

N.J. court rules for same-sex couple

By GEOFF MULVIHILL Associated Press
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MOUNT LAUREL - A lesbian couple that was barred from holding a civil-union ceremony at a beachfront pavilion owned by a church group has won a legal victory.

The New Jersey Division on Civil Rights said in a ruling Monday its investigation found that the refusal of the Ocean Grove Camp Meeting Association, a Methodist organization that owns a square mile of beachfront property near Asbury Park, to rent the oceanfront spot to the couple for a civil-union ceremony in March 2007 violated the public accommodation provisions of the state's Law Against Discrimination.

While the ruling is decisively in favor of the couple, Harriet Bernstein and Luisa Paster, it does not end the case, which has become a major symbol in the gay-rights battle in New Jersey and beyond.

An administrative law judge still must decide on a remedy for the parties.

"What this case has always been about from my clients' perspective has been equality," said Larry Lustberg, the lawyer for the couple. He said they will seek an order that requires the pavilion to be "open to all on an equal basis."

Brian Raum, a lawyer for the Alliance Defense Fund, a Scottsdale, Ariz.-based group that represents the Camp Meeting Association, said his clients would keep pushing back against being forced to allow civil unions on the property.

"Our position is the same," he said. "A Christian organization has a Constitutional right to use their facilities in a way that is consistent with their beliefs."

Meanwhile, the parties in the dispute are awaiting a ruling from the 3rd U.S. Circuit Court of Appeals on whether the issue should be decided in the division on civil rights or in federal courts. A lower federal court has ruled the state could consider the case.

In a second ruling Monday, the Civil Rights Division said the Camp Meeting Association did not discriminate against another lesbian couple that applied to use the pavilion for their civil-union ceremony in April 2007. By then, the group had stopped renting out the pavilion entirely.

The issue has become a rallying point for both sides in the political battle over gay marriage.

Supporters of gay rights say the discrimination shows that New Jersey's two-year-old civil-unions law falls short of its intent to give gay couples the same legal rights as heterosexual married couples.

Earlier this month, a state commission headed by J. Frank Vespa-Papaleo, the director of the Division on Civil Rights and the author of Monday's ruling, recommended the state allow gay couples full marriage rights.

Opponents of gay marriage cite the case as a prime example of their contention that by recognizing same-sex couples, states are interfering with religious freedoms.

"It's something we have to be careful about," said the Alliance Defense Fund's Raum. "As the rights of same-sex couples increase, the tendency is to have it conflict with the First Amendment rights of religious organizations."

On the Web New Jersey Division on Civil Rights rulings:

www.nj.gov/oag/dcr