

OUT OF ORDER Ten Commandments judge ousted_111703

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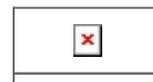
OUT OF ORDER: Ten Commandments judge ousted

By Robert Marus

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MONTGOMERY, Ala. (ABP) -Halfway through his term, "Ten Commandments judge" Roy Moore has been ousted as the head of Alabama's judicial system.

The Alabama Court of the Judiciary voted unanimously Nov. 13 to remove Moore as chief justice of the Alabama Supreme Court. The vote followed a dramatic one-day trial that featured a former Moore ally, Alabama Attorney General Bill Pryor, now prosecuting the judge.



Moore no longer qualified to hold his post because he violated judicial ethics by openly flouting a higher court's order, the judiciary panel determined.

The judge, long an outspoken advocate for displaying the Ten

Commandments on government property, had been suspended since August, when he defied a federal judge's order to remove a stone monument to the Ten Commandments he had placed in the state Supreme Court's headquarters.

The 5,280-pound granite monument—engraved with the Protestant King James translation of the biblical commandments—ultimately was removed from the rotunda of the Alabama state judicial building.

Moore's fellow justices on the Alabama Supreme Court overruled his decision to keep the monument in place.

Shortly after the judiciary court's decision to remove him, Moore told supporters and journalists he had “absolutely no regrets,” adding, “I have done what I was sworn to do.”

During his trial, he told the judiciary court he would return the monument to public view if he were reinstated as chief justice.

William Thompson, presiding judge of the Court of the Judiciary, said Moore had given him and his colleagues no other choice.

“The chief justice placed himself above the law,” Thompson said, adding Moore made the court's decision easier because he “showed no signs of contrition” for his action.

The president of a Washington-based group whose attorneys helped argue the original case against Moore's monument said the court's decision was the final vindication of their lawsuit.

“The Court of the Judiciary has served the cause of justice,” said Barry Lynn of Americans United for Separation of Church and State. “Moore flagrantly announced his intention to violate a federal court order, made a mockery of the legal system and created an unseemly media circus.”

Religious Right leader James Kennedy of Fort Lauderdale, Fla., called the judge's removal a deplorable example of judicial tyranny.

“Moore is being punished for upholding the rule of law, for following the will of the voters, for faithfully upholding his oath of office and for refusing to bow to tyranny,” Kennedy said.

“For too long, too many elected officials have bowed in submission to lawless federal court edicts that set aside life and liberty. They have stood by as, case by case, God and biblical morality have been removed from public life. At some point, the representatives of the people must defend the rule of law and oppose tyranny.”

Although most legal observers believed the court would rule against Moore, the panel had several options from which it could have chosen. Removal required a unanimous vote, but other options for punishment—such as further suspension or censure—would have required only a majority.

Alabama voters elected Moore chief justice of the state Supreme Court in 2000. He campaigned as the “Ten Commandments judge” after a highly publicized battle over a similar display in his courtroom when he was a county magistrate. Alabama is one of the few states that elects its Supreme Court justices.

After his election to the Supreme Court, Moore had the monument crafted and placed in the courthouse in the middle of the night July 31, 2001. A group of Alabama attorneys and three national civil-rights organizations then sued Moore, saying the monument violated the U.S. Constitution's ban on government establishment of religion.

Last year, U.S. District Judge Myron Thompson agreed and ordered the monument removed. However, he delayed implementing his own order pending review by a higher court.

In July, a panel of the Atlanta-based 11th U.S. Circuit Court of Appeals unanimously upheld Thompson's ruling. Thompson then issued the August deadline for the monument's removal. Moore claimed removing the monument would violate his oath of office, because he believed the Alabama Constitution required him to “acknowledge God.”

Moore continued to receive his \$170,000 annual salary during his suspension. That will now end. Republican Gov. Bob Riley will appoint a judge to take Moore's place on the state's high court.

The Court of the Judiciary is an ad hoc panel that meets only to consider such cases of ethics charges against a sitting judge. It is made up of nine members who are a mix of judges, lawyers and laypeople elected by their peers or appointed by state officeholders.

Moore may appeal to have the case re-heard by his colleagues on the Alabama Supreme Court. They could choose to recuse themselves from the case, in which case a special court would be appointed by Gov. Bob Riley or chosen by the justices themselves.

Moore also will face a battle to retain his credentials as a lawyer. Richard Cohen of the Southern Poverty Law Center, another group involved in the original lawsuit, reportedly said his organization will file a petition with the Alabama Bar Association to have Moore disbarred.

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