

FAITH FRONT PAGE POLITICS U.S. WORLD

## Christian pastor appeals his victory over LGBT activists

**Judge admitted he was right, but called him 'detestable,' 'despicable'**



By Bob Unruh

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A Christian minister who won the dismissal of a case filed against him by a Ugandan homosexual-rights group now is asking an appeals court to strike from the record a venomous diatribe the judge unleashed on his beliefs.

WND reported in June when Judge Michael Posner granted American pastor Scott Lively a summary judgment in a lawsuit brought by the group Sexual Minorities Uganda, also known as SMUG.

But in his written opinion, the judge, known as an advocate for LGBT activism, attacked Lively and his Christian beliefs, calling them "detestable," "despicable," "ludicrous," "abhorrent" and "bizarre."

Now, Lively is challenging the judge's use of a court ruling – one that concluded the court had no authority to rule in the case – to smear the pastor's character and his Christian beliefs.

Lively's legal advocates, Liberty Counsel, also said Posner purported to conclude, without legal or factual analysis, that Lively's Christian beliefs and pro-family ministry violated "international law." In addition, the judge claimed Lively's talks on homosexuality in Uganda "aided and abetted" crimes purportedly committed by people Lively has never met.

*Forty years ago, few people said they knew anyone who was homosexual; now one sees portrayals on nearly every TV show. What's happened? The explanation is in "A Queer Thing Happened to America."*

In the appeal, filed with the First U.S. Circuit Court of Appeals, Liberty Counsel is asking the court to strike Posner's "unnecessary and prejudicial language" from the opinion.

"This appeal tests whether a district court which finds that speech and advocacy 'detestable,' 'despicable,' 'pathetic,' 'ludicrous,' 'abhorrent,' and 'bizarre' – to name a few of the adjectives it employed – can allow that moral outrage to displace the requirements of Article III, and thereby purport to decide factual claims and issues of law for which jurisdiction is indisputably absent."

The filing explains Lively is an American Christian pastor and activist who believes "that same-sex attraction is a challenge faced by many, and is no more or less immoral than the temptation to steal or to commit adultery."

Lively, therefore, believes "it is his Christian duty to oppose the gay agenda, because it is counter to Judeo-Christian civilization as God designed it for the benefit of mankind."

But he also contends the "gay movement" is not the same as those who suffer from same-sex attraction and believes a Christian must love all individuals.

During two trips in Uganda in 2002 and one in 2009, Lively declared his opinions and views, prompting the lawsuit by SMUG.

Lively's appeal states SMUG "claimed that Lively was responsible for ... acts of 'persecution' – not because Lively orchestrated, coordinated, financed or encouraged these acts, nor because he even knew of them – but because Lively visited Uganda on three occasions, and his non-violent speech, writings and advocacy advancing a Christian view of human sexuality."

Liberty Counsel said its opening brief argues Ponsor "had no choice but to follow clear U.S. Supreme Court precedent and dismiss the case."

Ponsor did not respond to messages left with his court staff requesting comment.

Liberty Counsel said the judge "correctly found that Lively 'supplied no financial backing, directed no physical violence, hired no employees and he provided no supplies or other material support' to alleged 'crimes against humanity' allegedly committed by various people in Uganda."

"However, due to the judge's known support for the LGBT agenda, he improperly littered his order with a prolonged tirade against Lively, badly distorting Lively's Christian views and ministry, and insulting him with such unbecoming epithets as 'crackpot bigot,'" Liberty Counsel explained.

The judge claimed "without even a pretense of legal or factual analysis" that

those Christian beliefs violated international law.

So Liberty Counsel now is asking the appeals court to "strike" Ponsor's "prejudicial and unnecessary statements."

"Today we defend Pastor Scott Lively's name in the court of appeals and work to remedy Judge Ponsor's shameful diatribe against Lively's Christian values and beliefs," said Horatio Mihet, Liberty Counsel's vice president of legal affairs.

"Once Judge Ponsor concluded that he lacked jurisdiction over SMUG's preposterous lawsuit, the only thing left to do was dismiss it. However, instead he chose to include an unnecessary tirade of words against the pastor. The Supreme Court, and many federal appellate courts, have repeatedly rebuked judges who inject unnecessary and prejudicial 'findings' in cases where they lack jurisdiction," said Mihet.

Mat Staver, chairman of Liberty Counsel, said Ponsor "allowed his 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 filed an appeal of a favorable decision dismissing the case to ask that these prejudicial and unnecessary statements be stricken," he 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. Judge Ponsor's actions are clearly unlawful."

WND reported in June the judge ranted for pages before concluding he would "allow" the case to end because his court had no jurisdiction over claims by SMUG.

In his blast at Christian beliefs, Ponsor, with virulently hateful rhetoric of his own, accused the minister of "virulently hateful rhetoric."

The homosexual activists had filed their lawsuit under the Alien Tort Statute. But Ponsor found that while Lively exchanged email and other information about conferences at which he would speak in Uganda, his actions did not rise to the level of giving courts jurisdiction.

Ponsor stated: "Defendant argued that aiding and abetting persecution of LGBTI people, no matter how unhinged and malignant, simply did not violate international norms with sufficient clarity to place it within the narrow class of claims subject to ATS jurisdiction."

The law, the judge wrote, states U.S. courts cannot exercise jurisdiction over claims of injuries in another country.

The judge said Lively's commitment to following and promoting biblical perspectives on homosexuality was a "vicious ... ludicrously extreme animus."

*Read Ponser's rant here.*

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Summary

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Bob Unruh joined WND in 2006 after nearly three decades with the Associated Press, as well as several Upper Midwest newspapers, where he covered everything from legislative battles and sports to tornadoes and homicidal survivalists. He is also a photographer whose scenic work has been used commercially.