



Written by [John F. McManus](#) on February 3, 2015

Alabama Chief Justice Defiant Over Same-sex Marriage Rulings

For many years, a monument depicting the Ten Commandments was prominently situated in Alabama's main judicial building. In 2000, the state's chief justice, Judge Roy Moore, balked at being told by federal officials that its presence in such a public place violated the U.S. Constitution and had to go. Moore fought that demand and lost. He was then removed from his post and the monument came down.



In 2006, with threats against the institution of marriage developing throughout the nation, Alabama's voters overwhelmingly (more than 80 percent) chose to amend their state's constitution in order to define marriage as a union between one man and one woman. Then in 2012, [voters put Moore back](#) into the post he previously held.

The truly popular chief justice is back in the news. [Moore just sent a letter](#) to Governor Robert Bentley urging defiance of "judicial tyranny." He specifically asked the governor and other state officials to ignore a recent ruling by U.S. District Judge Callie Granade stating that the definition of marriage in Alabama had to conform to recent federal rulings recognizing same-sex marriage. Moore stated in his letter to Bentley, "As you know, nothing in the United States Constitution grants the federal government the authority to redefine the institution of marriage." He further pointed out that the people of Alabama had only recently amended the state's constitution stating that marriage is a "sacred covenant, solemnized between a man and a woman."

Moore's letter even cited an 1825 opinion registered by Thomas Jefferson regarding nullification of unconstitutional federal mandates, a stand he will stand by. States, said Jefferson, could refuse to comply with unjust and unconstitutional federal dictates. Moore also pointed to the 10th Amendment and its clear affirmation that "powers not delegated to the United States by the Constitution" remain with the states and the people — and no such delegation of power had ever been made. Governor Bentley issued a statement supporting Judge Moore's call for defiance.

Defenders of traditional marriage may indeed salute Judge Moore. But the attack on the institution of marriage continues. Federal courts have already sanctioned same-sex marriage in 21 states and pressure from the homosexual lobby continues to grow. In no other state has Moore's style of resistance been adopted. The U.S. Supreme Court is expected to issue a ruling on the matter this year. Judge Moore's expression of defiance may well be tested again.

John F. McManus is president of [The John Birch Society](#) and publisher of The New American. This column appeared originally at the [insideJBS](#) blog and is reprinted here with permission.



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