

## **TEXT OF ANC RESOLUTION ON THIRD CHURCH - APPROVED UNANIMOUSLY NOV 14, 2007**

Whereas, Dupont Circle ANC 2B has heard arguments from all interested parties regarding the landmark nomination petition for Third Church of Christ, Scientist at the corner of 16th and I, and has considered the original nomination application and the staff report of the Office of Historic Preservation and the minutes of the Historic Preservation Review Board meeting of November 1, 2007,

Therefore, Dupont Circle ANC 2B strongly recommends that the HPRB reject the landmark application at the request of the Church. Further, we request the Attorney General of the District of Columbia to issue an opinion regarding the Church's rights in the matter under the Religious Land Use and Institutionalized Persons Act of 2000 (R-LUIPA) 42 USC Section 2000cc and the Free Exercise Clause of the First Amendment.

We do so for the following reasons:

1. Churches play a vital role in our community, and the sense of the community is that they should not be subject to undue burdens by the District government in order to continue their mission.
2. The nomination application is replete with errors and falsehoods regarding church history and religious matters. These alone should require the nomination be rejected.
3. The structure is less than 50 years old, and lacks historic significance.
4. The attempt to landmark a 19 year old structure - as occurred here in 1991 - without the consent of the Church - and keeping that application on hold for 16 years strikes us as an abuse of process. The Committee of 100, the applicant for the landmark effort wrote on October 4, 1991, "we have also stated explicitly that it is not our intention to save physical things if so doing means the loss of the activities that give them life." The Church is requesting the applicant to honor this pledge of 1991.
5. There is no consensus on the worth of the structure. Many critics and much of the public dislike the architecture, to say the least.
6. The Church has provided evidence that the architect overrode their concerns and built a structure that does not meet with their religious mission, with no public doors or windows on either 16th or I Streets. They have convinced us that it is too large and expensive to maintain, and these problems will become more serious with the passage of time. And they are steadfast in their mission to serve the Downtown area, and have no intention of moving to another area. Thus, we feel their case merits consideration under the "undue burden" provision of R-LUIPA. In addition, a system of subjective, individualized assessments, such as the historic preservation process, triggers strict scrutiny under the Free Exercise Clause of the First Amendment.
7. We feel that the landmark case fails to prove any compelling government interest, and weakens public support for historic preservation and could not adequately be defended in court. In fact, we strongly believe this is not a case that preservationists should wish to litigate.

Passed 7-0 by Dupont Circle ANC at November 14, 2007 meeting.