

Pastor Accused of 'Crimes Against Humanity' Scores Major Victory

Late yesterday, Liberty Counsel client and American pastor Scott Lively won summary judgment against the foreign LGBT activists, Sexual Minorities Uganda (SMUG), which sued Lively for sharing his biblical views on homosexuality during three visits to Uganda in 2002 and 2009. The summary judgment order, entered by U.S. District Judge Michael A. Ponsor, puts an end to SMUG's attempt to silence Lively and others who speak internationally about the LGBT agenda.

SMUG is represented by the Center for Constitutional Rights, which has received funding from George Soros. CCR is located at 666 Broadway in New York, an apt address for an organization that attempts to use international law to silence people of faith and attack Israeli government officials.

In a direct challenge to the U.S. Constitution and the rule of law, SMUG tried to create new and dangerous precedent using international "crimes against humanity"—akin to genocide and war crimes—by relying on the obscure Alien Tort Statute (ATS). In 2013, the U.S. Supreme Court issued the deathblow to SMUG's lawsuit by ruling that the ATS was never intended to allow a foreign citizen to sue a U.S. citizen in America alleging violation of some supposed international law. Scores of pending cases around the country were dismissed following the 2013 Supreme Court ruling in *Kiobel v. Royal Dutch Petroleum Co.*, but the one not dismissed was the SMUG case. Judge Ponsor has a long history of support for the LGBT agenda and said he considers judges "the unappointed legislators of mankind." Instead of dismissing the case in 2013, as it should have been, Ponsor opened the door for extensive and needless discovery.

Although Judge Ponsor's order dismissed the case in 2017, for the same reasons he should have dismissed it in 2013 based on the Supreme Court precedent, he let his personal bias against pro-family values and support of the LGBT agenda slip into what should otherwise have been a clear legal opinion. Legally, Judge Ponsor had no choice on the law. The Supreme Court had clearly spoken. But what he did via his opinion is unbecoming, hurling names at Pastor Lively. None of the evidence supports any of the allegations.

After Judge Ponsor refused to dismiss the case in 2013, thousands of hours later, including 100 hours of depositions and 40,000 pages of documents, SMUG failed to produce a shred of evidence of any conspiracy or persecution by Lively. Rather, the evidence showed that Lively, in a country where homosexuality has been illegal for decades, urged treatment of LGBT people with respect and dignity, and the liberalization of Uganda's laws against homosexuality even as he spoke in favor of biblical sexual morality and against the LGBT political agenda.

"This is a victory for the Constitution and the rule of law," said Mat Staver, founder and chairman of Liberty Counsel. "All Christians should celebrate the end of a lawsuit intended only to intimidate an innocent pastor into silence. But the court's open display of activism in deriding Lively's beliefs reminds us of the threats American Christians continue to face from a judiciary that is increasingly hostile to any expression of biblical truth to a decaying culture," said Staver.

"Once Judge Ponsor properly concluded that he had no jurisdiction over SMUG's concocted claims, his only duty was to dismiss the case and send SMUG back to Uganda the same way it came: empty-handed," added Horatio Mihet, Liberty Counsel's vice president of legal affairs and chief litigation counsel. "Judge Ponsor was without any authority—constitutional, legal or otherwise—to showcase his contempt for the family values advocated by Scott Lively. Judge Ponsor's misinformed opinions

about Scott Lively are not worth the paper they are written on,” said Mihet.

Pastor Lively commented: “I thank God for His deliverance from this outrageous and malicious litigation, designed solely to silence my voice for biblical truth on LGBT issues and to cause me pain and suffering for daring to speak against the gay agenda. I also thank Mat Staver and my Christian attorneys at Liberty Counsel, especially Horatio Mihet and Roger Gannam, who took on and defeated SMUG’s team of 14 lawyers with exemplary skill and fortitude.” And, he continued, “I thank Judge Michael Ponsor, as well, for overcoming his clear ideological bias enough to acknowledge the legal deficiency of SMUG’s case and bring it to a close—even though he had the option four years ago to dismiss this case following a U.S. Supreme Court ruling that slammed the door shut on SMUG’S specious legal reasoning.”

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