**Vindicated - but ruined: In a historic victory, a Christian demoted at work after writing on Facebook that he opposed gay marriage in church tells how his battle has come at a terrible price**

By [Andrew Pierce.](http://www.dailymail.co.uk/home/search.html?s=&authornamef=Andrew+Pierce.)

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Adrian Smith was demoted after writing on Facebook that gay marriage was 'an equality too far'

As a devout Christian, Adrian Smith was disturbed to read a report that gay marriages may be permitted in church.

So he went onto his Facebook page and posted four words summarising his own position. ‘An equality too far,’ he wrote.

But those four words, even though they were seen by only a few dozen friends and work colleagues, triggered a major battle over freedom of speech which finally ended yesterday.

Mr Smith, a tireless charity supporter who works for Trafford Housing Trust, had become a victim of the increasingly aggressive war against so-called hate crimes.

After a work colleague complained that his comment was offensive (despite having not seen the post), Mr Smith, a family man and lifelong Labour voter, was disciplined, had his job downgraded and his salary cut by £14,000. But yesterday, after a bitter and protracted court fight to overturn the decision, the married father-of-two won a landmark victory.

His triumph comes in the wake of a series of recent claims by Christians that they have been discriminated against for expressing their beliefs.

For example, there was the bed and breakfast owner who lost her battle to refuse a gay couple a double room and who felt punished for her religious beliefs.

In Mr Smith’s case, his employers claimed he broke their code of conduct by expressing religious or political views which might upset co-workers.

But Mr Justice Briggs, in London’s High Court, yesterday ruled that the housing trust did not have a right to demote Mr Smith as his Facebook postings did not amount to misconduct.

He said the comment about gays marrying in church was not — viewed objectively — judgmental, disrespectful or liable to cause upset or offence, and was expressed in moderate language.

As for the content, it was a widely held view frequently heard on radio and television, or read in the newspapers.

The judge also said he had ‘real disquiet’ about the financial outcome for Mr Smith, who has been left in parlous economic straits.

His damages were limited by the court to just £98. This is because the trust failed to give him three months’ notice of his demotion. The £98 represents the loss in income until such notice was given a few days later.

After his victory, Mr Smith, 55, spoke to me exclusively about his ordeal as a victim of a new breed of witch-finder generals who obsessively hunt down the slightest deviation from the doctrines of political correctness.

It led to his being suspended from his job at Trafford Housing Trust and later demoted, with his salary cut by 40 per cent to £21,300. Mr Smith, who lives with his wife Hilary in the picturesque Lancashire village of Tottington, is a member of an evangelical church in Bolton and maintains he would go to court again to stand up for his principles.

‘It is important that a line is drawn in the sand for Christians who are being persecuted for their beliefs.

 ‘The truth is that it is our accusers who are the intolerant ones because they refuse to accept that there is room for more than one shade of opinion,’ he said.

But despite his court triumph, Mr Smith is close to financial ruin. His savings are exhausted. Also, his career is in tatters after 18 years at Trafford Council and then the Trafford Housing Trust, which manages 9,000 homes in the Sale area of Greater Manchester.

Even though the court ruled in his favour, the Trust refuses to reinstate him to his former managerial post or restore the £14,000 pay cut.

In his ruling, Mr Justice Briggs said: ‘Mr Smith was taken to task for doing nothing wrong, suspended and subjected to a disciplinary procedure which wrongly found him guilty of gross misconduct, and then demoted to a non-managerial post with an eventual 40 per cent reduction in salary.

‘The breach of contract which the trust thereby committed was serious and repudiatory.’

But because of complicated rules covering contract law, the judge was only able to offer Mr Smith £98 in damages. A clearly frustrated Mr Justice Briggs went on to say: ‘A conclusion that his damages are limited to less than £100 leaves the uncomfortable feeling that justice has not been done to him. I must admit to real disquiet about the financial outcome of this case.’

This sorry saga started 19 months ago when Mr Smith posted a link on his Facebook page to an article about gay marriage on the BBC website.

Under the headline ‘Gay church marriages get go-ahead’, he posted the words: ‘An equality too far.’

Later that day, a lesbian colleague with whom he was friends on Facebook, Julia Stavordale, 56, responded: ‘Does that mean you don’t approve?’

A day later, Mr Smith replied on Facebook: ‘No, not really. I don’t understand why people who have no faith and don’t believe in Christ would want to get hitched in church. The Bible is quite specific that marriage is for men and women. If the State wants to offer civil marriages to the same sex then that is up to the State; but the State shouldn’t impose its rules on places of faith and conscience.’

Later that week another colleague, Stephen Lynch (also gay), who was not a ‘Facebook friend’ of Mr Smith, made a formal complaint to their trust bosses about the post, despite not having seen it.

The housing trust’s ‘equality and diversity lead’, Helen Malone, referred the complaint to another official responsible for ‘service leads, neighbourhoods’ (whatever that means).

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Mr Smith was duly suspended on full pay from his £35,000-a-year post while an investigation began.

Miss Stavordale backed the complaint, saying the trust should ‘throw the book at him’ and that he was ‘blatantly homophobic’.

The following month, Mr Smith was told he was guilty of ‘inappropriate remarks’ and of gross misconduct for a breach of trust disciplinary policies. Because he had stated on his Facebook profile that he worked as a housing trust manager — he did not identify which trust — his comments could be construed as representing the trust’s official policy, it was argued.

He was told he faced dismissal, but because of his eight years’ ‘loyal service’ he was instead demoted to ‘money support adviser’ on just £21,396 a year.

That reduction was to be phased in over 12 months but, although Mr Smith’s appeal was rejected, that period was doubled to 24 months.

Not surprisingly, he went to court claiming breach of contract and loss of earnings, arguing that he had been ‘entrapped’ by colleagues who had enticed him to elaborate on his original, harmless four-word comment about gay marriage in church.

Mr Smith felt the targeting of his Facebook comments was a huge over-reaction. Indeed, he used the social networking site for many mundane comments such as his liking for wholemeal toast and apricot jam. At an earlier hearing, the judge asked if this reference to toast and jam could be taken to represent trust policy.



Supporter: Gay rights campaigner Peter Tatchell said Mr Smith's triumph was a victory for free speech and fair play

Indeed, Mr Smith also wondered if his public support for Tottenham Hotspur could have been liable for disciplinary proceedings because it might offend Manchester United fans. Looking back at his ordeal, Mr Smith said: ‘I phrased my words on Facebook very carefully because I never want to give offence. No one has ever been able to suggest that I am homophobic either to colleagues or our tenants. I have always been a conscientious worker.

‘But by accusing me of gross misconduct, the trust was telling the world I’m a bigot. It was a shocking interpretation of my position.

‘I am not against homosexuals. I have worked alongside gay men and women for many years. I have employed gay people. Their sexuality is of no consequence to me. All that matters is can they do their job, gay or straight.’

Trafford Housing Trust, though, clearly believes that their employees are never off-duty and that everything they do or say is done in the name of the organisation.

‘It’s not as if I was doing it in work time or on trust-headed paper,’ says Mr Smith.

In fact, there has never been any mention of the trust on his Facebook page which he uses to describe his daily life — such as when he washed his Vespa motor scooter.

Ironically, his view on churches not being compelled to conduct same-sex marriage ceremonies is identical to the one articulated by the Prime Minister, the Lib Dems (who first proposed gay marriage), the Synod of the Church of England and every major faith including the Muslims and Hindus. Stonewall, the equal rights organisation, also takes the same position.

Looking back, Mr Smith says: ‘All I did was express a genuinely held view. Yet it became a public trial.’

Interestingly, his bosses told him that the case (involving the discipline of an employee for what they had written on their Facebook page) was a ‘new area’ for them. Regardless, they moved him from being a neighbourhood housing manager to what was effectively a rent collector.

‘To this day,’ Mr Smith says, ‘I don’t believe I did anything wrong.’

His case was taken up by Unison, his trade union, and the Christian Institute, a charity which raised £50,000 in donations from churchgoers to fight a legal battle. ‘It has been desperately difficult financially in the past 18 months. There were times when I wondered if we would lose our home.

‘My wife works for a pensions firm, but I’m the breadwinner. We have been juggling our money and using interest-free credit cards to make ends meet. Our savings have gone.’

The couple have been married for 29 years and have two children, a son Sam, 21, and Harriet, 24, who has presented them their first grandchild. He says: ‘It’s been heartbreaking for my wife as we have not been able to support our daughter as much as we would like to as proud grandparents.’

Mr Smith insists he holds no grudge against the colleague who made the formal complaint.

‘Life is too short for bitterness and anger,’ he says. ‘My wife and I have a very strong faith. We know we were doing the right thing. If I had not fought back, the trust could have belittled my genuinely held beliefs.’

When he got depressed by the case, it was his wife who kept his spirits up by telling him: ‘You are in the right.’

He explains: ‘Everyone knows that I have never been offensive about gay people. I support commitment in relationships, gay or straight. If I was invited to a civil partnership, I would go.’

But he opposes gay marriages in church. ‘By standing up for what I believe in, I hope this will stop other people being dragged through the courts and their names being sullied like mine has as a bigot and a homophobe.’

As well as getting help from Christian Institute, the veteran gay rights campaigner Peter Tatchell came to his aid.

Yesterday, he said: ‘This is a victory for free speech and fair play. Although Adrian Smith opposes religious same-sex marriages, he supports the right of gay couples to get married in a civil ceremony in a register office. He is entitled to his view and should never have been demoted.

‘His opposition to religious organisations being forced to conduct same-sex marriages is shared by the Prime Minister and the Equality Minister, the gay rights group Stonewall and the entire leadership of the Church of England. If Mr Smith is guilty, then they are all guilty.

‘Free speech is too often being eroded in the name of protecting people against real or imagined offence. It is a precious freedom and should only be limited in extreme circumstances, such as when people incite violence.’

If only the country’s new army of bigoted witch-finders who see hate crimes in the most harmless comments could take a lesson from such wise words.

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