



Can the Alabama 'Ten Commandments' Judge Rise Again?

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Most lawyers and other Americans, says Roy Moore, don't understand the First Amendment's church-state provisions because they've "been indoctrinated in something that is not true."

Speaking at a "God & Country Patriotic Celebration & Conference" in Maryland in July, Moore claimed law professors and judges are leading people astray.

"They say God must be separated from life," Moore insisted. "As a Christian, God can't be separate from life. God has everything to do with law."

If you thought that former Alabama Chief Justice Moore had slinked off into a dark corner after being ejected from his state's Supreme Court, you thought wrong. The man known to many Americans as the "Ten Commandments judge" may be bowed, but he's far from broken.

Moore has not retreated from his advocacy of a society ordered by his version of biblical law. Instead, he is using his forced retirement from public office -- and his infamy -- to fuel a crusade aimed at spreading misinformation about church-state separation.

Just before the Fourth of July, he wound up as the main attraction at a Religious Right gathering in Severn, Md., where he and a string of far-right activists peddled "Christian nation" rhetoric, bashed Islam, belittled American culture and the federal government and displayed an alarming affinity for the neo-Confederate states' rights cause.

On the conference's first day during a panel discussion dubbed "The Myth of Separation of Church and State," Moore said, "I didn't come to my understanding of separation of church and state out of study or my intellectual ability, which is limited. I came through it out of experience."

Moore then elaborated on the lengthy court battles over his efforts to display the Ten Commandments in government buildings. He is best known -- and loved by the Religious Right -- for his defense of a large granite Commandments monument he placed in the rotunda of the Alabama Judicial Building.

Americans United for Separation of Church and State and its allies challenged the religious display in federal court. Moore lost at all levels of the federal judiciary, and the U.S. Supreme Court declined to review his case.

Moore defied court orders to remove the 2.5-ton monument, and in 2003 he was ejected from the state supreme court. (The monument finally wound up in the atrium of the CrossPoint Community Church, the Gadsden, Ala., congregation where Moore worships.)

The "God & Country" conferees in Severn celebrated Moore's actions as heroic. The other speakers, including a fiery Maryland state legislator, a disgraced former military chaplain and a law professor dressed as a Christian crusader knight, argued that the nation's founders were deeply religious men who did not intend for church and state to be separate. America, they said, is morally bankrupt thanks to a list of usual suspects, such as gays, secularists, Hollywood and liberal politicians.

One of the conference's primary sponsors was Michael Peroutka, a Pasadena, Md., attorney who ran for president on the U.S. Constitution Party ticket in 2004. The party advocates for an extremely weak central government and a society governed by biblical law. So, beyond celebrating Moore as a Christian martyr of sorts, an anti-government sentiment was also easily discernable among the speakers and audience. (On the conference's final day, one attendee approached this writer to complain that "we don't have a free country.")

Rally speakers stoked those sentiments by repeatedly painting the federal government and many politicians as hostile to Christianity.

On the event's opening day, Peroutka said it was his mission to introduce attendees "to the enormity of the problem before us. We love our country, but when my country is inebriated or acting so, it's my job, it's my duty, to set it right."

Setting the nation right, in Peroutka's view, apparently means a radical dismantling of secular democracy and the creation of a fundamentalist theocracy. Peroutka and his attorney brother, Stephen, operate a

Maryland group called the Institute on the Constitution (IOTC), which claims America was founded "as a Constitutional Republic of Sovereign States with a central government of purposely limited powers based on Biblical principles." The group, which lists U.S. Rep. Roscoe Bartlett (R-Md.) on its board of advisors, disseminates reams of material by David Barton, a "Christian nation" activist.

Peroutka decried public schools for teaching evolution and wondered how youth could be taught self-respect if they are instructed that "we are just descended from primordial ooze." He also blasted law schools, higher education in general and the media for perpetuating a false picture about the form of American government.

"We have a republic, and the source of authority in that republic is God," said Peroutka. "A revolution has happened in America. It has happened over the past 150 years. Evolution is at the bottom of it, and some very un-American people have been and are behind it.

"The purpose of the revolution," he continued, "is to stop you from being able to think and believe like an American any more It's been a calculated and evil anti-God, anti-Christian revolution."

Peroutka assailed the "tyrannical consolidation of power" within Washington, D.C., and charged that the revolution could not have been successful without convincing Americans that the Constitution requires a separation of church and state.

Peroutka called church-state separation a myth and a lie and claimed the Constitution, in reality, mandates just the opposite. He said he hoped the conference would provide attendees with the necessary tools to help set America right. Those tools, Peroutka said, include "an accurate knowledge of unrevised American history" and a "biblical worldview that acknowledges Christ's authority over all things."

Other speakers touted far-right themes.

Islam is a threat to Christianity, according to conference speaker John Eidsmoe. Eidsmoe, a retired Montgomery, Ala., law professor, spoke while dressed in a medieval crusader get-up, including chain mail and a sword. He lauded the Crusades as effectively ensuring that not all Europe would today be Muslim.

"Had the Crusades not taken place," Eidsmoe claimed, "within a short time, I think it is fair to say that Europe would have been entirely under

Muslim control. The Crusades held them off, and the Crusades bought time in which Christianity could revive and in which the European powers could reassert themselves."

Transitioning, somewhat jarringly, from the Crusades to modern times, Eidsmoe, a professor emeritus at the Jones School of Law at Faulkner University, bemoaned America as losing its way and morphing from a republic into an "empire." He added that, regardless of America's alleged failings, it should be recognized that "God can use the empire" for worthy causes, primarily wars.

"In the 20th century, I believe God used the American empire to defeat Nazism and then to defeat Communism," Eidsmoe claimed. "And in the 21st century, maybe He will use the American empire to defeat Islam."

In a prayer that kicked off the remaining day's panel discussions and lectures, the Rev. Mike Chastain, pastor of Westminster Presbyterian Church, sought divine assistance for an epic fight.

Chastain asked the Lord to sustain the conference attendees for the "battle that is ahead" and that "we might have the courage that Christ can give, the boldness that he requires and also provides, Lord, that we might fight the fight the way you want it fought, that we might hate what you hate, but that we might be godly in our hatred, that we might love what you love, but also be godly in our love; that we may do battle victoriously as Jesus Christ has won the battle. And we know, that you have declared that in his name, everyone should bow."

Besides Moore, the conference featured an appearance by another Religious Right martyr of sorts. Gordon Klingenschmitt, once a Navy chaplain, was discharged for not following Naval regulations that bar service members from donning their uniforms at political gatherings.

Klingenschmitt, however, portrays the end to his military career much differently: He claims he lost his position for praying in Jesus' name. A bio distributed at the conference states that Klingenschmitt sacrificed his "16 year career and a million dollar pension" for praying publicly in Jesus' name.

Klingenschmitt, who calls himself "Chaps," told a lengthy tale that painted his military supervisors as difficult to deal with and hostile to Christianity. He said the Lord "placed his mantle" on him and instructed him to take a stand.

"You've got to be the David against this Goliath of government pluralism in this totalitarian, government-sanitized religion and, Gordon, I've called you to slay this for the name of Jesus Christ," continued Klingenschmitt.

Klingenschmitt's story, however, has been vigorously challenged by one of his superiors, Capt. Norm Holcomb. Earlier this year, Holcomb publicly refuted Klingenschmitt's tale, saying that the former chaplain was fired for participating in a political event in his uniform.

"I was the dishonored ex-chaplain's supervisor for the past two years," Holcomb said. "I found him to be totally untruthful, unethical and insubordinate. He was and is contemptuous of all authority.

"He was not court-martialed for praying in Jesus' name," Holcomb continued. "He was court-martialed for refusing to follow orders. He appeared in direct support of a political event, demonstrating contempt for the order of his commanding officer and Naval regulations that we all swear that we will abide by."

The gathering at the Severn church, however, enthusiastically accepted Klingenschmitt's interpretation of events. Several attendees asked where they could sign a petition to Defense Secretary Robert Gates calling for Klingenschmitt's reinstatement.

Klingenschmitt's story plays into the Religious Right's claim that Christianity is treated poorly in America, and that there are constant attempts to muzzle evangelical Christians. His saga is similar to Moore's, and thus it is not surprising that Klingenschmitt and Moore have found their way into each other's company at Religious Right gatherings.

Moore spoke several times during the Maryland conference, and when not on the podium, he sat among the attendees to listen to others give harangues. (Speakers included former Regent University Law School dean Herb Titus, Pastor David Whitney and attorney David New.) He repeatedly claimed that God is the source of all law and that the current interpretation of the First Amendment produces a hostile atmosphere for Christians.

The separation of church and state, Moore claimed, is "an attack on Christianity. That's what it is."

Moore has been trolling the nation spreading similar rhetoric for years.

He operates from a nonprofit called the Foundation for Moral Law. Based in Montgomery, Ala., the group boasts a \$1.5 million yearly budget. It files friend-of-the-court briefs touting Moore's spin in church-state cases around the country.

The Foundation's Web site also advertises "Project Jeremiah," a program that dispatches Moore, the Foundation's president, to "encourage and educate pastors around the country to stand up for righteousness and gain a better understanding of the First Amendment, Separation of Church and State." These sessions explain to pastors and congregants "the unique Biblical and legal relationship between God's law and our Constitution."

Moore has even hinted at a possible presidential bid. According to the Associated Press, Moore said he's had "a lot of people ask" if he's interested in a 2008 run for the White House, "But I haven't thought about it."

Moore is harshly critical of the current crop of candidates.

"Right now, you don't see much difference between Democrats and Republicans," he told the AP in February. "No matter what you think about [former Alabama governor and third-party presidential candidate] George Wallace, one thing he did say is there is not a dime's worth of difference between the Democrats and Republicans."

Other Foundation representatives include Ben DuPre, a young attorney who joined Moore at the gathering in Maryland. He added to the misinformation campaign with an hour-long argument for mixing politics and religion.

Describing himself as the "kid brother" tagging along with the older group of men, DuPre launched his lecture with a direct hit on Americans United for Separation of Church and State for allegedly spreading the belief that pastors cannot become politically engaged in America.

Referring derisively to "the wrong Rev. Barry Lynn," DuPre said that the Americans United executive director has "taken it upon himself to tattle-tale on churches to the IRS." He rattled off a string of preachers throughout American history, such as Martin Luther King, whom he claimed were intimately involved in politics.

DuPre failed to note that federal tax law does not prohibit houses of worship from addressing public concerns. Tax law bars all 501(c)(3)

non-profit groups, including religious organizations, from endorsing or opposing candidates for public office. Issue advocacy is broadly protected by the Constitution.

DuPre, however, portrayed the Internal Revenue Service as an oppressive agency intent on spying on houses of worship and intimidating them into remaining silent on political issues. He characterized Americans United as pushing the agency to harass churches.

In fact, Americans United's Project Fair Play helps religious leaders understand federal tax law related to politicking. On numerous occasions, AU has sent informational letters to houses of worship simply explaining the terms of the IRS Code and encouraging them to refrain from being lured into illegal electioneering. When appropriate, AU has asked the IRS to investigate apparent violations.

On the Maryland conference's final day, July 3, attendees at the Severn church were treated to a defiant rant from a Maryland state legislator. Del. Don Dwyer Jr. (R-Anne Arundel) kicked off his speech by alerting the gathering that he would not "speak in politically correct terms."

He wasn't kidding. The state lawmaker seemed to relish trashing secularists and progressive politicians, and he depicted an America awash in sin, while promoting his religious beliefs as superior to all others. Dwyer seemed to be really, really angry and, indeed, toward the end of his over-the-top lecture, he acknowledged that anger.

Dwyer grouched about not being permitted to open House sessions with prayers in the name of Jesus Christ. He vowed that if he were ever allowed to give an invocation, he would do so his way, which means acknowledging Jesus.

The legislator said that he has been asked over and over again whether he would push for more funding for schools, roads, bridges and other projects for Anne Arundel County and that his response is consistently no.

"I can't do it; that's not the purpose of government, folks," Dwyer said, to a round of applause. "Not the purpose of government. The government has no money. It steals it from you and I at gunpoint, and then it redistributes it.

"The law is what God says it is, first and foremost," continued Dwyer,

"The foundation of law. No law created by man that is not in concert with God's law can be any law at all."

Dwyer said he had learned "what the truth is" from Peroutka, Moore and other "godly men that served in the public realm."

That truth, however, has alternately made Dwyer both offensive and offended.

"I've learned what the truth is, and I've learned how to go and offend people," he continued. "I am very offensive, and I make no apology for it. Because don't you think that God is offended? Aren't you offended as people of faith?"

"You can't post the Ten Commandments, you can't post the Nativity scene at Christmas and they refer to the Easter holiday in public school calendars as the spring break," Dwyer said, with his voice on the rise. "Give me a break. You want to talk about offended. I'm offended. And you ought to be offended, because He is offended."

Attendees shouted "amen!" in response.

Following Dwyer's hour-long tirade, the conferees dispersed and headed for the Peroutkas' Gladway Farm, about a 20-minute drive from the Severn church. There they feasted on barbeque and toasted Moore one more time as a hero. A parcel of land on the sprawling farm was dedicated as "Judge Roy Moore Field," and a near-replica of the Commandments monument Moore promoted at the Alabama Supreme Court was unveiled.

For all the talk of patriotism -- indeed, the conference was touted as a "patriotic celebration" -- the American flag was not visible on Gladway Farm during the tribute to Moore. Instead, the ceremony took place under three flags -- Maryland's, the Alabama state flag and a Confederate flag. (It was the Confederate national flag, not the more familiar Confederate battle flag.)

The display isn't surprising. According to the Web site of Jews on First, Peroutka has links to the neo-Confederate League of the South. The League, a secessionist group that seeks a "free and independent Southern republic," endorsed Peroutka's presidential candidacy, and he was a keynote speaker at the organization's 2006 convention in Chattanooga.

Church-state separationists say the radical views promulgated by Moore, Peroutka and other Religious Right activists must be closely monitored and countered by those who value religious liberty.

Said Americans United's Lynn, "If these folks had their way, the Bill of Rights would be a thing of the past. We must make sure that Americans are aware of their extreme agenda and see to it that they don't succeed."

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