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Preservation Board's Order Landmarking Church Nixed by Federal District Court

By Anthony L. Harvey

With a stinging rebuke to the District's Historic Preservation Review Board (HPRB) and the Mayor's Agent, Federal District Judge James Robinson on April 7th denied the DC Attorney General's motion to dismiss the action brought by the Third Church of Christ, Scientist to overturn the HPRB designation of its Brutalist-style church building as an historic landmark – subject to all the protections and restrictions of such designation.



photo—DC Office of Planning, Historic Preservation Office public record file.

Third Church of Christ, Scientist as viewed from across the 16th and I Streets intersection toward the northwest corner.

Judge Robinson sharply disagreed with the DC Attorney general's assertion that historic landmarking caused no injury to the church and its congregation, ruling that such an argument of "no burden to the church blinks reality."

The judge further stated that he was troubled that the HPRB and the Mayor's Agent refused to even consider the church's First Amendment rights and Federal statutory provisions protecting and reaffirming the rights of religious bodies — especially those that are expressly identified in the federal Religious Freedom Act of 1993 and the Religious Land Use and Institutionalized Persons Act of 2000.

Any contrary rulings of the DC Court of Appeals on such matters are both in error and are not binding in this Federal District

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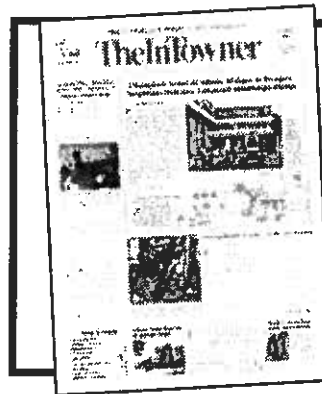
Court, further ruled the judge.

While affirming the church's standing to bring their case before the court, Judge Robinson informed the parties that he would await the Mayor's Agents's ruling on the church's raze permit appeal – expected to be issued next month – before proceeding any further with the case.

Editor's Note: For background on this case, see "Preservation Board's Order Landmarking Church Being Challenged

in Federal Court," *InTowner*, August 2008, page 1; also, "City's Preservation Board Orders Landmarking for Christian Science Church Near White House; Decision Viewed by Many as Incomprehensible," *InTowner*, December 2007, page 1. Both news reports are available in the Current & Back Issues Archive at www.intowner.com

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