Architecture: No Time To Joke
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pg. 76

Architecture

No Time To Joke

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THE greatest nation in the world stumbles on in the fight for the environment. We give you the story of historic preservation and urban renewal, as the greatest nation in the world has pursued the objectives of saving its heritage and its inner cities, while losing almost every round.

First came urban renewal. After the war the Federal Government looked at the cities and found that they were not good. The people needed housing and there were slums. The Housing Act of 1949 was passed, to clear the slums and provide the housing through a series of Federal aids and programs.

The philosophy and the vision were simple and clear—out with the old and in with the new. It became out with the people and in with the bulldozer. What followed was an illustration of what (we hope you will forgive us) we call Huxtable's law: Every program or procedure set up with laudable aims and intentions produces uncalculated side effects that sabotage the original goals.

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The primary aim of urban renewal as understood by the sponsors and supporters of the Housing Act was to clear slums and build housing for those who needed it most. It was, in fact, called slum clearance in its early days. Somehow slum clearance became subverted into the construction of luxury apartments to replace the low and moderate rent units that were being demolished, usually in "marginal" or reasonably healthy areas acceptable to private developers rather than in the hard core slums. Or there was "commercial renewal" aimed at "revitalizing downtown," in which not only was no housing built at all, but small businesses went the way of modest tenants. In their place rose banks and office towers and hotels, all stamped out of the same slick, money-making mold.

There was still another disastrous side effect. The shabby areas chosen for urban renewal were almost always the older parts of town. These areas contained many buildings classified by developers as "obsolete" and by preservationists as "historic." The city's past, with its earlier styles of architecture and any claims to individuality or character, went the way of the low-income tenants and small businesses.

It was at least a decade before it became blindingly clear that somewhere along the line the whole idea and process of renewal had aborted. By the early 1960's, professional and citizen protest got rolling, and in 1966, two Federal laws were passed to correct 17 years of glaring mistakes and abuses. At this point, most cities were in the process of urbanistic self-mutilation and sociological suicide through urban renewal miscarriages.

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The Demonstration Cities and Metropolitan Development Act of 1966 amended the Housing Act of 1949 to put renewal back on its original course of providing housing, as well as a variety of other urban aids, where the need was greatest. It also required that urban renewal plans include information about historic properties in designated areas. Preservation was acknowledged to be a legitimate part of redevelopment for the first time.

A second law, the National Historic Preservation Act of 1966, authorized expansion of the National Register of Historic Places to include state, regional and local properties as well as buildings and sites of national significance, and created a National Advisory Council on Historic Preservation. It stipulated that any Federally-assisted or licensed project was to be considered in terms of its effects on buildings or sites on the National Register in the proposed area, and that such projects were to be submitted for review to the Advisory Council. Great was the rejoicing among those who saw their cities and towns being bulldozed away.

What has happened to the Model Cities programs is a story for another time. What has happened to historic America can be illustrated by the example of Lexington, Ky.

A Lexington urban renewal project inaugurated and funded in 1966 included 14 recognized historic buildings in the renewal area. The plan called for razing all of them. In 1968, it was amended to make it possible to save seven for re-use.

On July 10, 1969, the 14 buildings were placed on the National Register by the Department of the Interior as the "West High Street Historic District." A week later, the local renewal agency sold part of the area, containing seven of the buildings, to a bank for commercial redevelopment. A demolition contract was signed.

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With the peculiar timing characteristic of so many renewal projects involving destruction of landmarks, demolition began at night (weekends are also favorite times) on Oct. 15, 1969. By the time a temporary injunction was gotten the next day, two buildings were already wrecked. As the controversy moved through the Kentucky courts, more demolition was carried out in the same spirit. When an appeal was lost late one afternoon, seven more buildings were razed by midnight. After one more is demolished, a Hilton Hotel will be built. It is doubtful if the Hilton Hotel will ever appear on the National Register.

The decision of the U.S. Court of Appeals for the Sixth Circuit denied protection of the Historic Preservation Act of 1966 to the properties, and said that the preservationists had no standing to sue to stop demolition. What the protesters found—and the rest of the country now knows — was that the law is so written as to permit HUD, which runs the urban renewal programs, to interpret its protective provisions as non-retroactive; in other words, if a landmark has been placed on the National Register after an urban renewal project was officially begun or funded, it need not be considered, and the Advisory Council need not be called on for review.

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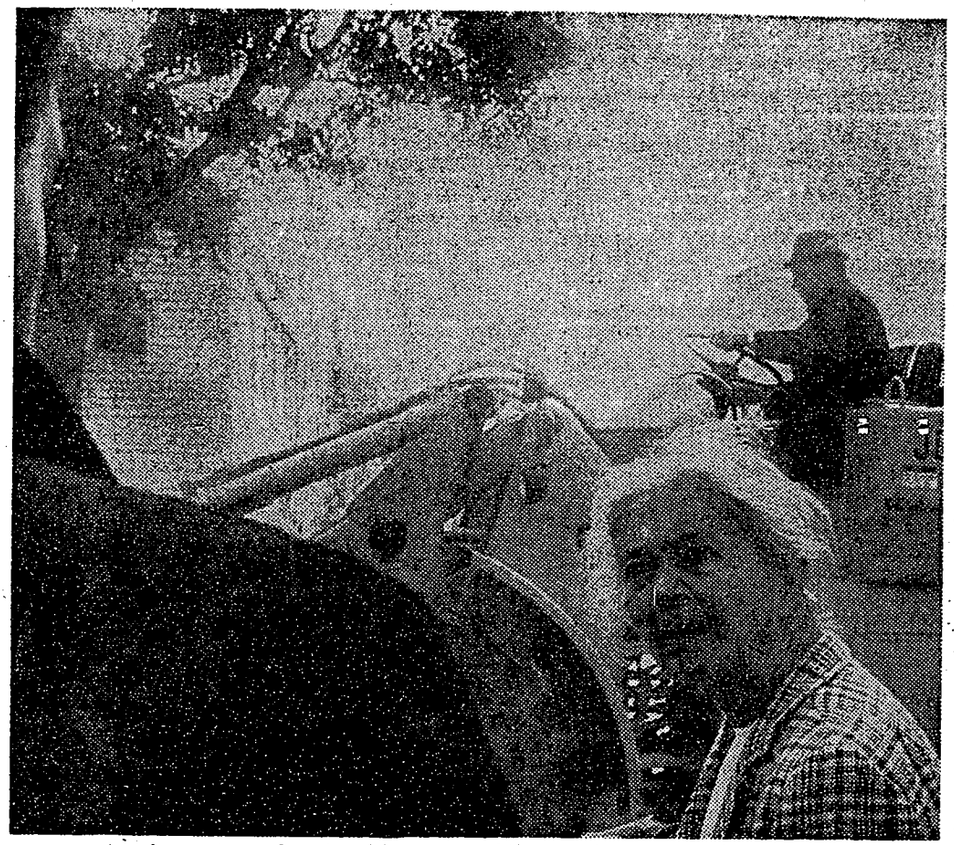
The Act is viewed by the courts as inapplicable to pre-1966 projects. Since more than half of the urban renewal projects in the country were started when agencies were not required to consider historic properties, which was previous to the passage of the 1966 law, this becomes grotesque. The "remedial" legislation is worthless for at least 50 percent of the nation's renewal schemes, and specifically for those in which the most damage is involved.

The Lexington preservation group petitioned for Supreme Court review of the case. The National Trust for Historic Preservation filed an amicus curiae brief in support. Last month, the Supreme Court declined review, with Justice Douglas dissenting.

We would not presume to discuss the legal arguments involved. There are experts who find the law and its interpretation quite in order. We can only note what the law was meant to do, and what has actually been the result, something that has critical national implications.

This legislation was meant to correct a situation of singular abuse of the national patrimony, carried out under Federal auspices, dating back at least 15 years. It does not do that at all. What it does, as it stands, is to relieve HUD of the administrative burden of reviewing exactly those projects and practices that the legislation was meant to modify. It serves the faulty status quo admirably well. It serves the cause of a better environment badly.

We wonder about all those environmental bills currently going into the Congressional hopper. Will they also be non-retroactive so that well-established polluters, including government agencies, will be safe from reform? Will these proposed laws, too, be bugged? This is not the time for sick jokes at the national expense, legal or otherwise.



At the razing of a Lexington, Ky., historic district for urban renewal
The bulldozer is retroactive, if the law is not