

Jun 2010

Over the last several months a dispute has risen between the City of Las Cruces, Sonoma Springs Church, and me that is increasing in intensity. I have spoken to many of you in the past about the conflict, but I believe it is now time to explain the issue from my perspective to the whole community. The dispute between the city, Sonoma Springs, and myself concerns three issues.

Last summer when we expanded our facility we took advantage of provisions in the city building code that would save us money and spare us a complicated application process and had our architect, Studio D Architects, submit plans for signage to the city for approval. They submitted plans for the sign we installed on our building and for two directional signs to the city official charged with approving signs, a Mr. Adam Ochoa. All the signs were approved and we erected them according to the plans we had submitted and which the city had approved. The city now claims the signs are illegal and is bringing criminal charges against me personally over them.

That brings me to the second issue we are dealing with. Sonoma Springs Presbyterian Church is a non-profit corporation in the State of New Mexico. Technically our legal name is Northminster United Presbyterian Church of Las Cruces and we are operating under a "DBA" (Doing Business As) of Sonoma Springs Presbyterian Church, all of which is perfectly legal. As a member congregation of the Presbyterian Church (USA) we have tax exempt status as a 501(c)3 religious organization with the Internal Revenue Service. All of the Church's property is deeded in the name of the corporation. We have a Board of Directors, the Session. Though I am the pastor of the Church, I do not own the Church. I am an employee of the Church. The city of Las Cruces has been given formal notice of these facts by our legal counsel, yet they insist on bringing criminal charges against me personally regarding the Church's signs and an additional issue that I will address below. While the city can legally bring a charge against the Church's Corporation they do not have a right to charge me personally. I am forced to conclude that the city is acting with malice towards me.

When a City Code Enforcement Officer came to the Church and demanded that the signs be removed, he also demanded that the Church and any independent organizations meeting in the Church (e.g. Boy Scouts, Girl Scouts, etc.) obtain a Business License from the City of Las Cruces. On the surface this might not seem like an issue worth quibbling about. However it is very serious, because both the city ordinance involved, and the City's application for a business license indicate that the City will decide if we can operate as a religious body. They will regulate our operation as Church. Such interference in the religious activities of a Church is a violation of the first and fourteenth amendments of the Constitution of the United States and amounts to what the Supreme Court has called a violation of the establishment clause. Submitting to such a requirement to have a license could also make us subject to city ordinances concerning employment practices or other issues which we would normally be exempt from by State law. We have so far declined to obtain such a license or to "register" as a Church with the city.

The majority of Churches in Las Cruces do not have business licenses either, nor have they "registered". The city seems to be singling us out, and for now me personally, for prosecution.

We recognize that the city has a responsibility to protect public safety and to insure that facilities are properly constructed. Thus we complied with all the city's ordinances and requirements when we constructed our facility and later expanded it. We obtained all the proper permits, passed all the required inspections, and paid tens of thousands of dollars in sales taxes as required by law. The city has every reason to know that we exist. They have no reason to require a license for us to operate as

Church other than to seek to regulate the way we practice our religious beliefs.

It is ironic that a common tactic used by nation states around the world to persecute Christians is to require churches to have a license to operate or to "register." In recent weeks Christians in the former Soviet Republics have found this tactic being used to make it illegal for them to practice their faith, and in the People's Republic of China the government has attacked Churches and Christians who worship Jesus in "unregistered" Churches. They recently sent a pastor and his wife to prison for leading an unregistered church. I think it is sad that the city of Las Cruces would have a such a burning need to require Churches to be licensed and is willing to prosecute a pastor and threaten him with fines and time in jail for serving a church that is not officially licensed.

I ask for your prayers and support in this matter. A trial date has been set for June 17th although we are in the process of petitioning the court for either a dismissal of the charges or for a continuance. I will keep you posted about what is happening. In addition, I ask that you write and telephone your city council representative, the mayor, and the city manager.

Timothy Smith

[tsmith@sonomasprings.org](mailto:tsmith@sonomasprings.org), [www.sonomasprings.org](http://www.sonomasprings.org)