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Church Challenges Landmarking of 1971 Structure and Historic Preservation Review Board's Conclusion that It Operates above Civil Rights Laws

Washington, DC --- Third Church of Christ, Scientist, located two blocks from the White House at 16th and I Streets, NW, today filed a lawsuit in federal court challenging the landmarking restrictions imposed on its church building by the District of Columbia, as well as the D.C. Historic Preservation Review Board's conclusion that it is free to ignore federal civil rights laws. During its 90-year existence, the Church has always been located within six blocks of its present address. It seeks to demolish its "Brutalist," monolithic, reinforced concrete, 37-year old building, which does not meet its needs for religious exercise. The Church will replace this building with a welcoming, community-oriented, environmentally-sound, and energy-efficient building that accommodates its religious faith and practices. By "landmarking" the building over the Church's opposition, the city government is attempting to determine how the Church may or may not worship in the future.

The 2007 landmark designation culminated a seventeen-year process that began in 1991, when the building was barely 19 years old. The "Committee of 100 on the Federal City," a preservation advocacy group, filed the landmark application without the consent or knowledge of the Church. At a hearing before the D.C. Historic Preservation Review Board on November 1, 2007, the Historic Preservation Office staff and Board members acknowledged that the application was filled with errors and misrepresentations and the building was itself flawed, yet proceeded to landmark it.

On December 6, 2007, the Board, ignoring the religious freedom of the Church, designated it a historic landmark, thus precluding its demolition. Indeed, HPRB Chairman Boasberg stated that the Board is not subject to the First Amendment or Federal civil rights statutes, even though the Religious Land Use and Institutionalized Persons Act (RLUIPA) requires that any governmental entity must demonstrate a compelling governmental interest when substantially burdening religious exercise, as the landmarking of the inadequate church does. (Mr. Boasberg is listed as a current member of the Committee of 100 on that group's web site, and the D.C. Office of Planning's web site states that his "past service has included terms as . . . chair of the Committee of 100 on the Federal City.") On July 24, 2008, the Board denied the Church's application to demolish its building, again stating that it was not subject to federal law.

The lawsuit seeks the removal of the Church's landmarked status, as well as an order requiring the District of Columbia and the Board to abide by federal civil rights laws.

The District of Columbia Council is currently considering a bill, B17-788, the "Religious Freedom and Historic Preservation Conformance Amendments Act of 2008," which would reinforce existing federal civil rights law and allow the constitutional rights of religious institutions to be properly considered within the landmarking process. The Bill has the wide support of DC's diverse religious community.

The church building at 16th and I Streets, NW was completed in 1971 and was built and entirely financed by the members of Third Church, who had previously occupied a structure at 13th and L Streets, NW. Third Church of Christ, Scientist is one of 6 Christian Science churches in the District of Columbia. It was founded in 1918 with the mission of serving the people of downtown Washington. Like all Christian Science Churches, it is an independent organization that is run by a board of trustees that is elected by local members. Its church services are led by lay members who are elected by the members.

The attorneys of Storzer and Greene, P.L.L.C. have represented scores of religious organizations in land use conflicts from Hawaii to Florida. Mr. Storzer has been described by the Religion Newswriters Association as "one of the country's most experienced litigators" in religious land use law, and has successfully represented Christian, Jewish, Muslim, Hindu, Buddhist, Native American, Sikh and other faith groups in RLUIPA and First Amendment cases throughout the nation.