



Written by [Warren Mass](#) on January 18, 2016

## Farm Owners Fined \$13K for Not Hosting Same-sex “Wedding” Lose Appeal

After the New York State Court of Appeals on January 14 rejected an appeal made by Cynthia and Robert Gifford (shown), owners of a farm and wedding venue who had been charged by the New York State Human Rights Division with illegal discrimination for refusing to host the wedding of a same-sex couple, an attorney for the farm’s owners said they are considering another appeal. They were fined a total of \$13,000.



The Giffords, the owners of Liberty Ridge Farm in Schaghticoke (“skat-i-coke”), New York, have operated a successful business on their property for several years, renting out their spacious barn for wedding ceremonies, receptions, and other events. In 2012, when Melissa and Jennifer McCarthy approached the Giffords to rent Liberty Ridge Farm for their same-sex “wedding,” the Giffords told them “we do not hold same-sex marriages here at the farm.”

The Giffords have said that their decision was based on their Christian beliefs, which teach that marriage is a covenant between only one man and one woman.

The simple alternative for the couple might have been to simply seek another location for their “wedding,” which is what they eventually did. Their ceremony took place in August 2013. However, that was not the end of the story. They also filed a complaint with the New York State Division of Human Rights.

The case went to court that year and the Giffords argued that their barn is private property and they should have the right to extend or deny access to it as they decide. Their case seemed all the stronger because the barn is on property that is also their home.

WNYT in Albany, New York reported as the case was ongoing that the Giffords’ attorney, Stephen Hayford, who serves as legislative director of New Yorkers for Constitutional Freedoms (NYCF) and as communications director of New Yorker’s Family Research Foundation (NYFRF), issued the following statement:

The Giffords’ position is the First Amendment trumps the non-discrimination law in this respect. And that they are protected under religion allows them to object to participating in an activity they find problematic.

WNYT reported that Cynthia Gifford stated during her testimony that it would be impossible for her to go against her core values. Both she and Robert testified that their definition of marriage is between one man and one woman, under God.

“The complainants want to be who they are in New York State and the Giffords want to be who they are, which is business owners who decide which activity they can and cannot engage in on their property,” added Hayford.

Having stirred up their legal controversy, the McCarthys had already moved out of New York even



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before the case was settled.

The New York State Division of Human Rights handed down its decision in July 2014 (the case was *Melissa McCarthy and Jennifer McCarthy v. Liberty Ridge Farm, LLC, Cynthia Gifford, Robert Gifford*) in which the court ordered the Giffords:

- To “cease and desist from discriminatory practices in public accommodations.”
- To pay Melissa McCarthy and Jennifer McCarthy “an award of compensatory damages for mental pain and suffering in the amount of \$1,500.00 each.”
- To pay a civil fine and penalty to the State of New York in the amount of \$10,000.00 for having violated the Human Rights Law.”

Even though the incident took place in upstate New York, the case was decided by Administrative Law Judge Migdalia Parés in a State Division of Human Rights court in the Bronx. The two complainant attorneys representing the McCarthys were both from the New York Civil Liberties Union (ACLU) Foundation in Manhattan.

As noted, the New York State Court of Appeals recently upheld the State Human Rights Division’s ruling, after which Governor Andrew Cuomo quickly weighed in on the decision, issuing a statement:

We do not tolerate discrimination in New York State — it’s not who we are, and it doesn’t reflect our values. We believe that all people, no matter whom they love, must be treated equally under the law. This ruling says loud and clear that same-sex couples cannot be discriminated against on the basis of their sexual orientation, and I applaud the Court for continuing to place New York State on the right side of history.

Cuomo describes himself as a Catholic, but he apparently disagrees with his church’s description of marriage as stated in the Catechism of the Catholic Church:

- “The vocation to marriage is written in the very nature of man and woman as they came from the hand of the Creator.” [Paragraph 1603]
- Holy Scripture affirms that man and woman were created for one another: [Paragraph 1605]
- In his preaching Jesus unequivocally taught the original meaning of the union of man and woman as the Creator willed it from the beginning....” [Paragraph 1614]

The Catechism also has this to say about homosexuality:

Basing itself on Sacred Scripture, which presents homosexual acts as acts of grave depravity ... tradition has always declared that “homosexual acts are intrinsically disordered.”... They are contrary to the natural law. They close the sexual act to the gift of life. They do not proceed from a genuine affective and sexual complementarity. Under no circumstances can they be approved. [Paragraph 2357]

Cuomo did not explain whose values he meant when he said that discrimination against same-sex “marriage” “doesn’t reflect our values.” Perhaps they are the “New York values” that presidential candidate Ted Cruz referred to during the last Republican presidential debate. However, they are certainly not the values of the religious faith that the governor supposedly embraces.

An article in the *Washington Times* on January 15 quoted from the New York Supreme Court Appellate Division’s Presiding Justice Karen Peters, who wrote in her 14-page opinion that the state Department



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of Human Rights' decision, which it had upheld, "does not require [the Giffords] to participate in the marriage of a same-sex couple."

"Indeed, the Giffords are free to adhere to and profess their religious beliefs that same-sex couples should not marry, but they must permit same-sex couples to marry on the premises if they choose to allow opposite-sex couples to do so," wrote Peters.

The *Times* also quoted Caleb Dalton, legal counsel with Alliance Defending Freedom, which represented the Giffords, who said the court "should have rejected this unwarranted and unconstitutional government intrusion."

Dalton affirmed that the couple is considering an appeal.

*Photo of Cynthia and Robert Gifford*

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