

Roy Moore Is the Last Man Standing Against Judicial Tyranny

Stopping judicial tyranny is like the weather: Everybody talks about it, but nobody does anything about it. Nobody, that is, except Alabama Supreme Court Chief Justice Roy Moore. He is the last man standing against judicial tyranny.

He was on trial Wednesday before the Alabama Court of the Judiciary for his judicial life. His crime? Upholding the United States Constitution and the constitution of the state of Alabama. In other words, for being the last judge in America to actually fulfill the sacred oath he took when taking office, he is about to be sent into permanent judicial exile. And if he goes, he will take with him our very last hope of freedom from the overbearing, unconstitutional, smothering, liberty-destroying and unconscionable tyranny of the United States Supreme Court.

The people of Alabama elevated natural marriage to its state constitution precisely in order to protect it from judicial activism. The amendment was approved by 81% of the voters, making it abundantly clear that it represents the will of the people, who are the ultimate source of political power in Alabama as well as in America. At least, that's what the Constitution itself says and what we are supposed to believe. The first words of the Constitution are "We the People," not "We, the out-of-control, unelected, unaccountable judges."

Judge Moore has quite correctly observed that the Supreme Court's horrid ruling in *Obergefell* serves as a restraint only on the four states—Kentucky, Michigan, Ohio and Tennessee—who were parties to that suit. Alabama, you will notice, is not one of them.

Alabama has never had the opportunity to defend its marriage amendment before the Court, and has never been the direct subject of a ruling issued by the Court. Properly speaking, the Court's misguided ruling applies only to the 16 couples who were before it. If it has any legally binding effect beyond that, its ruling at a maximum would apply only to the four states who were represented before it.

The Supreme Court's authority is only supreme in cases in which it has jurisdiction according to Article III, and only with respect to the plaintiffs before it. Judge Moore quite correctly observed that Alabama was not a litigant before the Court in the same sex marriage controversy that led to the *Obergefell* opinion. So while the 16 couples who were before the Court in *Obergefell* can get their "marriage" licenses, its ruling has no binding authority on the state of Alabama.

Abraham Lincoln said exactly the same thing with regard to the obscene *Dred Scott* opinion. He accepted the Court's ruling with regard to Scott and his owner, but flatly denied that the Court's ruling had any binding or precedential effect anywhere else in the Union. "This decision," said Lincoln, "was wanting in any claim to public confidence, and it is not 'resistance,' it is not factious, or even disrespectful, to treat it as not having quite established a settled doctrine for the land."

Wisconsin flatly rejected the *Dred Scott* decision and refused to obsequiously bow to its immoral and unconstitutional diktat. History has vindicated Wisconsin and Abraham Lincoln, and history will vindicate Alabama and Judge Moore.

One lone man famously stood against the tanks of the Chinese armies in Tienanmen Square. He was whisked away and executed some three days later. Judge Moore is the lone man standing today against the lethal power of political correctness and judicial tyranny. If he goes down, we all go down with him.

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