

Alabama monument removed; judge under scrutiny_90803

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WASHINGTON (ABP)-Despite promises of civil disobedience from hundreds of protesters, authorities removed a stone Ten Commandments monument from the rotunda of an Alabama courthouse Aug. 27 without incident.

At the beginning of the business day, with the crowds that had been gathering to protest outside the building relatively light, workers moved the 5,280-pound granite monument to a non-public part of the state judicial headquarters building.

The action brought to an end a dramatic two-week standoff with Alabama Chief Justice Roy Moore. On Aug. 14, he announced he would not comply with a federal judge's order to remove the depiction of the Protestant King James translation of the commandments from the public areas of the building by midnight Aug. 20. But Moore's colleagues on the Alabama Supreme Court unanimously overruled him Aug. 21, saying they were duty-bound to comply with federal court orders.

Moore, a Southern Baptist layman, placed the monument in the center of the building's rotunda during the summer of 2001-without the associate justices' consent or knowledge. He then was sued by a coalition of civil-rights groups, acting on behalf of three Montgomery attorneys.

Workers roll
the Ten
Commandments
monument out
of public view
at the Alabama
judicial
building. (RNS
Photo)

In November, U.S. District Judge Myron Thompson declared the display a violation of the Constitution's ban on government endorsement of a particular religion. After being upheld unanimously by a panel of the 11th U.S. Circuit Court of Appeals, Thompson ordered the monument removed by Aug. 20, threatening to levy stiff fines against the state if Moore did not comply with his injunction.

Moore said he would refuse because complying with the order would violate the state constitution, which he claims requires the state to “acknowledge God” as the source of law.

But the eight associate justices-seven of them, like Moore, Republicans-invoked a little-used Alabama law that allows them to overrule an administrative decision of the chief justice. The building manager placed partitions to block the monument from public view Aug. 21.

As a result of his actions, Moore was suspended, with pay, from his duties as head of the Alabama Supreme Court Aug. 22. The state's Judicial Inquiry

Commission filed a six-count charge against him for violating judicial ethics. The suspension was to last at least 10 days. Moore will be prosecuted in the Alabama Court of the Judiciary—a group convened for the purpose of adjudicating cases against judges.

That court could decide to relieve Moore of his duties permanently.

“This controversy has never been about the Ten Commandments,” said Ayesha Khan, legal director for the Washington-based Americans United for Separation of Church and State. “It’s about maintaining a court system that treats all Americans fairly, regardless of their religious beliefs. Judges have no right to impose their personal religious beliefs on others through official action.”

But Moore lamented the development. “It is a sad day in our country when the moral foundation of our laws and the acknowledgment of God has to be hidden from public view to appease a federal judge,” he said.

In their order overruling Moore, his peers issued the chief justice a stern rebuke. “The justices of this court are bound by solemn oath to follow the law, whether they agree or disagree with it,” they said. Moore’s continued failure to comply with a higher court’s order “would impair the authority and ability of all the courts of this state to enforce their judgments,” they added.

Alabama Attorney General Bill Pryor, himself a Republican, a Catholic and a previous defender of Moore’s action, endorsed the associate justices’ decision after it was announced. “The taxpayers of this state should not be punished for the refusal of the chief justice to follow a federal court order,” he said.

Pryor’s office will prosecute Moore in the Court of the Judiciary.

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