

# The Roy Moore I Know

By Allen Mendenhall

**R**oy Moore, who won Alabama's Republican Senate runoff Tuesday, has been portrayed as a showman, firebrand, zealot, bigot, redneck and extremist. That isn't the man I know.

I was Mr. Moore's staff attorney from 2013-16 when he was chief justice of the Alabama Supreme Court. The man I know, away from the camera and among friends and family who call him "Chief," is warmhearted, humorous, compassionate and studious.

He ordered his staff to learn not just the facts and issues in every case, but also the history that gave coherence to the controlling law. He expected us to read Blackstone, Coke, Story and Kent. That history found its way into his opinions. In a case about contractual jury waivers, Chief traced civil juries to their Dutch and Frankish origins.

He empathized with poor black defendants, believing they faced systemic disadvantages in the justice system. Whenever a nonviolent habitual offense drew a sentence of

life imprisonment without parole, Chief boiled.

In 2014 he dissented vehemently when the court declined to hear an appeal from Willie Conner, a black man who had been convicted of possessing a "gun" while committing a theft. Mr. Conner had stolen a nail gun from Lowe's.

## Friends remember how 'Chief' stood up for black defendants.

Another black man, Cornelius Newman, was sentenced to 35 years for first-degree robbery. This bothered Chief because the "robbery" was an unpaid \$8 bill from Waffle House. Mr. Newman retrieved a shotgun to effectuate his dine-and-dash but never used it. In a 2013 dissent, Chief argued he should have been prosecuted for "theft of services," a lesser offense.

Micah 6:8 was engraved on the back of Chief's nameplate, reminding him to "do justice" and "love mercy" while walking humbly with God.

He does have quirks. He'd eat expired food and use what he called "Indian mud" (a k a "Black salve") to heal ailments. He once put it on his leg, which he bared every morning so I could monitor its progress. Sure enough, the wound balled up into a dark scab that soon fell off.

A few weeks into the job, I was meeting with Chief to discuss a tort case regarding one party's disputed "duty" toward another. Reasoning out loud, he passionately repeated the word "duty"—which of course sounds like "doody." I succumbed to sophomoric snickering, the kind of laughter that only gets worse when you try to suppress it. A sterner judge would've reprimanded me. Chief simply shook his head, let me get my giggles out, and then proceeded as though nothing had happened.

Another time Chief was in my office, pushing his foot off my desk to lean back in his chair—a little too far. His cool face turned to panic as he grasped for something to break his fall. He managed to bend sideways to avoid crashing

through the glass bookshelves behind him and then laughed with sudden relief.

My favorite meetings involved the entire staff. Chief liked constructive argument, and he wanted to know who disagreed with him and why. He was always willing to change his mind, but steadfast when the time came. In one contentious case he told a staffer working on an opinion to "dissent like hell."

As the December general election approaches, I expect the caricatures of Chief to grow even more grotesque. Mr. Moore has made his share of brash remarks and taken controversial stands. But his critics don't know the man who would buy his staff attorneys dinner if he noticed they were working late. That's the shame of politics: It prevents you from truly understanding people—especially those you oppose.

*Mr. Mendenhall is an associate law dean at Faulkner University in Montgomery, Ala., and executive director of the Blackstone and Burke Center for Law and Liberty.*