement of the monument's removal pending an appeal to a higher court, suggesting that he deliberately engineered the present confrontation. Moore demagogically and falsely claims that the Ten Commandments are the basis of the US constitution and legal system. "I will never deny the God upon whom our laws and country depend," he declared in an August 21 statement to the press, expressing his determination "to defend our Constitutional right to acknowledge God." In a television interview, Moore commented, "Our Constitution very plainly says that the system of

justice in Alabama is established invoking the favor and guidance of almighty God.”

In reality, the hostility of Thomas Jefferson, James Madison and other Founding Fathers to such conceptions and their commitment to secular forms of government is well known to any student of American history. It was not for nothing that Jefferson wrote, “In every country and in every age, the priest has been hostile to liberty.”

Moore has actively courted the support of extreme right-wing forces in his battle with the federal court order. The Ten Commandments monument in Montgomery has acted like a magnet to attract religious zealots from across the US.

“There is a national call out to families and Christians all over the country to come to Montgomery and support the word of God,” Steven Hopkins, a minister from Burnet Bible Church in Texas, told Fox News.

A *New York Times* reporter described the scene August 20: “[H]undreds of supporters descended on Montgomery and turned the steps of the state’s highest court into a spectacle of chanting, kneeling, praying and crying, shouting out the Almighty’s name and at times lying on their bellies to block passers-by. ‘This is not about a monument!’ bellowed Rev. Pat Mahoney, director of the Christian Defense Coalition. ‘This is about resisting tyranny!’ ‘Amen!’ the crowd boomed.”

A minister from Dallas, Gene Chapman told the *Montgomery Advertiser*: “What you’re watching is that the socialist, communist elements are attempting to push out God from the public domain.”

Chief Justice Moore is a distinctly repugnant figure. Born in northeastern Alabama, Moore, a Baptist, attended the US Military Academy at West Point, where he graduated 640th in a class of 800 in 1969. He commanded a military police company in Vietnam. According to the *Atlanta Journal-Constitution*, “The men of the 188th Military Police Company derisively called him Captain America because of his insistence on regulation haircuts and constant salutes. ‘His policies damn near got him killed in Vietnam [presumably at the hands of his own men],’ says Barrey Hall, who served under Moore. ‘He was a strutter.’”

Moore became a prosecutor in Etowah County, Alabama after graduating from law school in 1977. In 1982, “After losing a hard-fought election for circuit judge ... Moore turned from law to more exotic battles, training as a kickboxer and wrangling cattle in Australia.” (*New York Times*)

Elected Circuit Judge in Gadsden, Alabama in 1992, Moore made a name for himself by hanging a rosewood plaque of the Ten Commandments above his bench. He also instituted a policy of inviting preachers or ministers to offer a prayer during jury organizational sessions. Sued by the American Civil Liberties Union, Moore became a *cause celebre* for the religious right, earning the praise of Republican Alan Keyes, Coral Ridge Ministries’ D. James Kennedy and Focus on the Family’s James Dobson. He has since developed close relations with the national network of ultra-right Christian fundamentalist organizations.

However, Gadsden District Attorney Jim Hedgspeth told the *Times*, “To me he [Moore] didn’t even know the law. Most of the time he would get the idea that the law books around him were there for decoration.”

In 2000 Moore ran for the position of Alabama chief justice on the slogan “Roy Moore: Still the Ten Commandments Judge.” According to People for the American Way, “Moore campaigned throughout the state, mainly in churches and Republican gatherings, avoiding any meetings with his opponent, Alabama Court of Appeals Judge Sharon Yates. Moore’s campaign centered on his promise to restore the ‘moral foundation’ of American law. He said, ‘There is an absolute truth, and the truth is in the Bible.’ The Campaign for Working Families, an ‘unapologetically profamily, pro-life, and pro-growth’ organization founded by [right-wing fundamentalist and candidate for the Republican presidential nomination in 2000] Gary Bauer, as well as the ... Christian Family Association and the Alabama Christian Coalition’s 2000 voter guide endorsed Moore.”

In a February 2002 Alabama supreme court ruling denying a lesbian custody of her three children, Moore described homosexuality as “abhorrent, immoral, detestable.” He added later that the state “carries the power of the sword ... to prohibit conduct with physical penalties, such as confinement and even execution. [The state] must use that power to prevent the subversion of children toward this lifestyle, to not encourage a criminal lifestyle.”

Moore’s stage-managed confrontation over the Ten Commandments monument fits in neatly with the social agenda and political strategy of the Bush administration. Unable to openly advance its program of imposing the massive burden of the economic crisis on the backs of the working population, the extreme right appeals to the most ignorant and bigoted elements in the American population. In the name of halting the “moral decay” supposedly presided over by “permissive” liberalism and leftism—a tried and true method of fascistic movements—this sinister element has launched a wholesale attack on fundamental democratic rights, including the constitutionally guaranteed separation of church and state, in the US.



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