

Exhibit B

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HARVEST FAMILY CHURCH,
HI-WAY TABERNACLE, and
ROCKPORT FIRST ASSEMBLY OF
GOD,

Plaintiffs,

v.

FEDERAL EMERGENCY
MANAGEMENT AGENCY, WILLIAM
B. LONG, Administrator of the Federal
Emergency Management Agency,

Defendants.

Civil No. 4:17-cv-2662

Jury Demanded

DECLARATION OF PASTOR CHARLES STOKER

1. My name is Pastor Charles Stoker. I am over the age of 21 and am capable of making this unsworn declaration pursuant to 28 U.S.C. § 1746. I have not been convicted of a felony or crime involving dishonesty, and the facts contained herein are either within my personal knowledge, are based upon teachings of my church with which I am familiar and which I believe to be true and correct.

2. I am the pastor of Hi-Way Tabernacle (the “Tabernacle”) in Cleveland, Texas, a town just outside Houston and within Liberty County.

3. The Tabernacle is a member congregation of the Assemblies of God, which is the largest Pentecostal Christian denomination in the United States, with over 3 million adherents.

4. After several years of ministry, the Tabernacle moved its worship services into the church gym to be able to seat more people. The Tabernacle has been meeting in the gym since 2004 and can hold up to 350 people comfortably for Sunday worship services.

5. The Tabernacle invests in its surrounding community in a variety of ways. For instance, we teach English classes to native Spanish speakers, using the Bible as a text. The purpose of our classes is to serve people and to bring them to faith in Jesus.

6. The Tabernacle has also been a consistent provider of disaster relief for our area, in part because it is located immediately across the street from the Tarkington Fire Department. We provide these services to the community for a religious purpose and from our religious perspective.

7. For instance, after both Hurricane Rita and Hurricane Ike, the Tabernacle was a staging ground and distribution center for the Federal Emergency Management Agency (“FEMA”) and local county disaster relief efforts.

8. The Tabernacle has hosted dozens of 18-wheeler trucks loaded with MREs, and has distributed those resources—along with many others—to the community.

9. During Hurricane Ike, federal military-grade emergency vehicles known as HMMWVs were parked in the Tabernacle’s parking lot and permanently damaged the pavement.

10. The Tabernacle is again serving as a FEMA distribution center in the wake of Hurricane Harvey.

11. Despite having about 3 feet of standing water in our own sanctuary immediately following the flooding, the Tabernacle's members quickly drained the water so that we could provide a refuge for evacuees, start feeding both evacuees and relief works, and continue our work as a staging ground for disaster relief efforts.

12. The Tabernacle is currently providing shelter to about 60-70 people, and we expect more to be coming in soon.

13. Emergency relief workers are using the Tabernacle's space to provide medical services to victims. A barber shop has also been set up.

14. The Tabernacle's gym has been transformed into a warehouse for the county, storing and distributing food, water, hygiene products, and clothing. In the last several days, we have distributed several thousand MREs from FEMA.

15. The federal government currently has vehicles parked on the Tabernacle's property. I have been informed by the emergency relief workers that relief helicopters will likely be landing on the Tabernacle's property.

16. The Tabernacle's buildings have been significantly damaged by Hurricane Harvey.

17. At the flooding's peak, the area and roads around the Tabernacle were flooded.

18. Inside the Tabernacle's sanctuary, we had about 3 feet of standing water in the sanctuary. Exhibit 1 contains true and correct pictures of the inside of the sanctuary and accurately depicts how the sanctuary appeared.

19. As Tabernacle members have been assisting with disaster relief efforts for the community, we've also immediately started work on repairing the Tabernacle's facilities.

20. Our congregation has been tearing out damaged carpets, drywall, insulation, electrical gear, fabric, ceiling tiles, and furniture. Exhibit 2 contains a true and correct picture of some of the torn-out materials.

21. The damage to the Tabernacle is extensive and there is a huge amount of debris in and around the Tabernacle facility that requires immediate removal to prevent further damage to the Tabernacle and health and safety risks to its members.

22. Some emergency repairs may be necessary to address structural damage to the Tabernacle's facilities.

23. Further, water removal will be necessary to prevent property damage and health and safety risks caused by sitting water, mildew, and mold.

24. Unless these emergency repairs are performed promptly, the Tabernacle's facilities could suffer even more damage.

25. My initial estimates are that emergency repairs and debris removal alone will cost tens of thousands of dollars.

26. The long-term repairs to the infrastructure of the Tabernacle's facilities will also be expensive. I currently estimate that repairs will be at least \$60,000.

27. On August 25, 2017, President Trump issued a declaration that Hurricane Harvey had caused a major disaster in Texas. *See* FEMA Release No. HQ017-060, <https://www.fema.gov/news-release/2017/08/25/president-donald-j-trump-approves->

[major-disaster-declaration-texas](#). On August 27, 2017, the President amended the notice of a major disaster declaration to include Liberty County, where the Tabernacle is located. See <https://www.fema.gov/disaster/notices/amendment-no-1-4>.

28. It is my understanding that these declarations made federal funds available to disaster victims under the Public Assistance Program (“PA Program”) administered by the Federal Emergency Management Agency (“FEMA”). These grants help with debris removal and emergency protective measures.

29. It is my understanding that nonprofits which meet certain criteria can apply for grants under FEMA’s PA Program.

30. It is my understanding that the Tabernacle fits all of those criteria but one:

- a. The Tabernacle owns the facility that we meet in, which is located at 108 County Road 2250, Cleveland, TX 77327.
- b. The Tabernacle is within a location, Liberty County, identified in the President’s disaster proclamation.
- c. The Internal Revenue Service has issued a determination letter recognizing the Tabernacle’s I.R.C. Section 501(c)(3) nonprofit status.
- d. The Tabernacle is open to the general public and does not charge membership or access fees of any type. While church members may choose to tithe, their tithes are not required to access the Tabernacle’s facilities.
- e. The Tabernacle provides important services to the community.

31. It is my understanding that other nonprofits that are eligible for FEMA's disaster relief grants include community centers that provide services which are similar to those provided by the Tabernacle, including community enrichment activities and general social welfare activities.

32. FEMA specifically allows disaster relief grants for community centers that provide activities like art classes, sewing and stamp-collecting clubs, neighborhood barbeques, and "various social functions." Other eligible private nonprofit recipients include zoos and museums.

33. However, it is my understanding that FEMA policy categorically discriminates against religious organizations. Specifically, FEMA policy bars grants from going to otherwise eligible recipients if more than 50% of the use of a disaster-damaged facility is for religious purposes.

34. It is my understanding that this exclusionary FEMA policy is not required by either statute or federal regulation.

35. The facilities for which the Tabernacle needs immediate disaster assistance are used primarily—i.e., over 50%—for religious purposes. Our facilities are primarily used to perform religious teaching, training, singing, artistic endeavors, social events, and outreach to youth, seniors, singles, and families. All of these services are provided from our religious perspective and for a religious purpose.

36. FEMA's eligibility guide includes a table categorically declaring that "community center services" that are "religious activities, such as worship . . . religious instruction," or "religious education" are "ineligible."

Table 3. PNP Ineligible Services

PNP INELIGIBLE SERVICES	
<p>COMMUNITY CENTER SERVICES</p> <ul style="list-style-type: none"> Religious activities, such as worship, proselytizing, religious instruction, or fundraising activities that benefit a religious institution and not the community at large Training individuals to pursue the same activities as full-time paying careers (for example, vocational, academic, or professional training) Meetings or activities for only a brief period, or at irregular intervals 	<p>OTHER COMMUNITY SERVICES</p> <ul style="list-style-type: none"> Advocacy or lobbying groups not directly providing health services Cemeteries Conferences Day care services not included in previous table of eligible services Irrigation solely for agricultural purposes⁶⁴ Job counseling Property owner associations with facilities such as roads and recreational facilities (except those facilities that could be classified as utilities or emergency facilities) Public housing, other than low-income housing Recreation Religious services Parking not in direct support of eligible facility
<p>EDUCATION</p> <ul style="list-style-type: none"> Athletic, vocational, academic training, or similar activities Political education Religious education⁶⁵ 	

See Public Assistance Program and Policy Guide at 15, FP 104-009-02 (April 2017)

<https://www.fema.gov/media-library-data/1496435662672->

[d79ba9e1edb16e60b51634af00f490ae/2017_PAPPG_2.0_508_FINAL\(2\).pdf](https://www.fema.gov/media-library-data/1496435662672-d79ba9e1edb16e60b51634af00f490ae/2017_PAPPG_2.0_508_FINAL(2).pdf)

37. I am aware that FEMA has repeatedly denied grants to other houses of worship because the use of their disaster-damaged facilities or materials was primarily religious. Further, it is my understanding that these denials came after extended appeals processes and were not finally decided until months or years after the disaster occurred.

38. Despite serving three times as a FEMA staging center, the Tabernacle has never received any disaster relief funds or even been encouraged by the FEMA officials using and operating within our damaged facilities to apply for them.

39. Thus, it is my understanding that FEMA's policy prevents the Tabernacle from having equal access to emergency relief grants because the Tabernacle's use of its facilities is primarily religious. It is my understanding that, but for our religious use of the facilities, the Tabernacle would be eligible to apply for the grants.

40. It is further my understanding that, to be eligible to receive FEMA grants, nonprofits must apply within 30 days of the presidential disaster declaration affecting their community.

41. Thus, it is my understanding that the Tabernacle must apply for a FEMA grant by September 26, 2017, in order to be considered.

42. The Tabernacle is facing a disaster right now and needs to make long-term decisions right now about how we will recover from Hurricane Harvey. We cannot afford to wait months or years to find out that FEMA will follow its policy to deny us equal access to and equal consideration for emergency disaster relief grants.

43. In my view, FEMA's policy discriminates on the basis of the religious status of the Tabernacle's motivation and purpose for its services to the community. I think that it is discriminatory and demeaning for the government to punish the Tabernacle because of our religious status.

44. To be clear, the Tabernacle is here to help people. If our own government can help us do that, that'd be great. And if not, we're going to keep doing it. But I think that it's wrong that our government treats us unfairly just because we're Christians.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 4, 2017.

/s/ Charles Stoker

Charles Stoker

Exhibit 1





Exhibit 2

