

Chief Justice Roy Moore is Right:

Obergefell is '**Immoral**', '**Unconstitutional**', '**Tyrannical**', and

'Contradicts "the Laws of Nature and of Nature's God" ' ...

'Invoked in the Organic Law upon which our Country is Founded',

... the 'Declaration of Independence'

[Alabama Supreme Court [Opinion](#), March 4, 2016]

Supreme Court of Alabama

http://judicial.alabama.gov/supreme_opinions.cfm

LIST OF OPINIONS ISSUED BY
THE SUPREME COURT OF ALABAMA

ON FRIDAY, MARCH 4, 2016

http://judicial.alabama.gov/docs/sc/SC_RL_030416.pdf

1140460 Ex parte State of Alabama ex rel. Alabama Policy Institute, Alabama Citizens Action Program,
and John E. Enslin, in his official capacity as Judge of Probate for Elmore County.

PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Alan L. King, in his official capacity as
Judge of Probate for Jefferson County et al.).

Pending Motions and Petitions Dismissed.

Links: [OPINION](#) [<https://acis.alabama.gov/displaydocs.cfm?no=721120&event=4KW0LCPOJ>]

IN THE SUPREME COURT OF ALABAMA

March 4, 2016

MOORE, Chief Justice (concurring specially). [pp.13, 103 - 105]

[Excerpts, emphasis added]

"Obergefell is completely without constitutional authority, a usurpation of state sovereignty, and an effort to impose the will of 'five lawyers,' as Chief Justice Roberts stated, ..., on the people of this country."

continued...

"In my legal opinion, Obergefell, like Dred Scott and Roe v. Wade that preceded it, is an immoral, unconstitutional, and tyrannical opinion."

"Its consequences for our society will be devastating, and its elevation of immorality to a special 'right' enforced through civil penalties will be completely destructive of our religious liberty."

"Why immoral? Because it elevates into a fundamental right that which was historically regarded by our law as 'the infamous crime against nature,' ... "

"Why unconstitutional? 'Because 'the Constitution ... had nothing to do with it,' ..., and because it is a 'distortion of our Constitution' that 'ignores the text' of the Constitution."

"Why tyrannical? ... because Obergefell 'will be used to vilify Americans who are unwilling to assent to the new orthodoxy' and 'exploited by those who are determined to stamp out every vestige of dissent.' ... "

"In addition, **Obergefell** contradicts 'the Laws of Nature and of Nature's God' that were invoked in the organic law upon which our country is founded. Declaration of Independence para. 1. To invariably equate a Supreme Court decision that clearly contradicts the Constitution with 'the rule of law' is to elevate the Supreme Court above the Constitution and to subject the American people to an autocracy foreign to our form of government. Supreme Court Justices are also subject to the Constitution. When 'that eminent tribunal' unquestionably violates the limitations set forth in that document, lesser officials -- equally bound by oath to the Constitution - have a duty to recognize that fact or become guilty of the same transgression."

CCL Note: As stated above in Chief Justice Moore's opinion (concurring specially), the Declaration of Independence is part of the **organic law** upon which the United States of America is founded. The 1776 Declaration of Independence is listed as one of the Organic Laws of the United States of America in the **United States Code**.

From Columbia Christians for Life:

***Obergefell* is **NOT** "the supreme Law of the Land"**

[Article VI., **US Constitution**]

The US Supreme Court (SCOTUS) is **NOT the "final arbiter" [*sic*] of the United States Constitution.**

US Supreme Court ***OPINIONS*** are **NOT** "the supreme Law of the Land" according to the **US Constitution** (**Article VI**, Clause 2): [emphasis added]

Article VI

2: This **Constitution, and the **Laws of the United States** which shall be made **in Pursuance thereof**; and all **Treaties** made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.**

Excerpt from Article VI., U.S. Constitution

<http://christianlifeandliberty.net/CONLAW04.DOC>

Noticeably absent from the list in Article VI of what the United States Constitution itself says is "the supreme Law of the Land" are U.S. Supreme Court decisions. They are **NOT** "the supreme Law of the Land."

Article VI, Clause 2 of the United States Constitution states there are three things which are "the supreme Law of the Land":

- 1) The US Constitution itself [written text], and
- 2) Federal Laws made in pursuance of [the written text of] the US Constitution, and
- 3) Treaties (consistent with the US Constitution).

Nowhere does the United States Constitution state US Supreme Court Opinions are included as "the supreme Law of the Land".

Presidents Thomas Jefferson and Andrew Jackson: The Supreme Court is not the final arbiter of the Constitution

<http://christianlifeandliberty.net/CONLAW05.DOC>

[edited]

President Thomas Jefferson:

President Thomas Jefferson wrote to a friend in 1821:

“You seem ... to consider the [federal] judges as the ultimate arbiters of all constitutional questions, a very dangerous doctrine indeed and one which would place us under the despotism of an oligarchy ... The constitution has erected no such single tribunal, knowing that, to whatever hands confided, with the corruptions of time and party its members would become despots.”

[selected emphasis added – *how much more succinctly prophetic can Thomas Jefferson’s words be to describe the federal judicial tyranny that unlawfully exists today in America in 2016 ? !*]

Source: “An End to Judicial Tyranny ?” [Note: An article on the Article III. Section 2. power in the United States Constitution for the U.S. Congress to limit the appellate jurisdiction of the U.S. Supreme Court], by Thomas R. Eddlem, The New American, October 18, 2004, p. 44.
<http://www.thefreelibrary.com/An+end+to+judicial+tyranny%3f-a0123635933>

President Andrew Jackson:

Excerpt from:

President Andrew Jackson veto message against the Second Bank of the United States, July 10, 1832:

Source: Andrew Jackson and the Bank War, by Robert V. Remini, 1967, pp.82-83 [emphasis added]

‘The Bank veto of July 10 [1832] is the most important presidential veto in American history.’

“Then the President turned to the constitutional question involved in the recharter. He noted that the Supreme Court in *McCulloch v. Maryland* had judged the Bank constitutional. **“To this conclusion I cannot assent,”** he declared. Elaborating, he announced that **the Congress and the President** as well as **the Court “must each for itself be guided by its own opinion of the Constitution. It is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve.”** Ever since the writing of this passage Jackson has been unfairly faulted for attempting to make himself co-equal with the courts in determining the constitutionality of Congressional legislation. What he actually said was that no member of the tripartite government can escape his responsibility to consider the constitutionality of all bills and to vote or act as his good judgment dictates. And, in the matter of the Bank now before him, Jackson did not agree with the Supreme Court. Since the Bank recharter was subject to legislative and executive action, he simply claimed the right to think and act as an independent member of the government.’

Statement Calling for Constitutional Resistance to Obergefell v. Hodges

<https://americanprinciplesproject.org/founding-principles/statement-calling-for-constitutional-resistance-to-obergefell-v-hodges%E2%80%AF/>

October 8, 2015

[72 Law Professors and Others Reject Obergefell as "binding precedent for all but the specific plaintiffs in that case."]

[Excerpts, emphasis added]

'In 1788, James Madison wrote, "The several departments being perfectly co-ordinate by the terms of their common commission, neither of them, it is evident, can pretend to an exclusive or superior right of settling the boundaries between their respective powers." '

'In 1857, Abraham Lincoln said, "Judicial decisions are of greater or less authority as precedents, according to circumstances. That this should be so, accords both with common sense, and the customary understanding of the legal profession." If a decision "had been made by the unanimous concurrence of the judges, and without any apparent partisan bias, and in accordance with legal public expectation, and with the steady practice of the departments throughout our history, and had been in no part, based on assumed historical facts which are not really true; or, if wanting in some of these, it had been before the court more than once, and had there been affirmed and re-affirmed through a course of years, it then might be, perhaps would be, factious, nay, even revolutionary, to not acquiesce in it as a precedent." If, however, a decision is "wanting in all these claims to the public confidence," it is "not factious" to resist it. '

***Obergefell* is wanting in all these claims to the public confidence. It cannot therefore be taken to have settled the law of the United States.**

Therefore:

We stand with James Madison and Abraham Lincoln in recognizing that *the Constitution is not whatever a majority of Supreme Court justices say it is.*

We remind all officeholders in the United States that they are pledged to uphold the Constitution of the United States, not the will of five members of the Supreme Court.

We call on all federal and state officeholders:

To refuse to accept *Obergefell* as binding precedent for all but the specific plaintiffs in that case.

To recognize the authority of states to define marriage, and the right of federal and state officeholders to act in accordance with those definitions.

continued...

<https://americanprinciplesproject.org/founding-principles/statement-calling-for-constitutional-resistance-to-obergefell-v-hodges%E2%80%AF/>

President Abraham Lincoln, First Inaugural Address, March 4, 1861:

[Excerpt, emphasis added]

"I do not forget the position assumed by some that constitutional questions are to be decided by the Supreme Court, nor do I deny that such decisions must be binding in any case upon the parties to a suit as to the object of that suit, while they are also entitled to very high respect and consideration in all parallel cases by all other departments of the Government. And while it is obviously possible that such decision may be erroneous in any given case, still the evil effect following it, being limited to that particular case, with the chance that it may be overruled and never become a precedent for other cases, can better be borne than could the evils of a different practice. **At the same time, the candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal."**

<http://www.bartleby.com/124/pres31.html>

Note: Lincoln was referring to the US Supreme Court's infamous [Dred Scott](#) case (1857) **OPINION**, written by Chief Justice [Roger Taney](#), which not only denied the slave Dred Scott freedom and citizenship, but also reached back 37 years to arrogate to itself the authority to declare the [1820 Missouri Compromise](#) passed by the United States Congress, to be unconstitutional. The Missouri Compromise of 1820 "regulated [slavery](#) in the country's [western territories](#) by prohibiting the practice in the former [Louisiana Territory](#) north of the [parallel 36°30 north](#), except within the boundaries of the proposed state of [Missouri](#) ."
[https://en.wikipedia.org/wiki/Missouri_Compromise].

However, despite the ruling of the US Supreme Court declaring the 1820 Missouri Compromise to be unconstitutional, and declaring the US Congress could not ban Slavery in the western territories, the United States Congress and President Abraham Lincoln did just that. On June 19, 1862, the United States Congress "[ended slavery in the western territories](#)." The text of this "Law Enacting Emancipation in the Federal Territories" is posted [here](#). **The pertinent point here is this: The United States Congress and the United States President DEFIED the OPINION of the US Supreme Court.**

"Abortion is not legal" - Christine Ross and Herbert W. Titus, JD

LIFE ADVOCATE, MAY/JUNE 1999

<http://christianlifeandliberty.net/HerbTitus0501.doc>

[Excerpt, emphasis added]

"Just a little more than 100 years ago, the American people knew that Supreme Court opinions did not become the law for the whole country, but bound only the parties to the case. That is why Abraham Lincoln rejected the Supreme Court's decision in the infamous **Dred Scott case. **Lincoln knew** that even though the Court declared - in the name of the Constitution - that black people had no rights that white people were bound to respect, **that ruling was not the law of the land.**"**

E-mail below sent out August 11, 2016:

[Edited August 12, 2016]

Date: Thu, 11 Aug 2016

From: Columbia Christians for Life <CCL@spiritcom.net>

Subject: 100-Year Epic Failure of the American Legal Profession on Trial in Chief Justice Roy Moore Case
- Montgomery, AL - Sept. 28, 2016

[Columbia Christians for Life \(CCL\)](#)

Columbia, South Carolina

August 11, 2016

100-Year Epic **Failure of the American Legal Profession on Trial in Chief Justice Roy Moore Case - Montgomery, AL - Sept. 28, 2016**

Alabama Chief Justice Roy Moore was [suspended](#) for upholding God's Law on Marriage, and the United States Constitution on May 6, 2016. Now Christian Roy Moore's case has been [ordered to trial](#) on [UNJUST](#) ethics charges in Montgomery, Alabama, on Wednesday, Sept. 28, 2016.

Chief Justice Roy Moore may be the nominal defendant in this case before the nine-member Alabama [Court of Judiciary](#), which would have to vote [unanimously](#) for removal of the Chief Justice, for Roy Moore to be removed from the office to which he was [elected](#) by the voters of Alabama on November 6, 2012.

However, as representatives and as *types* of the American Legal Profession, which has so greatly **failed** the people of this country *for multiple generations* [e.g., [59+ Million](#) reported dead children since *Roe* (1973) from **government-protected** child-murder-by-"abortion"; e.g., sodomite / lesbian "marriage" [*sic*] in *Obergefell* (2015)], it is the [nine members](#) of the Court of the Judiciary which are on trial in the court of American History, and more importantly, in the Court of Heaven. What happens to Chief Justice Roy Moore on Sept. 28, 2016 by the individual votes of the nine members of the Alabama [Court of Judiciary](#), as Judge Roy Moore, the "Ten Commandments Judge" ([2003](#)), [stands](#) for Biblical morality and Constitutional Law, will be a testimony either *for* or *against* each of those [nine members](#) personally, and individually, and perpetually; and will be a public, historic, on-the-record testimony of the condition, morality, and ethics of the Legal Profession in America.

The legal concept is simple: There is **NO LAW**, either State or Federal, that allows sodomites to "marry" [*sic*] or that allows lesbians to "marry" [*sic*]. Courts do not make law. Legislatures make law. The executive branch enforces the law. These are fundamental principles of our constitutional republican form of government (Articles I, II, III, and IV of the [U.S. Constitution](#)).

As one Alabama supporter, a mother of eight who came to Montgomery to support Judge Roy Moore on Monday, August 8, the day of the Court of the Judiciary hearing said:

Sherry Robinson: "And we wanted to support Judge Roy Moore. We believe what he's doing is upholding the law of our state. **"There's no law here** that says that men can marry men or women can marry women, ... Until the Legislature steps in and makes a law different than that, he's doing what is right." (emphasis added) [[Montgomery Advertiser](#), [video](#) - 1:53, Aug. 8, 2016]

The Legal profession in America has lost its way, and it has been incremental, over The last 100 years or so, since becoming untethered from the Word of God as the foundation for law, and having become adrift on the sea of relativistic *Case Law*, now taught in American law schools. Whether or not certain lawyers, judges, or law-trained legislators or governors or presidents are professing Christians, if they are practicing *judicial supremacists*, upholding the legitimacy of immoral, evil, unconstitutional SCOTUS *Opinions* such as *Roe* and *Obergefell*, then they are in effect philosophical, worldview *janissaries*, having been taught, disciplined, and trained (brainwashed, programmed) in the anti-Bible "law school temples" of our philosophical, worldview, anti-Christianity adversaries (similar to the government indoctrination-centers aka "public schools" for K-12).

Date: March 4, 2016 [excerpts, emphasis added]

Chief Justice Roy Moore:

"Obergefell is completely without constitutional authority, a usurpation of state sovereignty, and an effort to impose the will of 'five lawyers,' as Chief Justice Roberts stated ... on the people of this country."

continued...

"In my legal opinion, Obergefell, like Dred Scott and Roe v. Wade that preceded it, is an immoral, unconstitutional, and tyrannical opinion."

"Its consequences for our society will be devastating, and its elevation of immorality to a special 'right' enforced through civil penalties will be completely destructive of our religious liberty."

"Why immoral? Because it elevates into a fundamental right that which was historically regarded by our law as 'the infamous crime against nature,' ... "

"Why unconstitutional? ... because it is a 'distortion of our Constitution' that 'ignores the text' of the Constitution."

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Here is a simple test: Ask your professing Christian lawyer friend if they were taught using [William Blackstone's *Commentaries on the Laws of England*](#) when they went through their expensive three-year law school education? As a matter of historical fact, beginning in the pre-American Revolutionary War period 240+ years ago, c. 1770, and continuing for about 100 years or so, [American lawyers](#) were taught [reading](#) William Blackstone's *Commentaries* (first published 1765-1769). Blackstone's *Commentaries* asserted a Biblical worldview that all human laws were rightly to be based upon God's Law in Nature (different than so-called "natural law" which has man as the final authority) and God's Revealed Law (the Bible):

SIR WILLIAM BLACKSTONE
Commentaries on the Laws of England (1765-1769)
<http://lonang.com/library/reference/blackstone-commentaries-law-england/>

INTRODUCTION

[Sect. 2: Of the Nature of Laws in General](#)

Blackstone [wrote](#):

"Upon these two foundations, the law of nature and the law of revelation, depend all human laws; that is to say, no human laws should be suffered to contradict these."

Blackstone sourced the revealed or divine law [thusly](#):

"The doctrines thus delivered we call the revealed or divine law, and they are to be found only in the holy scriptures." (i.e., the Bible, the Word of God)

[Commentaries on the Laws of England, Introduction. Section II. OF THE NATURE OF LAWS IN GENERAL, p.28, \(pub'd\) 1863](#)

Alabama Chief Justice Roy Moore:

"Moore noted: "Does an opinion of the United States Supreme Court, like Obergefell, which blatantly affronts the Constitution, automatically become the 'rule of law' and the 'law of the land?' **Sir William Blackstone's Commentaries on the Laws of England** became the 'manual of almost every student of law in the United States' during this nation's formative years. Blackstone stated that 'the law, and the opinion of the judge are not always convertible terms, or one and the same thing; since it sometimes may happen that the judge may mistake the law.'" "

WND EXCLUSIVE

State chief justice's lawyers charge SPLC with 'political' attack

Ask judicial commission to dismiss complaints over marriage decision

<http://mobile.wnd.com/2016/04/state-chief-justices-lawyers-charge-splc-with-political-attack/>

Published: 04/27/2016

Which of the Nine members of the Alabama [Court of the Judiciary](#) will vote righteously in keeping with the historical foundation of American law based upon the Word of God on September 28 ?

Removal of Chief Justice Roy Moore Sept. 28 requires [UNANIMOUS](#) vote of Alabama [Court of Judiciary](#)'s Nine members

- If even ONE of the nine members of the Alabama [Court of Judiciary](#) votes "NO" to the removal of Chief Justice Roy Moore, then Christian Judge Roy Moore will retain his office as Chief Justice of the Alabama Supreme Court, to which he was [elected](#) by Alabama voters on November 6, 2012.

- May Bible-believing Christians be praying Proverb 21:1, [KJV](#) regarding these nine members of the Alabama [Court of Judiciary](#), and their upcoming vote in the trial of Chief Justice Roy Moore on **UNJUST** ethics charges on September 28, 2016.

Proverb 21:1, [KJV](#) (w/ Deity capitalized)

I The king's heart is in the hand of the LORD, as the rivers of water:

He turneth it whithersoever He will.

Montgomery Advertiser (Alabama)

Roy Moore to get hearing on ethics charges

<http://www.montgomeryadvertiser.com/story/news/politics/southunionstreet/2016/08/08/roy-moore-get-hearing-ethics-charges/88391182/>

Montgomery Advertiser

1:21 p.m. CDT August 8, 2016

"If convicted, Moore could face penalties ranging from censure to removal from his position.
Removal would require a unanimous vote of the panel members."

Alabama [Court of Judiciary](#) - [08/08/2016 Order](#)

**IN THE MATTER OF: ROY S. MOORE
Chief Justice, Supreme Court of Alabama**

"All pending summary-judgment motions in this matter are DENIED."

"The trial of this matter is set for September 28, 2016, beginning at 9 a.m. in the Supreme Court Courtroom, 300 Dexter Avenue, Montgomery, Alabama."

"ORDERED this 8th day of August, 2016."

All NINE members of the Alabama [Court of Judiciary](#) have signed the [08/08/2016 Order](#) above.

Court of the Judiciary Members (Nine)

<http://judicial.alabama.gov/judiciary/judiciary.cfm>

Chief Judge:

J. Michael Joiner

Members:

James W. Woodroof, Jr.

Laura Petro

Jeffrey T. Brock

John V. Denson, II

S. Dagnal Rowe, Sr.

L. Gwaltney McCollum, Jr.

Lucinda Samford Cannon

Daryl O. Perkins

1. Chief Judge J. Michael Joiner

Court of Criminal Appeals

300 Dexter Avenue

Montgomery, AL 36104

Members

2. James W. Woodroof, Jr.

Circuit Judge

P.O. Box 486

Athens, AL 35612

3. Laura Petro

Circuit Judge
801 N. Richard Arrington Jr. Blvd
Birmingham, AL 35203

4. Jeffrey T. Brock

~~District Judge
P.O. Box 227
Evergreen, AL 36401~~

[Revised Sept 5, 2016]

District Judge
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