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*\*NOT ADMITTED IN THIS JURISDICTION*  
*+ADMITTED PRO HAC VICE*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

<p><b>OCEAN GROVE CAMP MEETING ASSOCIATION OF THE UNITED METHODIST CHURCH,</b></p> <p style="text-align: center;"><b>Plaintiff,</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>J. FRANK VESPA-PAPALEO, in his official capacity as Director of the New Jersey Division on Civil Rights, Office of the Attorney General of New Jersey,</b></p> <p style="text-align: center;"><b>Defendant.</b></p>	<p style="text-align: center;"><b>CASE NO. 3:07-cv-03802</b></p> <p style="text-align: center;">DECLARATION OF SCOTT RASMUSSEN</p>
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I, Scott Rasmussen, President of the Ocean Grove Camp Meeting Association of the  
United Methodist Church, hereby state under penalty of perjury that the following is true and  
correct to the best of my knowledge:

1. The Ocean Grove Camp Meeting Association of the United Methodist Church (“Camp Meeting Association” or “Association”) was founded in 1869 on the Jersey Shore for the express purpose of establishing a Christian ministry to promote spiritual birth, growth and renewal through worship, education, cultural and recreational programs for persons of all ages in a Christian seaside setting.

2. The preamble to the Camp Meeting Association’s charter explains the purpose of the Organization as follows:

Recognizing the truth and beauty of the Scripture declaration, ‘The earth is the Lord’s and the fullness thereof,’ and being especially impressed with the propriety of having a portion of the land skirting the sea consecrated to sacred uses, we, whose names hereunto annexed, with a single eye to Divine glory, and in humble dependence upon our heavenly Father’s aid, to hereby solemnly covenant together, to use certain land, which has been providentially committed to our trust for these high and holy purposes. And we further declare it to be our design, to keep these lands a perpetual oblation upon Christ’s altar, enjoining the same duty upon those who may succeed us. To this end we mutually pledge our Christian honor, adopting the following as our Charter. . . .

A copy of this Preamble is attached as Exhibit A.

3. On March 3, 1870, the New Jersey Legislature enacted into law the incorporation of Ocean Grove “for the purpose of providing and maintaining for the members and friends of the Methodist Episcopal Church a proper, convenient and desirable permanent camp meeting ground and Christian seaside resort.” A copy of this Act is attached as Exhibit B.

4. From its very beginning and to the present, the Camp Meeting Association has dedicated its property to its religious mission. The Association’s first president, Rev. Ellwood H. Stokes put it this way:

It is important now to call even more special attention to the object of this organization – and it is a pleasure to me to say that it is preeminently *Religious*. All the members of our Association must be members of the Christian Church. The aim of the Association has been and is to keep its eye to the glory of God. This is its primary object – this is its great leading design. The lands we have laid on Christ’s altar; our meetings are to promote the highest forms of religious life. These things we have never concealed, but have labored to make public everywhere. Those who come among us with this understanding, and so long as they see and have sympathy with our objects we welcome all, or every name. If they do not see and feel with us, the world is wide, and we wish them well.

See excerpts from the “Story of Ocean Grove” attached as Exhibit C.

5. Rev. Stokes further stated:

To Ocean Grove I have given the best judgment of my ripest years – the toil of brain, and bone, and blood and heart. The joy of her success is like the joy of one’s nuptial days; but when she departs from her original principles, my grief will be like that with which I followed my dead to the silent grave- and as I have mourned for them, so should I mourn if Ocean Grove failed to fulfill her high and holy mission. But she shall not fail; God is with her, and so long as we are true to him, he will be true to us. If I speak to you no more on this subject, this is my last request for Ocean Grove: Still let this place be held for God, by him be blest, to him be given, its heart and homes be his abode, His, morning, noon and dewy ev’en; My heart repeats it o’er and o’er, His all the while, HIS EVERMORE.

See excerpts from the “Story of Ocean Grove” attached as Exhibit D.

6. The Camp Meeting Association is governed by a Board of Trustees. The by-laws stipulate that all full (voting) Trustees must be members of the United Methodist Church; there must be a minimum of ten members who are clergy, and ten members who are non-clergy. Other (non-voting) Trustees must “be a member of a Christian Church in good and regular standing.”

7. The Association owns all of the land in the Ocean Grove community totaling approximately one square mile. While much of the land is leased to home and business owners, the Association maintains control over significant portions of the real property which is used to

further its Christian ministry. This property includes the entire beach front (and extends 1000 feet into the Atlantic Ocean), the *boardwalk*, *several parks*, and numerous facilities and structures.

8. The Association owns and controls these facilities and structures which have been dedicated to religious worship and other ministry related activities. One such structure is the Great Auditorium which was constructed in 1894 and has a seating capacity of more than 6,000 people. This magnificent building is used throughout the season for Sunday morning worship services and other functions directly related to the Association's religious purposes. Throughout its history the Camp Meeting Association has hosted renowned preachers in the Great Auditorium including Billy Graham, Billy Sunday, Tony Campolo, D. James Kennedy, and Charles Stanley. Over its 130 history, various Presidents of the United States have also made public appearances at Ocean Grove including Presidents Ulysses S. Grant and William McKinley who were known to worship with the Ocean Grove community in the Great Auditorium. A Photograph of the Great Auditorium is attached as Exhibit E.

9. It is important to note that the Great Auditorium was preceded by a series of open air tabernacles which functioned as the Camp Meeting Association's primary places of worship in its early years. Excerpts from the "Story of Ocean Grove" depicting these early structures are attached as Exhibit F.

10. Presently, the Camp Meeting Association also owns and controls several other facilities used for worship and ministry activities including the the Boardwalk Pavilion, Bishop Janes Tabernacle, Thornely Chapel, and the Youth Temple. Photographs of these structures are attached as Exhibits G through J.

11. The Boardwalk Pavilion is a wood framed building located on Ocean Avenue at Ocean Pathway directly adjacent to the main boardwalk. The Boardwalk Pavilion (and its predecessors) has housed Camp Meeting Association worship services since the 1880s. These early worship gatherings were called “Surf Meetings” and have been an important part of the Association’s religious outreach to the community. Excerpts of “The Story of Ocean Grove” depicting these religious services are attached as Exhibit K.

12. In the past ten years, over 1,800 Camp Meeting Association events have been held in the Boardwalk Pavilion. Generally (during the season of May 15-September 15), the Camp Meeting Association uses the Boardwalk Pavilion seven days a week for a variety of programs. Documents reflecting Ocean Grove’s use of the Pavilion since May 2002 are attached as Exhibit L.

13. One of its primary uses is a popular contemporary worship service called “Pavilion Praise” which is held in the Boardwalk Pavilion every Sunday at 9:00 a.m. from early June through mid-September. The religious service hosts between 400 and 500 people each Sunday. Photographs depicting this event are attached as Exhibit M.

14. The Boardwalk Pavilion is also the home of the “Breakfast Club”, a Bible School program held Monday through Friday mornings for middle-school and high school children, and the Gospel Music Ministry programs, which are held 2-3 times *daily* during the summer season and include Christian testimony, prayer, Bible preaching and teaching. The Boardwalk Pavilion also houses the Summer Band Concert Series sponsored by the Camp Meeting Association. These concerts and their corresponding rehearsals are free of charge and are directly related to the Camp Meeting Association’s outreach ministry to the community.

15. The Association considers all of its events to be instrumental in bringing members of the community to faith in Jesus Christ.

16. When the Boardwalk Pavilion is not housing Camp Meeting Association events, the public is permitted to enter onto the premises to sit, rest, and enjoy a respite from the sun, wind and rain. *At all times*, however, members of the public are required to abide by rules and regulations promulgated by the Camp Meeting Association.

17. Over the years, the Camp Meeting Association has permitted some of its facilities, including the Boardwalk Pavilion, to be used for wedding ceremonies. *See* Exhibit L. The Boardwalk Pavilion has not, however, been made generally available to the public for any other purposes. Other Association properties used for weddings have included the Bishop Janes Tabernacle, Thornely Chapel, and on rare occasions, the Great Auditorium.

18. Throughout its history, the Camp Meeting Association has consistently applied standards of conduct in connection with the use of the property it owns and controls. These standards are consistent with the United Methodist *Book of Discipline* which is promulgated by the Church's "General Conference." The General Conference is the United Methodist Church's worldwide governing body which meets every four years and sets policy for Church members.

19. The United Methodist Church *Book of Discipline* states the following in regard to marriage:

We affirm the sanctity of the marriage covenant that is expressed in love, mutual support, personal commitment, and shared fidelity between a man and a woman.... Ceremonies that celebrate homosexual unions shall not be conducted by our ministers and shall not be conducted in our churches....

Social Principles, Par. 65 C.

20. Regarding homosexuality, the *Book of Discipline* states,

Homosexual persons no less than heterosexual persons are individuals of sacred worth. All persons need the ministry and guidance of the church in their struggles for human fulfillment, as well as the spiritual and emotional care of a fellowship that enables reconciling relationships with God, with others, and with self. Although we do not condone the practice of homosexuality and consider this practice incompatible with Christian teaching, we affirm that God's grace is available to all. We commit ourselves to be in ministry for and with all persons.

Social Principles, Par. 65G.

21. In March of 2007, Harriet Bernstein contacted the Camp Meeting Association in an effort to rent the Boardwalk Pavilion to celebrate a same-sex "civil union" ceremony with her partner, Luisa Paster.

22. The Camp Meeting Association denied Ms. Bernstein's request to use the Boardwalk Pavilion because the requested use was inconsistent with the Association's religious beliefs as reflected in the United Methodist *Book of Discipline* and the Holy Bible.

23. On March 5, 2007, Ms. Bernstein sent me an email, asking me to take the matter of holding her same-sex "civil union" ceremony in the Boardwalk Pavilion before the Board of Trustees for consideration. A copy of this email is attached as Exhibit N.

24. I responded on March 6, 2007 to Ms. Bernstein's email and explained that the Association was unable to accommodate her request to hold a same-sex "civil union" ceremony in the Boardwalk Pavilion, because the use would violate the established policies of the United Methodist Church. I did invite her, however, to participate in the ministries and programs of the Association. *See* Exhibit N.

25. On March 11, 2007, I received a letter from Ms. Bernstein and other members of the community again requesting that the Camp Meeting Association permit "civil union" ceremonies in the Boardwalk Pavilion. In this letter, the parties acknowledged that "religious institutions are constrained by the regulations and traditions of their faith, and are therefore, in some ways,

exempt from anti-discrimination laws” but nonetheless requested that the Camp Meeting Association disregard these religious beliefs and allow them to use what they consider “secular facilities” for “civil union” ceremonies. A copy of this letter is attached as Exhibit O.

26. Shortly thereafter the Asbury Park Press contacted the State of New Jersey’s Department of the Public Advocate, asking whether the Association’s policy was legal. The Asbury Park Press ran an article on May 10, 2007, in which New Jersey State Public Advocate Ronald Chen stated that the Association’s policy banning same-sex “civil unions” at the Boardwalk Pavilion “appear[ed] to violate the law” and indicated that the policy should be reversed. A copy of this article is attached as Exhibit P.

27. On April 1st, 2007, I directed the staff of the Ocean Grove Camp Meeting Association to discontinue future rentals of the Boardwalk Pavilion for traditional wedding ceremonies. I took this action because of the threat of State prosecution and other potential legal action against the Association under New Jersey’s Law Against Discrimination.

28. The Camp Meeting Association desires to be free to use its facilities in a manner consistent with its religious mission, including weddings between one man and one woman. Because of a real threat of prosecution which could result in fines, penalties and further State interference, it has been intimidated and chilled in the exercise of its First Amendment rights.

29. On June 19, 2007, Defendant Vespa-Papaleo through the New Jersey Division on Civil Rights accepted a discrimination complaint from Ms. Harriet Bernstein and Ms. Luisa Paster. In that complaint, Ms. Bernstein and Ms. Paster allege that the Camp Meeting Association discriminated against them based on their *impending* “civil union” status by denying their request to rent the Boardwalk Pavilion for a “civil union” ceremony. A copy of this complaint is attached as Exhibit Q.

30. Defendant accepted Ms. Bernstein's and Ms. Paster's complaint notwithstanding the patently religious nature of the Camp Meeting Association and has subjected the Association to an unconstitutional investigation and threat of prosecution, all of which has interfered with and chilled the Association's constitutional rights.

31. The Defendants accepted this complaint notwithstanding the fact the LAD specifically includes the following language:

Nothing herein contained shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, in the sale, lease or rental of real property, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organizations to promote the religious principles for which it is established or maintained.

Relevant portions of this statute are attached as Exhibit R.

32. Moreover, the former New Jersey Attorney General, Stuart Rabner issued an opinion in January 2007, which recognized that religious organizations are not "public accommodations" subject to the LAD. Mr. Rabner specifically stated,

It has long been the position of the Attorney General and the courts that religious institutions are not places of public accommodation under the LAD with respect to religious worship, sincerely held religious beliefs, practices and liturgical norms, even where the acts of religious institutions are ostensibly or colorably at odds with any of the categories of prohibited discrimination in the LAD.

A copy of this opinion is attached as Exhibit S.

33. It is undisputed that the Camp Meeting Association is a religious organization yet on June 21, 2007, Defendant Vespa-Papaleo stated publicly that the New Jersey LAD prohibits the Camp Meeting Association from maintaining control of its worship facilities. Specifically, he told the Star-Ledger that "New Jersey's law contains an exception for religious organizations when they act as employers, but not when they offer accommodations to the public." He further stated that

the Division on Civil Rights considered the Ocean Grove investigation a “public accommodation case.” Thus, the State has demonstrated its intention to apply the Law Against Discrimination against the Association. A copy of this article is attached as Exhibit T.

34. This investigation requires the Camp Meeting Association, under penalty of law, to submit to the Division on Civil Rights service’s demands for documents and other material. These demands directly entangle the State in the internal management of the Association. The demands include internal policies, procedures and contracts with private individuals. Failure to comply with the State’s demands can result in severe consequences. A copy of these demands are attached as Exhibit U.

35. On June 21, 2007, two days after filing the complaint, Bernstein told the Asbury Park Press she was completely unaware the Association considered the Boardwalk Pavilion to be a religious building. She stated, “Truthfully, I never had a clue that they considered that one of their houses of worship because we wouldn’t even think to ask if that was the case” In the same article, Bernstein stated, “If we can reach some agreement on this, that would be preferable to us going along this route. We do not wish to cause any kind of conflict.” *Id.* A copy of this article is attached as Exhibit V. At the time the article was released, she and Paster had already contracted with another entity to use a beachfront gazebo for their same-sex “civil union” ceremony.

36. It is only right that Ms. Bernstein should respect the Camp Meeting Association’s places of worship. In fact, when she chose to lease property from The Camp Meeting Association in 1997 for her residence, she signed an agreement which very clearly stated the Christian mission of the organization, and indicated she understood and would abide by the rules and regulations of the Association. Specifically, she was agreed to remain “in full sympathy with the purpose of

the Ocean Grove Camp Meeting Association, that being to provide and maintain for Methodists and their friends a proper, convenient and desirable permanent...Christian Seaside Resort.” She also received a copy of the “Rules and Regulations of the Ocean Grove Camp Meeting Association,” and as such was aware that the Camp Meeting Association maintained particular rules governing the use of its property. A copy of this agreement is attached as Exhibit W.

37. In an effort to resolve this matter the parties agreed to submit to non-binding mediation. On July 27, 2007, the parties met with a state appointed mediator. Unfortunately, they were not able to resolve this issue.

38. In early April 2007, a second couple, Janice Moore and Emily Sonnessa, inquired about use of the Boardwalk Pavilion for a “civil union” ceremony. Again, the Association informed this couple that the Pavilion could not be used for this purpose. This request was made after I instituted a policy whereby the Pavilion would not be made available for any non-camp meeting functions including weddings.

39. On June 30, 2007, The Camp Meeting Association received another request to use the Boardwalk Pavilion for a “civil union” ceremony. This time from a Ms. Joan P. Caputo and Diane K. Davis. This request and denial is attached as Exhibit X.

40. On July 3, 2007, the Defendant accepted a second discrimination complaint lodged against the Camp Meeting Association. This time by a Ms. Moore and Ms. Sonnessa who also claimed that the Camp Meeting Association discriminated against them based on their *impending* “civil union” status by declining their application to use the Association’s facilities for a “civil union” ceremony. A copy of this complaint and demand for information is attached as Exhibit Y.

41. On July 20, 2007, Michael Davenport contacted the Camp Meeting Association and requested the use of another one of the Association's houses of worship – Thornley Chapel- for a "civil union" ceremony. On August 1, 2007, the Association informed Mr. Davenport that it would not permit this worship facility to be used for a "civil union" ceremony because such use was inconsistent with the Holy Bible, the United Methodist *Book of Discipline* and its Wesleyan Holiness tradition. Copies of this request and response are attached as Exhibit Z.

42. On July 25, 2007 yet another request was made to use the Boardwalk Pavilion for a "civil union" ceremony. This request was made by Ms. Mary Maceachern and Ms. Mary Tracy. This request and denial is attached as Exhibit AA.

43. The Camp Meeting Association does not endorse same-sex "civil unions" in any manner because such arrangements are contrary to its religious doctrine and mission. The Association believes if it is forced to permit the celebration of same-sex "civil unions" in its facilities, it would be thrust into government compelled expressive association with those who promote same-sex "civil unions." Such forced association would severely compromise the Association's desire to communicate to the general public a message consistent with its religious views on marriage and family.

44. On August 11, 2007, the Camp Meeting Association filed a federal civil rights complaint against the Director of the New Jersey Division on Civil Rights. In this action, the Association seeks a declaration concerning its fundamental First Amendment rights to free speech, free association and the free exercise of religion. It also seeks injunctive relief against the New Jersey Division on Civil Rights prohibiting it from further unconstitutional application of the LAD. A copy of this Complaint is attached as Exhibit BB.

45. On August 17, 2007, counsel for the Camp Meeting Association contacted Defendant's counsel, Assistant Attorney General Jeffery Burstein, requesting that the Division on Civil Rights voluntarily stay the Division's investigation to give the parties an opportunity to discuss an amicable resolution of the issues raised in this case. On August 20, 2007, Mr. Burstein respectfully declined on behalf of his client and informed the Association's counsel that the investigation would proceed.

46. Presently, the Camp Meeting Association has been told that it must respond to the Defendants' demands for information and documentation as well as the pending discrimination complaints by August 30, 2007 (for the Moore and Ms. Sonnessa complaint) and September 4<sup>th</sup>, 2007 (for the Bernstein and Paster complaint). Correspondence in this regard is attached as Exhibit CC.

47. Because of the unconstitutional nature of the Defendants' investigation, the significant threat of prosecution and the contemporaneous chilling effect this state action has produced, the Camp Meeting Association is seeking preliminary injunctive relief.

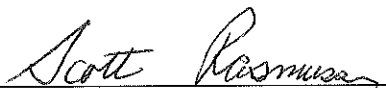
WHEREFORE, the Plaintiff respectfully requests that this Court grant its application for a preliminary injunction as well as any other and further relief it deems just under the circumstances.

**VERIFICATION**

Pursuant to 28 U.S.C. § 1746, I, Scott Rasmussen, verify the following under the penalties of perjury and the laws of the United States:

I am President of the Ocean Grove Camp Meeting Association of the United Methodist Church. I have read the foregoing Declaration and the facts therein are true and correct to the best of my knowledge.

Date this 24<sup>th</sup> day of August, 2007.

  
Scott Rasmussen