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Land 'troubled' by Ten Commandments judge's defiance of federal court ruling

By Mark Wingfield

Managing Editor

In his first public comments on the plight of Alabama Chief Justice Roy Moore, Richard Land said Aug. 18 he is troubled by the Southern Baptist judge's open defiance of a federal court ruling.

Land, president of the Southern Baptist Convention's Ethics & Religious Liberty Commission, has been a frequent apologist in the national media for Religious Right causes. But an article on the website EthicsDaily.com Aug. 15 noted Land had been noticeable in his silence on the case of the Alabama chief justice erecting a massive Ten Commandments monument in the state judicial building.

A federal court has ruled that Moore must remove the display because it violates the United States Constitution by endorsing one religion over others. Moore has declared he will not remove the 5,280-pound edifice and will appeal his case directly to the U.S. Supreme Court.

Some of his supporters have threatened to engage in civil disobedience to prevent law enforcement officials from carrying out the order of U.S. District Judge Myron Thompson. Thompson has mandated the monument be removed from the courts building by Aug. 20.

The unusual case has left no safe ground for Religious Right figures who also specialize in church-state law. Land joined Jay Sekulow, head of Pat Robertson's American Center for Law and Justice, in questioning the legal path Moore has undertaken.

"However much sympathy I may have for Judge Moore's beliefs and convictions about the Ten Commandments and the role they have played in Western civilization and American jurisprudence, I am dismayed at the prospect of a judge defying a court order," Land said. "One of the foundational principles of American law is that we believe in the rule of law."

On his Aug. 15 syndicated radio broadcast, Sekulow voiced doubt, "legally speaking, that Judge Moore is correct here."

He added: "I support the display of the Ten Commandments. I think it is the Western foundation of law (and) clearly displayed at the Supreme Court building of the United States."

However, Moore and his legal team have taken an unorthodox legal stance "that is going to require a constitutional showdown in Alabama," Sekulow said.

Other figures associated with the Religious Right have taken up Moore's cause, however.

Rick Scarborough, who resigned as pastor of First Baptist Church of Pearland last year to give full attention to his Vision America organization, sponsored a "Restore the Commandments" rally Aug. 16 on the steps of the Alabama State Supreme Court building. An estimated crowd of 4,000 people participated in the rally.

Members of Vision America's advisory board include prominent Southern Baptist pastors Jerry Falwell, Ronnie Floyd and Adrian Rogers, as well as

Houston layman Paul Pressler.

Among the speakers were Falwell, former Republican presidential candidate Alan Keyes and former Constitution Party presidential nominee Howard Phillips. Baptist Press reported that Focus on the Family founder James Dobson sent a letter of support for Moore, while James Kennedy's Coral Ridge Ministries sent a box full of 150,000 signatures supporting Moore.

Falwell, who took a decidedly different tone than Land's later comments, said that before flying to Alabama he was asked by someone why he was supporting a person who was "breaking the law."

"I said, 'Did you ask Dr. Martin Luther King Jr. that question?'

Falwell asserted that "civil disobedience is the right of every one of us when we feel that breaking man's law enables us to keep God's law."

Land countered two days later that Moore had not exhausted all avenues of legal action before forcing the looming showdown.

"As I understand it, while civil disobedience may be an ultimate option for individual Christians as a matter of conscience, it would only be justified morally when all legal recourse has been exhausted," Land said. "And then, civil disobedience, to be justified, must be non-violent, and the person who feels compelled to disobey the law must be willing to pay the consequences of disobeying the law.

"After all, what gave Dr. Martin Luther King's 'Letter From Birmingham Jail' its biggest impact was the fact he wrote it from the Birmingham jail, where he was being incarcerated for refusing to obey an unjust law after having exhausted his legal recourse," Land said.

Nevertheless, Land said, he believes Moore's Ten Commandments display

is constitutional.

"It's my understanding that the Ten Commandments display was paid for by Judge Moore and private sources and that no public money was used to construct the display," he said. "If that indeed is true and a display of items from another faith would be accommodated if a judge from another faith wished to erect a similar display on public property, then I believe this would fit within the parameters of government accommodation of the people's right to express their religious convictions in public forums."

The Baptist Joint Committee, the religious-liberty watchdog organization defunded by the SBC more than a decade ago but still funded by Texas Baptists, has opposed Moore's monument as unconstitutional.

More than 40 Alabama clergy and religious leaders signed on to an amicus brief prepared by the BJC opposing the Alabama monument. Also joining the brief were the American Jewish Committee, the Anti-defamation League, the Commission on Social Action of Reform Judaism, the Interfaith Alliance, the Interfaith Alliance of Alabama and Clifton Kirkpatrick as stated clerk of the General Assembly of the Presbyterian Church (USA).

The BJC brief argues the display "violates the freedom of conscience of those outside the Judeo-Christian faith by endorsing particular sectarian beliefs of that tradition."