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The Battle of Montgomery: Where Should Christians Stand?

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The controversy began long before Moore was elected the state's chief jurist in 2000. During his days as a circuit court judge in Gadsden, Moore had placed a plaque listing the Ten Commandments in his courtroom. A legal challenge led to a court order requiring Judge Moore to remove the Ten Commandments. The judge refused and only the intervention of the governor prevented further action.

Alabamians knew Judge Moore and his intentions when they elected him to the state's highest judicial office three years ago. As the judge told Fox News' Sean Hannity, "They knew what they were electing." Two years ago, Chief Justice Moore had a 5,300-pound monument featuring the Ten Commandments placed in the rotunda of the state's Judicial Building. Predictably, groups promoting the secular agenda sued to have the monument removed.

Nine months ago, the Federal District Court ordered the removal of the monument. Judge Myron Thompson ruled that the monument is "nothing more than an obtrusive year-round religious display." After months of legal maneuvering and appeals, the order is apparently soon to be enforced.

Anticipating this showdown, Chief Justice Moore declared that he would not—indeed could not—remove the monument or comply with the judge's order, because to do so would be to violate Alabama's state constitution, which acknowledges "Almighty God." Last Friday, the state's Judicial Inquiry Commission suspended the Chief Justice from his duties, finding him guilty of disobeying a lawful order from the federal court. Unless the state's Court of the Judiciary finds otherwise, Chief Justice Moore is almost certain to be removed from office.

The state—with the whole nation watching—now faces the prospect of a showdown between the judge's supporters and whatever authority is called upon to remove the monument. The chief's fellow justices and the state's Attorney General will not defy the order. Several prominent Christian leaders have jumped to Judge Moore's defense. Some, like Focus on the Family founder Dr. James Dobson, warn that the nation stands at "a turning point, a pivotal point in the history of this country." Furthermore, he said, "There are times when you have to respond to a higher law."

Others, including Dr. Richard D. Land of the Southern Baptist Convention's Ethics and Religious Liberty Commission and Jay Sekulow of the American Center for Law and Justice, argue that Chief Justice Moore is harming the cause of religious liberty and the rule of law by defying a lawful court order. As Land explains, "If we disagree with a judicial interpretation of the law (which makes it the law until it is changed) ... then we must change the judges and, if necessary, change the laws."

With hundreds—and potentially thousands—of Christian citizens being urged to go to Montgomery to defend the monument and the Chief Justice, we face the very real possibility of an ugly confrontation. Serious Christians had better

think hard and think fast before we find ourselves in a very public debacle. We had also better pay close attention to our arguments, for they are sure to be turned against us if we are careless.

With so much at stake, let's try to think carefully as we review the critical issues.

First, Chief Justice Moore is certainly correct in his insistence that the Ten Commandments monument is fully constitutional. Nothing in the First Amendment touches even remotely on this issue, and the founders would certainly be flabbergasted to think that a federal judge would find such a display unconstitutional. Judge Moore is absolutely right in asserting that the Ten Commandments have long been acknowledged—even by the courts—as the foundation of our legal system and its moral precepts. After all, the Ten Commandments are inscribed on the wall of the U. S. Supreme Court—at least for now.

Second, the groups behind the federal lawsuit are a rogue's gallery of secularists, including the American Civil Liberties Union (Alabama chapter) and Americans United for Separation of Church and State. The ACLU is notorious for its determination to purge the public square of any Christian reference. The Americans United organization is, if anything, perhaps more extreme in its secularist agenda. Both groups are zealously committed to a secular vision for America and oppose everything from voluntary student-led prayer at school sporting events to the presence of any religious symbol on public property. A quick look at these opponents tilts the argument significantly in Judge Moore's favor.

Third, James Dobson's warning that we stand at a crucially important moment is well taken. The secular tide threatens to deny history, distort the laws, rob believers of their freedoms, and push the nation into a brave new world of secularism—with all vestiges of authentic Christianity removed from public view and safely restricted to private settings. Let's call this what it is. The secularists hate the Ten Commandments because the authority of the law eventually depends upon a divine authority, or all morality is absolutely relative and endlessly negotiable. The Ten Commandments remind us that morality is not relative. This explains the secularists' hatred of the monument.

Fourth, Richard Land and Jay Sekulow have the rule of law on their side, and years of experience defending Christian liberty under their belts. Christians cannot turn to the courts when we want rescue and then disobey the same courts when we lose. Chief Justice Moore is not helping his case—or the cause of religious liberty—by refusing to obey a lawful order of the court. His arguments fail to sustain his refusal to obey the order. It is by no means clear that his obedience of this order would in any way imply that he, or the state of Alabama, is failing to recognize the authority of Almighty God. Did the state fail in this acknowledgment for all those years before Judge Moore established his monument? Land and Sekulow have put themselves in the line of fire in this controversy—and they are right.

Fifth, Judge Moore has not yet exhausted all the legal avenues of appeal open to him. He would be in a much stronger legal and moral position if he had obeyed the order of the federal court and then appealed by every means available. Then—and only then—would Christian civil disobedience be justified. Even then, civil disobedience would not be automatic.

Sixth, Chief Justice Moore and his stalwart defenders had better think long and hard about the justification for Christian civil disobedience. The Apostle Paul points to the Christian's responsibility to obey the magistrate as a critical function of Christian witness [see Romans 13]. Similarly, Peter called for Christians to "Keep your behavior excellent among the Gentiles, so that in the thing in which they slander you as evildoers, they may on account of your good deeds, as they observe them, glorify God in the day of visitation." [1 Peter 2:12] Let's remember that Peter and Paul addressed their admonitions to Christians living under the pagan rule of Rome. We cannot possibly wiggle out of these words in the context of contemporary America. Or can we?

For centuries, Christians have argued that civil disobedience is lawful only in defense of human life, Christian witness, and Christian ministry. Christians were willing to die—and countless Christians have been martyred—because they would not bend the knee to Caesar [or Stalin, or Mao, or Castro, or the Taliban] and deny Christ. Christians in Nazi Germany risked their lives to save Jews. Christian pastors languish in jails around the world even today because they will not cease preaching the Gospel. No serious Christian would doubt their justification to resist the regime and disobey its laws. We do follow a higher law than the laws of men—but only when to do otherwise is to deny the faith or allow the innocent to die.

We must support and defend the right of the State of Alabama—or any other state—to erect a monument featuring the Ten Commandments. Judge Moore is right in his insistence that his monument is lawful. He should press that case in

every court until all appeals have been exhausted. But he should also obey lawful orders of the federal courts until that point is reached. Even if he ultimately loses at the U. S. Supreme Court, we should work through the democratic process to remove the judges and reassert legal sanity.

Otherwise, we are effectively arguing that the American system of government is completely corrupted, and that no remedy can be found through the legitimate political process. Those who are ready to make that case should take full measure of what they are proposing. I know of no responsible Christian leader who is even close to making that argument. We are indeed living in a season of peril for our nation. The federal courts have twisted the Constitution to push a radical social and moral revolution. This is why concerned Christians should push for the confirmation of federal judges who will uphold the rule of law—and the original meaning of the Constitution. But we cannot simultaneously deny the courts' authority and seek to correct their direction.

Seventh, we must learn to choose our battles wisely. The court-ordered removal of Alabama's Ten Commandments monument would be a national tragedy and a travesty of law. But thoughtful and responsible Christian leaders must ponder whether this is the place to take our stand in a court-defying, go-for-broke effort. The recovery of a culture requires the stewardship of strategy as well as firmness of conviction.

Eighth, we should seize this moment as an opportunity to awaken the conscience of the American people to the peril we face. Unless the direction of the federal courts is corrected, religious liberty will be negotiated into nothingness. Courts and legislative bodies at every level threaten basic religious liberties and precious freedoms. The secularists really do want to expunge Christianity from the public square. We must educate Christians to engage the culture and the political system, or it will one day be too late.

Ninth, Christians of deep conviction must learn that we will at times disagree over tactics while standing united in a strategy to defend religious liberty and Christian witness. No one has motivated more Christians to engage these issues than has James Dobson. We all stand in his debt. Richard Land has transformed the Ethics and Religious Liberty Commission of the SBC into a trusted and powerful voice for righteousness. Jay Sekulow has represented us all before the highest courts of the land as he has won many of the most important victories for religious liberty and the sanctity of human life in our times. This is not a time for division, but for unity.

Last, we must pray for Chief Justice Roy Moore as he sets the course for how he will deal with this crisis in the future. He brought this case to national prominence because he is a man of deep Christian character, conviction, and principles. May God grant him wisdom to lead us out of this crisis in keeping with those same principles.

