



Defender of the Decalogue

Interview of Alabama Supreme Court Chief Justice Roy Moore by Thomas R. Eddlem

Alabama Supreme Court Chief Justice Roy Moore first attracted national attention as an Alabama state circuit judge in 1995, when the ACLU unsuccessfully sued in an attempt to require the judge to remove from his courtroom a homemade plaque of the Ten Commandments. In 2000, Alabama voters elected Moore chief justice of the state Supreme Court. During the campaign, Moore had pledged to bring the Ten Commandments to the State Supreme Court to conform to the spirit of the Alabama state constitution. That constitution begins with a declaration that “to establish justice ... and secure the blessings of liberty,” the government will be based upon “invoking the favor and guidance of Almighty God.” Moore fulfilled his campaign promise by installing a granite monument of the Ten Commandments in the court rotunda, and was again sued by plaintiffs represented by agnostic and radical left organizations. On November 18, U.S. District Judge Myron Thompson ruled that the marble monument must be removed within 30 days. Judge Moore, who plans to appeal the decision, was interviewed on November 21, 2002.

THE NEW AMERICAN: *What prompted you to put the Ten Commandments monument in the courthouse in the first place?*

Chief Justice Roy Moore: The Commandments were placed in the court to acknowledge the moral foundation of our law and the foundation of our government.

TNA: *Some people might say that they don't understand the connection between our country's laws and the Ten Commandments, which were written long before 1776. Where is the connection?*

Moore: The connection is in the foundational documents of our country, including the Declaration of Independence. It says in the first sentence that we are founded upon the “Laws of Nature” and “Nature’s God.” “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.” In those three sentences, you can plainly see that the laws of God give us the right to be a power among the other powers on the Earth and that it was God that gave us our rights — not government. And government’s only role is to secure our rights for us. And if it should fail to do so, then the Declaration says that “it is the right of the people to alter or abolish it.”

The Ten Commandments are the divinely revealed law. In the laws of England — where we get the words “Laws of Nature” and “Nature’s God” — divine law is a direct part of the law of nature. In a very real sense, the Ten Commandments represent the “Laws of Nature” and “Nature’s God” upon which our country was founded. Also, in a deeper sense, the Ten Commandments are the basis of our freedom of conscience, which flows from the first table of the law. The forefathers, including James Madison, felt very strongly that the duties that we owe to God were outside of government’s prerogative, that government had no business interfering with the way we worship God. Therefore, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof” was made part of the First Amendment.

TNA: *The First Amendment prohibits Congress from making laws “respecting an establishment of religion, or prohibiting the free exercise thereof.” The U.S. Circuit Court in your case ruled that a Ten*



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Commandments monument in an Alabama state court building was a violation of the First Amendment's establishment clause. How exactly do your actions as a state chief justice amount to Congress establishing a national church?

Moore: I know what you are talking about; you are asking about [the First Amendment applying only to] Congress. I understand the debate between those who would say that the 14th Amendment put the strictures of the First Amendment to the states. They fail to recognize the defeat of the Blaine Amendment in Congress in the mid-1800s.* But that is not really the point. The point is that knowledge of God is not prohibited under the First Amendment. And indeed, it is the right of the states to acknowledge God, as it is the right of the federal government to acknowledge its source of power. The state of Alabama has a specific interest in this, since the first sentence of our constitution says that "to establish justice" we must invoke "the favor and guidance of Almighty God."

TNA: *Are you establishing a state religion with the monument?*

Moore: The judge in his own words said that he did not have the expertise to define the word "religion." In fact, in a 79-page opinion he used the word "religion" or "religious" close to 150 times and can't define the term. He said that I was establishing a religion, and it is very curious as to how a court can say you are doing something when that court can't even define what you are doing. This is true of many federal courts around the country. They misunderstand the First Amendment.

TNA: *Judge Thompson ruled that the Ten Commandments monument is "an obvious effort to proselytize on behalf of a particular religion," but then failed to make clear what religion your monument was proselytizing on behalf of. The written opinion first stated that it proselytized on behalf of your personal religion, though the decision never mentioned the denomination you belong to or defined the creed you affirm. Later the judge stated that it proselytized on behalf of Christianity. Why a reproduction of the Ten Commandments would proselytize on behalf of Christianity alone and not Judaism, when both faiths hold fast to the Ten Commandments, was likewise unexplained. Why was the judge so vague about the establishment of the particular religion this monument would supposedly create?*

Moore: The judge was unclear because he can't define the term "religion." And that's not only true with this judge, but also with many of the federal courts across our land who seem to think, erroneously, that the acknowledgement of God is synonymous with religion. Indeed, the acknowledgement of God is not synonymous with religion. The definition of the term "religion" — taken from George Mason, James Madison, and the United States Supreme Court — was "the duty which we owe to our Creator, and the manner of discharging it," which is your form of worship or articles of faith. The definition of religion is plain in history; it is plain in law; and it is what the federal courts are now disregarding.

TNA: *The press made a big deal about how you were, in their words, "sneaking" the monument into the building "in the middle of the night, without telling any of the other justices." Both the press and, to a lesser extent, the circuit court opinion itself seem to imply that you employed great secrecy in placing the monument in the court building rotunda and that you exceeded your legal authority, perhaps even breaking the law in the process.*

Moore: That is an absolutely ridiculous argument made to divert attention from the true issue, which is the acknowledgement of God. You can't sneak a two-and-a-half ton monument into a building without other people knowing about it. Other people in this building knew about it, the administrative office of courts knew about it, the marshals knew about it. And certainly, it was planned [for installation] after



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work hours, and it went on through the night, without a doubt. The words “sneaking into the building in the middle of the night” are simply a way to divert attention from the true issue. Indeed, it is my duty as lessee of the building to determine what displays are in the building. And it is also my duty under the [Alabama state] constitution to ensure that the administration of justice is carried out. In accordance with our constitution, the establishment of justice depends upon “invoking the favor and guidance of Almighty God.” I am recognizing the source of our system of justice.

TNA: *The federal circuit court opinion makes a lot of hay out of the fact that some people have gathered around the Ten Commandments monument to pray, implying that this prayer has a negative impact on the administration of justice.*

Moore: According to Chief Justice John Jay: “The greater part of evidence will always consist of the testimony of witnesses. This testimony is given under those solemn obligations which an appeal to the God of Truth impose; and if oaths should cease to be held sacred, our dearest and most valuable rights would become insecure.” So in other words, recognition of a duty we owe to God is a basis of testimony of witnesses. It is altogether proper for people to recognize a sovereign God. Indeed, in Alabama we are sworn in by our oaths “so help me God” as judicial officers, and even witnesses and jurors and grand jurors are sworn in with that oath. To fail to recognize who that God is is not only illogical and ridiculous, it is also detrimental to the court system.

TNA: *The three plaintiffs who filed suit to have the monument removed from the courthouse claimed that the Ten Commandments were “offensive” and made each of them feel like an “outsider.” With such basic common-sense principles as do not kill, do not steal, and do not bear false witness, what possible objections could they have to the Commandments?*

Moore: They object to the main one, which says there is a God. That’s what they don’t like. They don’t want to be reminded that there is an authority higher than the authority of the state. And they don’t like to be reminded that William O. Douglass — a very liberal associate justice, I might add — in 1961, in the case of *McGowan v. Maryland*, said “the institutions of our society are founded on the belief that there is an authority higher than the authority of the State; that there is a moral law which the State is powerless to alter; that the individual possesses rights, conferred by the Creator, which the government must respect,” and the Constitution and the Bill of Rights enshrine those principles. They don’t like to be reminded that there is a God.

Furthermore, they assert that because they are offended there is a constitutional violation. Offensiveness is not the basis for a constitutional violation. If it were, every Christian would be offended because the government now precludes the acknowledgement of a God.

TNA: *The court heavily stressed alleged links between you and Dr. Kennedy’s Coral Ridge Ministries in its opinion.*

Moore: I know Dr. Kennedy and I know Coral Ridge Ministries. I have no connection. They are not the source of what I do. To think that they are is ridiculous, and the plaintiffs know better. It is an attempt to divert the issue away from the acknowledgement of God. Coral Ridge Ministries has contributed to the defense fund. I appreciate their contributions. I have nothing to do with fundraising or the defense fund, and I have nothing to do with Coral Ridge Ministries.

TNA: *In reading the circuit court decision, it appears that the plaintiffs bringing the case against the monument and the court may object more to you personally than to the Ten Commandments monument or to your official behavior as Chief Justice of the Alabama Supreme Court.*



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Moore: You should know that this [the decision] is simply a fulfillment of their plan to distort the issue. I refer you to a July 16, 2002 letter from the head of the Southern Poverty Law Center, Morris Dees, to Ayesha Khan, legal director of Americans United for the Separation of Church and State. This case was not tried until October 15, and I am referring to a letter dated July 16 — three months prior. This is Morris Dees talking: “I also know that I am a trial lawyer and believe one of my strengths is in telling a story, at least that is what I am told. A judge is nothing more than a jury when it comes to the facts. You might remember that, from the start, I was laying out our trial theme, i.e., how this was the act of a lone religious nut in partnership with a fanatical church. This is the story that will make this case so dirty that no appeals court will reverse [Judge] Thompson to make new law.”

TNA: *So their strategy from the beginning was one of side-stepping the main issue of the propriety of the Ten Commandments monument and concentrating on a character assassination job against you.*

Moore: From that quote, you can see that he intended to make that case “dirty” so that no appeals court would “reverse Thompson to make new law.” How he knew Thompson was going to rule in his favor in July is curious indeed.

The plaintiffs in this case are making the rounds nationally for fundraising purposes and distorting the issues, attempting to win by pure force and intimidation. They won't.

TNA: *Have they objected to your behavior as a judge within the courtroom as well as outside of the courtroom?*

Moore: Yes, they have objected to my behavior as a judge because I reference the moral foundation of the law when we talked about sodomy, when we talked about adultery, when we talked about separation of church and state. I go back to the legal history that we have here in Alabama, our court case precedents, and the foundations of law to show that these things comport with the Scriptures from which we get our moral foundation. So yes, they do object to my behavior as a judge in that my opinions reflect the moral foundation of the law as well as the monument.

Do they object to my behavior as a judge as far as running the court? No, I don't think so. They might object to some of my opinions, but they don't object to my behavior as a judge. Of course, these people who are opposing what I stand for will object to everything that I do.

TNA: *It seems to me that they are saying that someone who expresses their beliefs as a Christian should be ineligible as a judge and that intimidation and character assassination is their best way of enforcing this doctrine.*

Moore: Sure. That's exactly it. You are hitting some of the basic premises of what they are doing. They are objecting to me as a person because of what I believe. That's a very accurate summation of their position.

TNA: *The court opinion talks endlessly about the supposed secular potential for the Ten Commandments monument, in contrast with a holy or religious purpose. In context, the court seems to be implying that “secular” is synonymous with “meaningless,” that the Ten Commandments can only be displayed if they are displayed in a meaningless context.*

Moore: Right. “Secular,” in their sense, implies “with no relation to God.” Indeed, something can have a secular purpose and be relative to God. The First Amendment to the Constitution reflects that concept recognized in the Ten Commandments, that the duties we owe to God and the manner of discharging those duties are outside the purview of government. That is a secular purpose. It can have a secular



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purpose and have a relationship to God because God was presumed to be both over the state and the church, and separation of church and state was never meant to separate God from government.

TNA: *Was the First Amendment primarily intended to protect against specific denominations taking over the federal government?*

Moore: Basically. It separates the way you worship God from the state. It can be larger than denominational; I'll say that. But our forefathers perceived it as denominational.

TNA: *The key dangerous assertion of the court ruling appears to be the claim that "the state may not acknowledge the sovereignty of the Judeo-Christian God and attribute to that God our religious freedom."*

Moore: We are asserting exactly the opposite, that the state must acknowledge God and that our freedoms flow from that God, the Judeo-Christian God.

TNA: *That was specifically and pointedly repudiated by the court opinion.*

Moore: Yes. Anytime you deny the acknowledgement of God you are undermining the entire basis for which our country exists. Rights come from God, not from government. If government can give you rights, government can take them away from you. If God gives you rights, no man and no government can take them away from you. That was the premise of the organic law of this country, which is the Declaration of Independence. Because, if there is no God, then man's power is the controlling aspect, and therefore power will be centralized.

TNA: *There have been some encouraging Supreme Court decisions in recent years restricting or reversing federal usurpations of state and local jurisdictions and violation of individual rights, but overall that does not seem to have halted the relentless trend of the federal legislative, executive, and judicial branches to centralize and concentrate power. Do you see this as a serious problem?*

Moore: I see it as a serious problem because we have forgotten that centralized power is not what the federal constitution was about. I see the centralization of power as not in conformance with the federal system of our Constitution, which recognizes sovereign states.

The basic premise of the Constitution was a separation of powers and a system of checks and balances because man was perceived as a fallen creature and would always yearn for more power. It was Jefferson himself who said: "In questions of power then let no more be heard of confidence in man; but bind him down from mischief by the chains of the Constitution." The whole basis of the Constitution was a restriction of power, and the whole basis of the federalist system was that there was not one sovereign centralized power from which all authority flows. There were sovereign states that had certain rights, and the Tenth Amendment, which said: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

TNA: *So where do we go from here?*

Moore: Acknowledge our rights and our God, and stand for what we believe. And as it states in the Bible, "having done all, to stand."

* The Blaine Amendment was a proposed amendment to the U.S. Constitution that passed the House of Representatives but failed to pass the U.S. Senate in 1875. Named after its author, Speaker of the



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House James G. Blaine (R-Maine), the Blaine Amendment stipulated that “no State shall make any laws respecting an establishment of religion,” and that no public funds could go to religious denominations. If Judge Thompson and the U.S. Supreme Court are correct in asserting that the First Amendment was “made binding upon the states through the 14th amendment,” the 14th Amendment (adopted eight years earlier in 1867) would have made the Blaine Amendment unnecessary. — Ed.



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