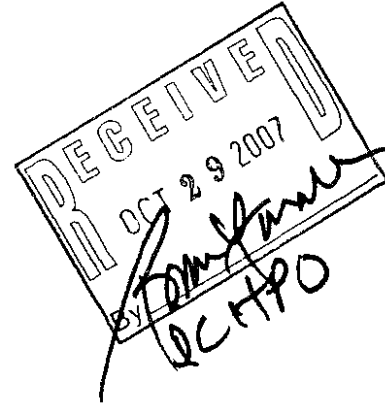


GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B



October 26, 2007

Mr. David Maloney
Deputy State Historic Preservation Officer
801 North Capitol Street NE, Suite 4000
Washington, D.C. 20002



Dear Mr. Maloney:

We, the elected Commissioners of the Dupont Circle Advisory Neighborhood Commission urge the Historic Preservation Review Board to act favorably on the application by the Third Church of Christ, Scientist to deny the landmark nomination for the building that houses their sanctuary. We believe the building should NOT be landmarked for three general reasons.

First, when we voted to support expansion of the 16th Street Historic District, we were assured by applicants and city officials that Third Church would not be a contributing structure within the expanded district. It falls outside of the period of significance, and is not fifty years old. In fact, we find the effort to landmark a 19-year old religious structure without the cooperation - and over the objection - of congregants to be a troubling precedent.

Second, though much has made of a connection of I. M. Pei to the structure, it is clear upon our investigation that Pei did not design the building. Nor did he have any direct involvement in its concept, planning, or construction. And congregants of Third Church have pointed out numerous errors and speculation in the nomination petition dealing with the history and beliefs of the church. These are also troubling to us.

And third, while any government action involving religion and the free practice thereof must pass the muster of the First Amendment to the Constitution, a more recent act of Congress speaks directly to issues of land use. It is The Religious Land Use and Institutionalized Persons Act of 2000 (S. 2869), passed by the 106th Congress and signed into law by President Clinton.

SEC. 2. PROTECTION OF LAND USE AS RELIGIOUS EXERCISE.

(a) SUBSTANTIAL BURDENS -

(1) GENERAL RULE- No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling government interest.

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SEC. 5. RULES OF CONSTRUCTION

(g) BROAD CONSTRUCTION - This Act shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this Act and the Constitution.

This is clearly a case where being forced to remain in a structure it cannot financially afford poses an undue burden on a congregation that seeks a smaller sanctuary on the same site. Given the fact that the current structure is not a contributing structure in the Historic District, we feel the nomination clearly does not meet the substantial burdens imposed by the law. We asked the landmark nomination be denied.

Robert Alvarado
ANC 2B06

William J. Reynolds
ANC 2B08

Robert Johnson
ANC 2B03

Philip S. Canney
ANC 2B07

Bob T. B.
ANC 2B04

Justin Farza
ANC 2B01

William Hunt
ANC 2B02

Ramon Estrada
ANC 2B09
Supmt Circle ANC Chair