

**Third Church of Christ, Scientist Press Conference**  
**August 7, 2008**

Remarks by Darrow Kirkpatrick, former First Reader who conducted church services, and member of the Redevelopment Committee of the Church.

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My name is Darrow Kirkpatrick. I'm a native Washingtonian, a third generation member of Third Church of Christ, Scientist, having just completed service as First Reader, that's the lay member elected to conduct our Sunday and Wednesday Services. Thank you all so very much for coming.

We have been located within six blocks of where we are standing for 90 years, a local church run and financed by local members. We want to stay here and continue to serve the downtown community---from the tourist to the homeless.

Our church has appreciated the District Government's support in the past, particularly in approving the banner you see hanging above us, but today, in the words of Psalms 137 we find ourselves trying to sing our song in a strange land--the land of historic preservation---far, far away from our mission of Christian healing and redemption. We believe this Brutalist, unwelcoming, bunker-like building is not a proper representation of our practice or our theology and, that without a compelling government interest, our members, not the Historic Preservation Review Board, are in the best position to determine that representation.

Little is more representative of a church's religious exercise than its architecture and we do not feel this architecture properly represents us to our community. The massive windowless walls with no windows or doors on the street, and a door only visible from one of the four directions approaching the church, is not us. Nor is a plaza terminated in a large, plain, gray wall with no visible exit. We are not forbidding and secretive, nor do we think visitors will find a bunker-like mentality inside. Those who know us through our Reading Room know that we are not, but the average passerby would not. Our founder refers to the Sunday lesson, read in church each Sunday, as "a lesson on which the prosperity of Christian Science largely depends." Friends, if we can not provide a welcoming presence, this lesson will fall not on deaf ears, but on no ears at all. Additionally there are serious building management issues: 5 to 8 thousand dollars to erect scaffolding to change light bulbs once or twice a year; energy usage designed for days of cheap oil but which today is environmentally irresponsible and can not be

changed substantially due to the uninsulated monolithic reinforced concrete shell, which is a porous heat sink in winter and humidity sink in summer.

We have asked you to join us this morning because we feel our religious rights have been totally ignored by an agency of the City Government---the Historic Preservation Review Board (HPRB), in direct contravention of the First Amendment of the Constitution, RFRA, (Religious Freedom Restoration Act) and RLUIPA (Religious Land Use and Institution Persons Act). In our first hearing before the HPRB we showed how the original application was full of errors and misperceptions. Indeed an independent architectural historian stated that the church should not be landmarked on the basis of the application. In the continuation hearing, the staff of the HPRB thanked us for correcting all the errors in the application, but then lauded the architecture and the architect resulting in the Board's vote to landmark. Throughout, the HPRB, above our protest, said they could not consider our religious rights at those two hearings nor at last month's hearing on demolition of the building, where they voted to recommend to the Mayor's Agent disapproval of our request for a demolition permit. Specifically we have been landmarked without our consent and the HPRB has recommended against a permit for demolition of this building which is not meeting our needs of religious exercise and practice. The HPRB has told us repeatedly that religious rights can not be considered in the landmarking process or in our request for a demolition permit. While we do intend to appeal the landmark designation and recommendation of the HPRB against demolition, to the Mayor's Agent, the same DC laws govern its process, so consideration of our religious exercise may again be ignored. If we were to demolish the building and replace it with a new one, please know that any new building we offer would conform to the 16<sup>th</sup> St. Historical District and L'Enfant Plan, and be consistent with the National Capital Framework Plan approved recently by the NCPD and CFA, and would have to pass the rigorous review of the HPRB.

Councilmember Barry has introduced legislation which would offer relief to our church and protect other places of worship from the struggle we've endured. No more than 4 other churches landmarked since the 1993 enactment of RFRA would benefit, but the legislation would ensure religious rights are considered in future landmarking proceedings. However, hearings on this bill have not been scheduled by the Council of the District of Columbia. While we feel the legislation is the most reasonable way to resolve this issue, a favorable outcome for it or the Mayor's Agent review is far from certain. To wit, our filing of the suit today, which we feel we must do to preserve our rights under the law. Our experience is not unlike that of Western Presbyterian Church in Foggy Bottom,

and its Pastor John Wimberly, here with us today, who in 1993 had to sue the city under the Religious Freedom Restoration Act to open its homeless kitchen. They won in the lower court and the decision was upheld in the appeals court.

Before moving to the lawyers, I'd like Mike Silverstein one of our Advisory Neighborhood Commissioners to offer briefly his perspective from the neighborhood.

And now our first of two lawyers, Eric Rassbach, Director of Litigation for the Becket Fund, an international organization for religious freedom. The Becket fund has been most helpful in our efforts to date.

Our Attorney for the suit is Roman Storzer. 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. He will tell you about the suit after which we'll have a brief closing and be most pleased to respond to your questions.

Closing: Benediction: Ps. 23