

Liberty Counsel Fights Unconstitutional LGBTQ Subpoena

Today, Liberty Counsel has filed an objection to a staggering subpoena from GLBTQ Legal Advocates & Defenders (GLAD) and National Center For Lesbian Rights (NCLR) in the case Doe v. Donald Trump. The lawsuit seeks to block the ban on gender-confused individuals serving in the military.

The subpoena was requested by two of the most aggressive LGBT activist groups. It demands every single document, email and communication between Liberty Counsel and the following: President Donald Trump, his office, Vice President Mike Pence, his office and any officers or employee of the Department of Defense, which is the largest employer in the government and includes about 1.3 million active-duty soldiers. The subpoena deadline was today, less than two weeks from when it was served, and demands “all communications” during the last 14 months.

Liberty Counsel is not a party to the suit. Several other organizations have received similar subpoenas from these LGBT activist groups. This subpoena is one of the most onerous and frivolous Liberty Counsel has ever seen and is intended to intimidate. If it was allowed to stand, then anyone could use a lawsuit to harass other people and groups with whom they disagree. It would also significantly chill the free speech of any future groups in their communication with governmental officials. It is a gross overreach of judicial power to target and subpoena groups for no other reason than that they supported a politician or general’s decision.

This case is retaliation for military policy based on facts with which these individuals and groups disagree. It is an

attempt by these radical groups to bully and intimidate this organization. GLAD and NCLR are using subpoena power to deliberately harass pro-faith and pro-family groups like Liberty Counsel, who are not in any way related to the lawsuit. GLAD and the NCLR can obtain any discoverable document from the government through a legitimate public records request.

“In more than 30 years of practicing law, I have never seen a subpoena like this one,” said Mat Staver, Founder and Chairman of Liberty Counsel. “It directly challenges our Constitutional protections and is solely designed to harass and intimidate. We will not be bullied or intimidated. This unbelievable invasion of privacy must be exposed and fought, not just for our organization, but to protect the right for anyone to freely communicate with their political or military leaders.”

The letter states, “Liberty Counsel has a fundamental First Amendment right to petition the government, to associate with like-minded individuals and organizations and to engage in protected speech to advocate for its mission. All such freedoms are protected against infringement from overzealous discovery requests ... the First Amendment provides strong refuge for organizations advocating their viewpoints and beliefs from disclosing certain information that may be critical to advancing their respective missions.”

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