

Federal Judge: Biblical Views on Sexuality 'Violate International Law'

Earlier this week, U.S. District Court Judge Michael Ponsor issued a decision in a case he doesn't even have jurisdiction to decide, and used inflammatory and discriminatory statements to describe the defendant, who is an evangelical pastor who holds a biblical view on human sexuality.

According to attorneys representing Pastor Scott Lively in a case brought by Sexual Minorities Uganda, an LGBT activist group represented in court by the George Soros-funded Center for Constitutional Rights, Ponsor said the pastor was a "crackpot bigot" and used other demeaning phrases, such as "pathetic," "ludicrous" and "abhorrent" to describe his Christian views. They further stated in an appeal filed on Lively's behalf that Ponsor, "without even a pretense of legal or factual analysis," determined that his Christian beliefs and pro-family activism "violated 'international law' and that Lively's peaceful speaking on homosexuality in Uganda somehow 'aided and abetted' crimes supposedly committed by people Lively has never even spoken to or met."

"Judge Ponsor's vitriolic order is clearly unlawful," Liberty Counsel Vice President of Legal Affairs and Chief Litigation Counsel Horatio Mihet said.

To make matters worse, Ponsor had no jurisdiction to even hear the case. In 2013, the Supreme Court decided in *Kiobel v. Royal Dutch Petroleum Company* that the Alien Tort Statute does not allow a foreign citizen to sue a U.S. citizen in America alleging violation of some international law. Based on that legal precedent, the case should have been thrown out immediately, as requested by Lively's attorneys at Liberty

Counsel, but instead, Ponsor forced the case to continue for four more years.

“Once Judge Ponsor concluded that he lacked jurisdiction over SMUG’s preposterous lawsuit, the only thing left to do was dismiss it,” Mihet said. “The Supreme Court, and many federal appellate courts, have repeatedly rebuked judges who inject unnecessary and prejudicial ‘findings’ in cases where they lack jurisdiction. We will defend Pastor Lively’s name in the Court of Appeals and work to remedy this injustice.”

Liberty Counsel Founder and Chairman Mat Staver said it’s “improper” for a judge who clearly lacks jurisdiction to hear a case to make legal findings unrelated to the disposition of the case. He added that Ponsor allowed his personal support for the LGBT agenda to enter an opinion and “make prejudicial findings laced with defamatory statements that are both illegal and unbecoming.”

“The statements are so far outside the norm that we have filed an appeal to ask that these prejudicial and unnecessary statements be stricken,” Staver said. “Judges may hold personal opinions like anyone else, but they should restrain themselves from lacing court rulings with them, especially when they admit they lack jurisdiction to hear the case.”
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