



Written by [Alex Newman](#) on January 29, 2015

Alabama Chief Justice Urges Defiance of Federal Tyranny

In a [powerful letter](#) sent to Alabama Gov. Robert Bentley this week, Chief Justice Roy Moore of the Alabama Supreme Court encouraged the Republican governor and lower courts to defy “judicial tyranny” — specifically, a recent unconstitutional ruling by a federal judge purporting to overturn the state’s constitutional protections for the “divine institution” of marriage. Quoting scripture from the Holy Bible, the state Constitution, as well as previous federal and state Supreme Court rulings, Chief Justice Moore argued that federal courts were using “specious” arguments aimed at “destroying” marriage, with far-reaching consequences for Alabama and beyond. Moore warned in the letter that issuing “marriage licenses” to homosexuals would be a violation of state law and Alabama’s Constitution. The governor also indicated in a statement that he would continue to defend the state Constitution and the will of the people.



The letter from Chief Justice Moore, the state’s highest judicial official, was released days after U.S. District Court Judge Callie Granade issued a ruling purporting to expand the definition of marriage to include homosexual couples. For Chief Justice Moore and other top Alabama officials, however, the controversial federal order goes far beyond any semblance of legitimate constitutional power. “As you know, nothing in the United States Constitution grants the federal government the authority to redefine the institution of marriage,” Moore wrote in his letter, adding that the people of Alabama had specifically recognized in the state Constitution that a marriage is a “sacred covenant, solemnized between a man and a woman.” The state Supreme Court has also ruled that marriage is a “divine institution.”

“As Chief Justice of the Alabama Supreme Court, I will continue to recognize the Alabama Constitution and the will of the people overwhelmingly expressed in the Sanctity of Marriage Amendment,” Moore concluded in his letter to Gov. Bentley. “I ask you to continue to uphold and support the Alabama Constitution with respect to marriage, both for the welfare of this state and for our posterity. Be advised that I stand with you to stop judicial tyranny and any unlawful opinions issued without constitutional authority.” The chief justice also said he was “encouraged” by the Alabama Probate Judges Association advising judges to follow Alabama law in refusing to issue marriage licenses to those who do not meet the legal qualifications outlined in the state Constitution.

Moore’s letter is packed with support for his position. In addition to the state Constitution, the U.S. Constitution, and previous Alabama Supreme Court rulings protecting the institution of marriage, the



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chief justice also cited a ruling by the U.S. Supreme Court. “Even the United States Supreme Court has repeatedly recognized that the basic foundation of marriage and family upon which our Country rests is ‘the union for life of one man and one woman in the holy estate of matrimony; the sure foundation of all that is stable and noble in our civilization; the best guaranty of that reverent morality which is the source of all beneficent progress in social and political improvement,’” Moore explained, quoting the U.S. high court’s decision in *Murphy v. Ramsey*.

The laws of Alabama have “always recognized the Biblical admonition stated by our Lord,” the chief justice added in the letter, citing Mark 10:6-9 from the Holy Bible. The verses, as quoted in the letter, read: “But from the beginning of the creation God made them male and female. For this cause shall a man leave father and mother, and cleave to his wife; And they twain shall be one flesh; so then they are no more twain, but one flesh. What therefore God hath joined together, let no man put asunder.” Numerous other scriptures outlining the biblical institution of marriage can also be found throughout the Bible, in both the New Testament and the Old Testament.

“Today the destruction of that institution is upon us by the federal courts using specious pretexts based on Equal Protection, Due Process, and Full Faith and Credit Clauses of the United States Constitution,” Moore continued, taking aim at the radical re-interpretation of the Constitution being used by federal judges to redefine marriage in opposition to the will of the people. “As of this date, 44 federal courts have imposed by judicial fiat same-sex marriages in 21 states of the Union, overturning the express will of the people in those states. If we are to preserve that ‘reverent morality which is our source of all beneficent progress in social and political improvement,’ then we must act to oppose such tyranny!”

Moore also quoted an 1825 letter by Thomas Jefferson, among the most influential Founding Fathers and a strong proponent of state nullification, expressing the “deepest affliction” over the “usurpation” by federal courts of “all rights reserved to the states.” The chief justice said that Jefferson’s words “precisely express my sentiments on this occasion.” Quoting the Tenth Amendment to the U.S. Constitution, which reserves all powers to states and the people that were not specifically delegated to the federal government, Moore said that nothing in the Constitution grants authority to the feds to “desecrate” the institution of marriage. “Our State Constitution and our morality are under attack by a federal court decision that has no basis in the Constitution of the United States,” he added.

Gov. Robert Bentley, a Republican, released a statement also suggesting that he was prepared to defend marriage from unconstitutional attacks by the federal courts seeking to redefine it. “The people of Alabama elected me to uphold our state Constitution, and when I took the oath of office last week, that is what I promised to do,” the governor said. “The people of Alabama voted in a constitutional amendment to define marriage as being between man and woman. As governor, I must uphold the Constitution. I am disappointed in Friday’s ruling, and I will continue to oppose this ruling. The Federal government must not infringe on the rights of states.” As the battle on the issue gears up, growing numbers of traditional marriage advocates are urging state officials to simply ignore unconstitutional federal rulings.

On the other side of the debate, homosexual activists were fuming. One homosexual Alabama lawmaker, Democrat Patricia Todd, even resorted to blackmail — a criminal offense — by threatening to expose alleged “extramarital affairs” among her colleagues if they keep discussing “family values” while speaking out against the federal court ruling. Separately, the pro-homosexual marriage group Human Rights Campaign, which late last year saw its founder arrested and charged for allegedly raping a 15-year-old boy, also lambasted Moore’s letter. “There’s something deeply ironic about a judge seeking the



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right to ignore another judge's ruling while crying 'judicial activism,'" the organization's Alabama director, Ashley Jackson, declared in a widely quoted statement.

Of course, Moore has come under fire before from radical anti-God activists and federal supremacists. In fact, in 2000, the feds ordered him to take down a Ten Commandments monument from the state's judicial building in what was widely viewed in Alabama as an extreme overreach by an out-of-control federal government. Moore refused to comply with the lawless decree, and so, in 2003, was removed from his post as chief justice on the high court. Outraged Alabama voters put him back on the job in 2012, sparking even more fury among federal supremacists and anti-Christian bigots despite widespread celebration within Alabama. More than eight out of 10 Alabama voters backed the 2006 constitutional amendment enshrining marriage in the state Constitution.

As the federal government becomes increasingly extreme in usurping power — [more than two thirds of Americans in surveys say the feds are "out of control" and a threat to liberty](#) — state-level efforts to stop it all are growing stronger. From nullification of unconstitutional federal statutes by liberal and conservative states, to efforts such as Moore's to protect state constitutions from radical federal judges, the trend is expected to accelerate. The federal ruling purporting to redefine marriage has been put on hold until at least next month. However, with the Supreme Court expected to rule on the issue, and two justices with blatant and unlawful conflicts of interest so far resisting demands for recusal, legal experts say the high court [may well seek to impose its new definition of marriage on all 50 states later this year](#). Pastors, judges, lawmakers, and more are [increasingly urging states to interpose and protect citizens](#) from the escalating federal abuse. Whether or not they do may define America for generations to come.

Photo: Chief Justice Roy Moore

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