

LEADING THE MOVEMENT:
INTERVIEWS WITH PRESERVATIONIST LEADERS IN NEW YORK'S CIVIC SECTOR

The Reminiscences of
Anthony Tung

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PREFACE

The following oral history is the result of a recorded interview with Anthony Tung conducted by Interviewer Inna Guzenfeld on November 16, 2012. This interview is part of the *Leading the Movement: Interviews with Preservationist Leaders in New York's Civic Sector* oral history project.

The reader is asked to bear in mind that s/he is reading a verbatim transcript of the spoken word, rather than written prose. The views expressed in this oral history interview do not necessarily reflect the views of the New York Preservation Archive Project.

Anthony Tung joined the Landmark Preservation Commission in 1979 under the leadership of Kent Barwick. He discusses the politics involved in landmarking in New York City, within the Commission, the Mayor's office, and the borough presidents. He was very vocal in pushing for higher standards in the restoration of South Street Seaport. He discusses the effects of landmarking on building owners, neighborhoods, and the challenges to designating buildings like churches and theaters. After he left the Commission, he was involved in the fight to save the African American Burial Ground in lower Manhattan, a proposal that received national attention and gained the support of the African American Caucus of the United States Congress.

Tony Tung received a Professional Degree in Architecture from the Cooper Union in 1972. He is a graphic, industrial, exhibition, and architectural designer. From 1978 to 1988, he served as a New York City Landmarks Preservation Commissioner under Edward I. Koch's time as mayor. This decade of service included the evaluation of 200 individual landmarks and twelve historic districts, as well as the review of nearly 2,600 design proposals. In 1987, after Tung publically voiced opposition to a redevelopment plan for Bryant Park backed by the mayor, Koch refused to reappoint him to the Commission. A fourteen-month-long reappointment battle followed and was widely covered by the press. Tung's work as a commissioner was recognized by the Village Voice, which named him one of "New York's Finest." Later, he was a member of the transition team for mayor David N. Dinkins, which involved interviewing and recommending nominees for the heads of nine municipal agencies. As an urban theorist, he has lectured internationally on urban architectural conservation, and has taught in the Graduate Program of Management and Urban Professions at the New School for Social Research (1989), the Metropolitan Museum of Art (1987-93), and MIT (2006). While much of his work has centered on New York City, he has also consulted on heritage conservation policy in Toronto, Halifax, and New Orleans. He has been a contributing writer on urban affairs for New York Newsday, and is the author of *Preserving the World's Great Cities: The Destruction and Renewal of the Historic Metropolis*.

Transcriptionist: Jackie Thipthorpe

Session: 1

Interviewee: Anthony Tung

Location: Manhattan, NY

Interviewer: Inna Guzenfeld

Date: November 16, 2012

Q: Today is November 16, 2012. This is Inna Guzenfeld interviewing Anthony Tung for the New York Preservation Archive Project. We're going to begin. You were appointed to the [New York City] Landmarks Preservation Commission [LPC] in 1979 and if you could describe how you came to the city's attention.

Tung: Kent Barwick was the chairman at the time. He had been appointed by Ed [Edward I.] Koch. The commissioner for Staten Island was leaving her seat and there was one year left on it so he was looking for someone to replace that commissioner. And according to the schedule of how many architects, one developer, landscape architect, historian, and a representative for every borough—according to that whole formula, he thought he was looking for an architect from Staten Island, although the person whom I followed wasn't an architect but that's just the way it was working.

So he came out to Staten Island to go to a cocktail party and he had been chairman of the [New York] State Council on the Arts or executive director, and during the years he had been the executive director, I had been working in museum education running a program out of the Staten Island Museum. He told me this later—it struck Kent as unusual that when he would meet with his staff to evaluate museum education programs around the state they would talk about the Met [Metropolitan Museum of Art], the Modern—the

Museum of Natural History and the Staten Island Museum and that would happen year after year. He said, “What’s going on out there?” They would say, “There’s this guy. His name is Tony Tung.”

So Kent came out to a cocktail party on Staten Island and asked someone who is to architecture on Staten Island what Tony Tung is to the arts. And that person said, “Apparently you don’t know he has a degree from the Cooper Union [Irwin S. Chanin] School of Architecture.” So that’s how I came to the attention of Kent and the Mayor.

Q: The press described you as an educator who had moved away from architecture and city planning. Did your appointment to the Commission mark a return to your original training?

Tung: Very definitely; it was more than that. What I had studied in college—I had gone through this Cooper Union School of Architecture and I studied with some great modern architects, Peter Riserman [*phonetic*], Rick Scofiderone [*phonetic*], John Haddock [*phonetic*], and Charles Gwathmey so I was exposed to some people who are brilliant in design. But the thing that interested me the most in college was when I started studying city planning and I got very involved in it. Eventually the school let me do a year-and-a-half of independent study in city planning rather than doing the other design courses, so I gave myself a good grounding. I was studying on my own largely but I read all the material that was in the Cooper Union Architecture School library.

Q: So you weren't taking courses somewhere else?

Tung: No, I wasn't taking courses. It was just an independent study. I just walked into the library and starting reading all the books and read Jane Jacobs and the guy who wrote *The City in History* and *The Culture of Cities*.

Q: Not Mumford?

Tung: Yes, Lewis Mumford.

Q: Okay.

Tung: I hardly understood what he was talking about but I knew he was really smart [*laughter*]. So when I got on the Landmarks Commission, I had been pursuing design and I had done a lot of freelance design since I had graduated from school but I had been doing architectural design. But when I got on the Landmarks Commission I began to realize that the issues I was dealing with in terms of public policy had to do with what interested me when I was in school, which was the planning of the architectural future of the city.

There wasn't a moment where I said, "a-ha!" or a light bulb went off in my head, I just became more and more engaged and started committing more and more of my time to this. At first just to be a good commissioner but then it just naturally was so absorbing to

me, that eventually it became my vocation. So obviously after I left the Commission I actually wrote a book, I travelled around the world, I've lectured around the world, so it's become what I do, which is to write and think about these matters. That interest gradually emerged, as I was being a commissioner.

Q: At thirty-two, I believe you were the youngest member ever appointed to the Commission and did you feel that this influenced your career at LPC to any extent?

Tung: No, there was nothing to compare it against and it didn't matter. When I was getting on the Commission, I had a friend who was a political adviser and he said, "This is a really good appointment because it's a blue ribbon appointment," and I said, "Well, what does that mean?" He said, "Well, there are people on the Landmarks Commission who are actually qualified to be there," and he said, "A lot of city commissions have commissioners who aren't qualified." Well, that was sort of shocking to me but I grasped it. Anyone who has lived in a big city grasps that concept.

But when I got on the Commission what I saw was that half of the commissioners were doing the actual work of the Commission, which is making the motions and thinking through the issues, and the other half of the commissioners weren't capable of doing that. They couldn't evaluate a design for appropriateness.

I just—someone who had a sense of pride. I didn't want to be someone who was just taking the ride; I wanted to be someone who was participating and it was my field after

all. So I just spent an awful lot of time in the beginning, at least twenty hours a week for the first couple of years—I think I was probably spending twenty hours a week for all my time on the Commission, but in the first couple of years I was spending twenty hours a week just learning how to be a commissioner. I became gradually one of the commissioners who was making the Commission go, who was making the motions, participating in the debates and then felt I was giving proper service rather than just be someone who was just filling a seat.

Q: To that end, what was your approach to the designation and protection of historic properties and did you have particular ideas about landmarks and the role of the Commission?

Tung: Somewhere pretty early on when I was on the Commission I asked one of the staff people to give me an idea of how much of the city might potentially be designated and they said, “Well, we don’t really know.” And that was the point at which Kent was trying to get a computerized survey going; he may have begun it at that point. But the staff person I was speaking to said, “We have surveys of the city from different preservation citizen groups in different parts of the city from the time when the commission was first founded. They give you an idea of how much material there was.”

I looked at those surveys and came away with the impression that somewhere between—if everything that they recommended was designated, somewhere around two or three percent of the city would be eventually designated. I had some idea of the percentage. It

wasn't that exact but I knew it was something like that. So with that in mind I began to realize as I was sitting there at the Commission hearings that what was happening was we couldn't pursue a rational sequence of designations. The reason we couldn't do that was—and this is part of the character of the Commission at the time when I first joined it—is that as the courts ruled on preservation matters they began, through their rulings, to establish guidelines for how we should proceed.

One of the things that had a profound impact was early rulings on questions of whether a designation was arbitrary and capricious or not. Arbitrary and capricious is the standard under law against which administrative actions are judged in the courts, so for a designation a judge wanted to see that we had reasons that were rational. What gradually occurred out of several court rulings was that it became clear that the Commission had to establish a standard. It didn't have to publish it—this was something I was always fighting Dorothy Miner about during the times that I was at the Commission. I wanted to publish this standard, because I asked them, “What is this standard and what are the courts looking at?” And she said, “Well, basically, it's the standard that comes from the National Trust [for Historic Preservation].” So was this the work of an architectural genius, is this a building important in terms of type, is it a building that is significant in terms of style? Does it have higher artistic merit? Does it have an association with the cultural history of the city, does it have technological merit? There may be some other elements in there from that National Trust set of standards.

When I started reading the court cases, I saw the judges were looking at things like that too. They would say, “Okay, this is a rational designation because they’ve established through testimony or documents that Ernest Flagg is a prominent American architect, they have established that this is one of his important works.” Then they can go through and say, this is an important resident of Ernest Flagg, this was a courthouse building and it was one of the finest courthouses of that period, it’s done in this style. The judges were going through and looking at the way we compiled facts. What that did in terms of designations, it made the writing of a designation report a much more detailed and laborious process, which was good, on one hand.

First of all, the merits of doing that are that the property owner knows why you’re designating their property, but it has really profound impact when you get involved in historic districts. Because what really ought to be happening with a historic district is every building in the district should be described in terms of the degree to which it contributes to the distinctive character of the district. And that gradually is pretty much what came to happen with our designation reports. The more I was involved in regulation the more I began to realize it and would call—as a commissioner—called for having designation reports of greater detail, but what all that did is make the designation process very laborious.

It became very clear there wasn’t any way to sit down and make a hierarchical list of what was most important to save in the City of New York and just go through it in that rational order. Because obviously what would happen is that certain areas of the city

would get stimulated economically and start to be developed and if you didn't make your designations in that area prior to all that activity then you were going to be coming in at the last minute. So as much as possible what occurred was that the Commission tried to be aware of potential new developments and get in a year or two ahead of time, some amount of time ahead of time, and that altered the rational sequence that you might otherwise have followed. That was clear pretty quickly, that this was going to be less than a fully rational process.

In terms of designation—and were you asking about more than designations in that question?

Q: I was asking about your particular approach to designation and protection and what were your particular ideas, coming in as a commissioner about landmarks.

Tung: So then when faced with this condition, in terms of designations, as much as possible I was in support of rationality. One of the things that the Commission did that I always thought was good was for instance, once we started designating—I remember we designated a bunch of schools by the architect [Charles B.J.] Snyder—and that was great to do a whole group of them, to get one body of research done and then do a whole group of those buildings all at one time. I always thought that made a lot of sense. Districts make sense just because they are a grouping in and of themselves as a whole part of the city.

In terms of designations I think I wasn't any different than the other commissioners in that we all would have liked to see the process be more rational but we knew we couldn't so we lived with the political realities of it. The only thing I would say that was somewhat different from my part was I was very much in favor of designations of things that were less beautiful architecturally but might have cultural significance.

During my time as a commissioner, I really wanted for us to designate the Sandy Ground area on Staten Island, which is an area where freed blacks from Maryland came up and made a community on Staten Island. It was an area where the buildings were very modest but the meaning of the buildings was extraordinary, but my fellow commissioners had problems with that. I should say that Elliot Willensky who I served with and became very close friends with and who was the author of the *AIA Guide [to New York City]* was someone who was very much in support of these kinds of designations and that carried a lot of weight because he was so well respected by the other commissioners. Having Elliott be in support of that at least raised the question in everybody's mind about whether it was legitimate or not to pursue those kinds of designations.

Kent as chairman was also someone who was sensitive to these things, too. It always posed the political reality—and the political problem associated with these kinds of designations is when people who are less sensitive to these matters but may be a City Council member from that particular area on Staten Island, for instance, would go and look at the buildings and say, “Well, how can that be a landmark?” Because it doesn't look like a landmark in terms of its architectural characteristics. They're not seeing the

relationship of the forms of the landmark to the deeper cultural meaning. That's always a problem—if there happens to be a fight about whether the designation should occur or not because it can be difficult and the newspapers in the area might not see the beauty of an oyster-man shack, so one had to be careful about pursuing those designations.

The other thing that was true at that time was that because we were in the early history of the Commission, there were questions about the constitutionality of the landmarks process. A really superb counselor named Dorothy Miner served on the Commission for a very long period of time—it was one of those lucky things for the City of New York to have someone like Dorothy. I believe she had a masters of law from Columbia [University] and also a masters in preservation so she was extremely well equipped, she was someone—and she eventually taught at Columbia after she left the Commission—but she was someone who would have been gobbled up by private practice had she wanted to go in that direction. Instead, she chose to serve the city for all those decades and became recognized in the United States as one of the most prominent thinkers about preservation law and even consulted with foreign nations about preservation practice. It was wonderful to have her as counsel.

One of the things she said was, “We want to try to always make a very affirmative record. So we don't want to lose court cases and we don't want to have designations turned back at the City Council.” She would push us to err on the side of caution in terms of these matters. I think that part of being a commissioner—of understanding that it was a relatively new law and that it hadn't been fully tested in the courts was one of the

elements that really weighed on how we all acted in regards to these matters. Because one feels a fiduciary responsibility, especially to future generations, not to suddenly create a condition where the [New York City] Landmarks Law is weakened as a result of court rulings that were unsympathetic.

It isn't so much a matter of what I was interested in as much as what I encountered, of what the condition was. One was responding to the condition. There were a number of court cases involving designations and a number of court cases involving hardship rulings. There were very few court cases that reversed a decision of the Commission on a Certificate of Appropriateness [C of A]. So one understood that when making C of A rulings we were on ground that was much less contentious legally, but when making designations and hardship findings we were on ground where we had to really—many of the guidelines by which we pursued those activities came to us as a result of different court rulings and one ruling after the other, as with the designation.

Q: Were these at the state level for the most part with the exception of Penn Central [*Penn Central Transportation Co. v. New York City*]?

Tung: Yes, I guess so, I can't remember exactly. I have the rulings back at my house and you can come and interview me at my house and I'll tell you that. We can look it all up.

Q: How would you characterize the atmosphere at the Commission in the wake of the Penn Central decision?

Tung: I didn't understand, when the Penn Central ruling came down—I didn't understand why it was so significant. Dorothy must have explained it to me and probably Kent did, too. I remember the day. I remember Kent being extraordinarily happy, but I think everyone who was on the Commission just was so absorbed in the realities of what you were facing day-to-day. You came in and there was a list of things you had to attend to. There were so many C of A items and you had to tend to them in a timely fashion and construction was going on, people's lives were going on. One of the things you become aware of on the first day you make a C of A ruling is that everything you rule on has a potentially negative effect on someone's life. If you rule in favor of this design, well, then the people who oppose it who are living in the neighborhood and may have worked for ten years bringing this neighborhood back, restoring their own houses, doing all kinds of things that good neighbors do, are stuck with a bad design on that corner for the next two decades.

On the other hand, if you turn the design down then the architect who got that commission loses the commission. Maybe that's the commission that's holding up his practice—maybe he goes out of practice. Maybe the owner of the building feels they can't afford to build something that's appropriate and they sell the building. You don't know what the consequences are and it's potentially negative on either side.

At some point during my first C of A day when I came to grasp that, I got much more serious once I realized that there could be those kinds of repercussions. So then when

every commissioner has that well in their mind, when you sit down, you're being very attentive to just getting and doing justice to the matters that are coming before you, to really thinking it through as well as you can. You understand that very rarely is there a perfect answer, an absolute answer. You're just trying to think through and get the best human reasoning out onto the table and applied to what's in front of you.

So the question about Penn Station—no, the Penn—

Q: Penn Central.

Tung: The Penn Central ruling I guess, it didn't really affect me. I think we were already affected in this sense. We were living in a climate where we were very aware that these early rulings were determining the standards by which we were functioning, so I would say that nothing changed. We just continued in that same mode and it was a sensitivity that came from the early decades of the Commission. Dorothy had that from her years on the Commission and Beverly Moss Spatt was a member of the Commission when I was a commissioner. She had kept her seat and so I was exposed to her thinking.

Several of the commissioners had come from earlier generations of the Commission and this was also true of the staff. There were many staff members who had come from the early decades of the Commission and they had a consciousness which evidenced the fact that they knew they had been involved in a social revolution. I mean, I really envy the first—I wish I could go back now and talk to some of them. I didn't quite grasp all this at

the time, I just had a sense of it. But some of them were there from the early days of the Commission and creating how you do a designation, how you think about this at all, how do you designate, thinking about things in the primal kind of ways because nobody had done this in the City of New York. There was a feeling from those early staff of being involved with having a great social purpose. You really had that sense of a social revolution and if you were appointed, you just walked into that.

I walked into that sensibility, along with the sense of part of the revolution, that had to do with our relationship to the courts, and to the press, and to the elected bodies we were functioning with. That was the climate and Penn Central changed it a little bit but not much. We were still in that climate of being very thoughtful about these matters. I would wonder—it would be interesting to ask a person that was appointed two years ago how much of that kind of sensibility is still weighing on commissioners, because I think we're far enough away from these early things that it's just taken for granted that this is a constitutional activity.

Q: You mentioned Dorothy Miner and you mentioned other commissioners like Elliott Willensky. How did you relate to the other commissioners during your tenure, like Elliott, like Adolf [K.] Placzek?

Tung: The Commission when I was first appointed to it was—it may have been one of the better commissions to ever have been put together. It had Elliott and Kent who were—Kent, for those who don't know, was extremely active as an activist in various

organizations in preservation before he came to the Commission, with South Street Seaport and probably around ten or twenty different things. It was just something he was very interested in. Elliott had—he was one of the principal movers in the city in these matters, Elliott of course had written the *A.I.A. Guide*. The vice-chairman of Kent's Commission was Bill [William] Conklin who was this sort of minor figure in American architectural history books with regard to the design of the rest of New Town and the Lower Manhattan Plan. We all sort of—everyone in preservation knew him at the time because he had designed Butterfield House, which was considered one of the best examples of a modern infill building in a historic district that was sympathetic and yet retained its integrity as a modern design.

On that commission also—Beverly Moss Spatt, so we had a former chairman on the commission as well. We started out—we had Michael Brown who was the head of one of the nation's Societies for interior decorators and so he was informative on this knowledge as well. Barbaralee Diamonstein-Spielvogel who eventually wrote the book about New York City's landmarks and had been involved in cultural affairs and had a television or a radio program interviewing people in the arts in New York. And Charles Platt who was an architect of some substantial accomplishment; he was an architect in those days before the internet and it was hard to have your work published in architectural journals. They only published ten or twenty things a month and so an architect whose work was frequently published in architectural journals, it meant they were somewhat in the upper five or three percent of all the architects functioning. Charles was that kind of architect.

Given that, that's a lot of firepower. When you look at later commissions you'd be hard pressed to find a commission that had so much intellectual firepower on it. I of course didn't know that when I came on it, I just walked in. I was lucky. I walked into a great commission and people were older than me and much more experienced.

My sense of this was Kent, who felt strongly about my appointment. After a couple of weeks and a couple of sessions I started speaking and I remember at first people would look and go, "Oh, he speaks." And then "Oh, he speaks coherently. Oh, he made a good point." People in that situation are just trying to do the best job they can and it's hard to solve a lot of these things because sometimes you're dealing with questions in which there isn't a good answer, so you want to put all the brainpower you have directed at the solution of the problem in the room.

So gradually I began to be accepted as someone who could think a bit and I learned how to speak and eventually I became someone who was making motions. In those days, we largely made motions that were extemporaneous. That may be because as Elliott and I came onto the Commission we both started, after a year or so, pushing design regulatory policy to be a bit more aggressive. This meant that the staff couldn't anticipate the rulings as well prior to a C of A meeting, so their staff reports were less—we would frequently end up changing them.

So it was a period where policy was more in flux and the policy was being formulated in these public discussions. I remember it was very difficult to learn how to make an

extemporaneous motion and not just for myself but watching other people come onto the Commission. Probably four or five years into the Commission when Gene Norman was Chair, I remember seeing David [F.M.] Todd come onto the Commission. David Todd was a very skilled person in terms of public affairs and speaking about architecture. He was quite a bit older than me, maybe twenty, thirty years older than me, and you just wouldn't have thought that he would struggle with this. It took him a while. I remember him going, "Okay, I'm going to try to make a motion today." And saying that, "If any of this isn't too good someone step in and tell me." It was just a hard thing to do.

But what it does, if you have a Commission that's making motions that way rather than reading staff reports, is that you have commissioners thinking one member with the other and formulating ideas and taking their ideas to the public and bringing them into the thought process on the table. I would learn—and we'll talk about this later—with Todd that that is what made the process much more fruitful in terms of being a participatory and democratic process. It also then—engaging the public also had this inevitable effect of raising the regulatory design standards.

So here is one of the things I recognized as a young commissioner. I had been on the Commission a short period of time and I began to realize there were these annoying people from Greenwich Village and one of them was a woman by the name of Ruth Wittenberg, who I didn't—I didn't know any of the history of New York and its advocacy so I didn't know she was someone who had worked with Jane Jacobs and had

fought to create the Landmarks Law, the Greenwich Village [Historic District] designation for it to stop Robert Moses and all that stuff.

She was coming to the Commission and she was in a wheelchair and she was being wheeled in by a woman named Verna Small, who also was one of these primary people from Greenwich Village who were out to change the city. They would come in and we would hear testimony on designs for Greenwich Village and they would stand up and ask for a higher standard of review. “No, that is an inappropriate storefront. No, it could have—we want it to look more traditional, we don’t want to have it all modern glass.” Whatever it was, they were always pushing for something higher.

At first, I remember feeling annoyed by this because I just thought I knew more than they did because I was a graduate from the Cooper Union School of Architecture [*laughs*]. They weren’t graduates from architecture schools, but at some point I realized that they were asking for a more substantial design review than the Commission was giving. At a certain point I began to realize that I was interested in that as well, so I began speaking for things that they were asking for in the public hearings. I would end up in the debate trying to support those kinds of ideas. I think it is funny to me looking back at it because at the time I was always kind of uncomfortable with the idea that I was taking their position, but gradually as Elliott and I continued on the Commission together we both were pushing for this and we got higher and higher design standards.

So again, another part of the whole process, the early process of being a commissioner, is beginning to understand the dynamic of the public forum, which I had no comprehension of when I came in. I didn't understand that this was democracy in action. It actually was democracy in action, but I didn't understand that. I just thought it was architectural review like I had done in school, right? The professors stand up and tell you what's good and what's bad.

Q: Just like a crit.

Tung: That's right. Then you find out when you're on the Landmarks Commission it's just not that simple, in large part because the preponderance of material coming before the Commission was designed by people who weren't very good architects. They just weren't the better architects and even if they were better architects they didn't have budgets that allowed them to exercise their talents, so you were constantly dealing with very compromised situations. What we often were doing was trying to avoid the worst kinds of consequences for buildings just to avoid something that was so totally detracting. You were trying to do some modicum of harmony, and that was true with a lot of the applications that came before us.

But now in looking at it I realize, in retrospect that also had to do with the effect that historic preservation laws would have on the evolution of design consciousness in architecture across the United States. Gradually there would be more and more schools that would teach how to do contextual design and there would be more and more

discussions about this and articles about it and gradually the whole quality of contextual design would improve across the whole field with the passage of decades. It could be very much be compelled by having preservation laws because every architect—it came to be that more and more architects would get these kinds of commissions and would have to engage these kinds of intellectual questions.

I think the results I see when I walk in historic districts, the historic districts of New York today, are much better than the results we were seeing when we were doing this. In that era back then we were trying to establish some of the fundamental concepts of what made good contextual design and part of it was coming from the community groups and individuals who were testifying and I guess I'm involved in all of this. It's all part of the weave of what was happening.

You were asking what it was like to be a commissioner. What it was like is you walked into a particular set of conditions that had to do with the historical development of the commission. I was responsive, I was just responding to those conditions. What came out of it, the response to those conditions after a year or two of doing regulation, is that I had a very determined feeling that we had to raise—it was better for the city if we raised the quality of design regulation. Because what I realized was there's a certain expenditure of human energy going on with every application that is going to happen one way or another and I began to realize that doing it well, getting involved with more energy, there's a multiplier effect.

I ruled on over twenty five hundred applications during the eight-and-a-half years I was on the Commission, so what's that, three hundred applications a year? If you multiply that out across—those three hundred applications are only the tip of the iceberg because the Landmarks Commission's staff is granting permissions for new construction for something like I guess five to ten times that number of applications every year. So there are thousands of applications that are read every year, three thousand applications over a decade is thirty thousand, over two decades is sixty thousand so it starts accruing and you can build an environment. If you can get all those decisions to just be a little bit better then that much more beauty is accruing in the built environment over time. So when I came to grips with that notion I just started pushing more and more to increase the rigor of the regulatory process.

Q: You mentioned community groups and I understand that your term coincided with the emergence of a number of important preservation groups in the late '70s and the '80s. I was curious if you could speak to how they influenced the designation process and what their relationship really was with LPC. I know that the Historic Districts Council didn't always have a very good relationship with the commission.

Tung: I wouldn't characterize it that way. I wouldn't say the Historic Districts Council didn't have a very good relationship with the Commission. I would say it just depended on what seat you were sitting in and what particular issue. Community groups, for the most part, the role they play is to set a standard, which is a standard just based on what they think is important to achieve in reality. A bureaucracy is dealing with all the

restraints within which it's operating, which can be political if it has to do with the Mayor's Office not being sympathetic to designations or city council members not being—so what the community groups do is hold out that standard. When someone like Kent is in office I think he exceeded the standard of the community groups much of the time. But when, for instance, Gene was chair, in the area of designations, he wasn't designating anywhere near as many buildings as Kent and then the community groups had a more adversarial relationship to the commission in terms of just applying pressure to increase the number of designations. I think that's just fundamentally important.

The Historic Districts Council was a young organization when I first came on the Commission. I guess what was significant about his Historic Districts Council was that during the time I was on the Commission a lot of their members came and testified at the commission, they weren't sending an executive director down. I don't think they had an executive director, so the people who were coming to testify, like Christabel Gough and Arlene Simon and Peg [Margaret] Moore and Jack Taylor, Halina Rosenthal and others were people who were the heads of preservation groups in various communities and they sat on the board of the Historic Districts Council.

I think what was occurring, just as a matter of observation, is they would come to the commission, they would hear the discussions, they would testify on various items, see the way they were ruled on and bring back those results to the table. People in the Historic Districts Council would sit and talk about all that and say, "Well, why did you get a better shop front and we didn't get an improved shop front?" "Why were your houses that

well restored and they didn't do it with us?" And they started talking about the dynamic of how the commission made its decisions and what the criteria were. I think what happened was a coeducational kind of process where they were all educating one another.

One of our founding fathers, I think it's James Madison, said something about the fact that a true democracy is constituted by a small group of citizens who are informed and bring that information to the public decision-making process. I think that that stress on the idea that it's not just open for everyone to participate in but it's people being informed is very important. One of the things I had to learn as a commissioner was that sometimes, private citizens were more knowledgeable than I was though they didn't have a degree.

What I learned was people would study the architectural history—starting out of their neighborhood but then gradually become very conversant for the city as a whole and they would become very conversant in terms of design as well as design regulation. That's what was happening with groups like the Historic Districts Council, and I thought it was very potent in its impact in the early days because its board members were actually coming to the Commission to actually testify, which is much different than having a paid professional come in and testify.

The reason it is much different is when someone from the community comes in and testifies they bring a certain moral wave because they're—when Peg Moore came, she was involved in getting five houses on her block restored to a higher quality. They bring

the weight of all of their positive involvement in making the preservation process unfold. That causes commissions to listen in a different kind of way because you're dealing with someone who is really—they're putting—I've forgotten the expression I was going to say there. I think the Historic Districts Council was very important in those days because of that. As we go on and I talk more about the involvement of this group, I'll talk about how they eventually empowered me as a commissioner. I was able to move more and change the quality of design regulation because of the way I ended up collaborating with those groups.

MAS had a different kind of impact. The Municipal Art Society always had—because it was an organization that was well funded and had people on its board who were looking at larger urban issues—had a different kind of breadth and perspective when they came in to testify. So on certain issues they were more potent. On the Broadway theaters, for instance, they would really gather a bunch of people on a committee to think it through and their testimony would be very substantive.

But the power of the mind is the power of the mind so one of the things that was very fascinating as you watched—as I watched this and as you can still see it today—is that one of the smallest groups in the city is one of the most potent. It's the Society for the Architecture of the City and it's Christabel Gough and actually there are two or three other people as well. It is three or four people, because there is another historian who is involved with them. They can come in on large city issues and offer up a position paper that will knock the socks off everybody. That's just part of the process. You begin to

learn that certain people are really thinking in more substantive ways. But in the beginning I think, it was responding to the people who were coming from individual groups from a particular community talking about the impact of a proposed design in their community.

The impact on designation is different. The reason it's different is because there is a certain amount of the designation process that's hidden from public view, which is how the commission makes the decision of what could possibly be the list of potential things to be designated and it eliminates a lot of things in that process. There's a political problem here in terms of—I guess I should move away from the table when I'm talking about this because this is important. One of the things that bothered me when I was a commissioner was the way the designation process was working. One of the things that were of concern to me was when we were dealing with designations in the outer boroughs, we had a somewhat different process than when we were dealing with designations in Manhattan.

Here's an important political distinction to understand, designations in Manhattan were much less subject to politicalization in the borough of Manhattan I guess because there were so many powerful citizen groups in Manhattan that borough presidents didn't dare intrude directly into the designation process, but once you got to the outer boroughs, they would. If someone got to a borough president in terms of their property and they were a friend of the borough president, or someone who is contributing to their campaign or whatever the reasons were—we never fully knew—the borough president could block the

designation. The way this was done at the [New York City] Board of Estimate was the Board of Estimate had a tradition that on items that were purely local all of the borough presidents would vote with the local borough president. So if a borough president on Staten Island wanted to block a designation then all the other borough presidents would vote with that, I should say, regardless of the merits. It seemed to me it was regardless of the merits, but that was just the way the politics worked.

What was happening when I got on the commission and what I realized after a while was that the commission was sending a list of potential designations to the borough president's office and the borough presidents would alert the commission to designations they weren't going to support. If it seemed like their feelings were strong on the matter, the commission would not bring those items forward to a designation hearing. When I became aware of this—it took a couple of years before I learned all this—I was very unhappy with it because what it was doing it was giving borough presidents a veto over designations for reasons that often did not have anything to do with the substance of the matter. That was very disturbing because it was also hidden and the public never knew about it. This, I should say in fairness, was going on during Kent's term as chairman and during Gene's term.

As I stayed on the Commission, I eventually became one of the people who brought those lists to the borough president's office on Staten Island. In my later years, I was the one who was bringing the list, talking to them about it, and trying to assuage their concerns when they were opposed to a designation, although one could never know exactly why.

Q: Speaking to that, could you elaborate on how you felt the mayor and the Board of Estimate influenced the landmarks process and how political pressure in general affected the commission's latitude for independent judgment?

Tung: The mayor was—Mayor Koch was, it seemed to me, fundamentally in support of historic preservation. I'm characterizing him as a pro-preservation mayor and he appointed good people to the commission. The Board of Estimate was just politicized but the mayor's impact on the Board of Estimate was to fight for designations—that's what he did.

Q: That's interesting.

Tung: When those—after the Commission designated things and they would come to the Board of Estimate he or his representatives would fight to accrue the votes and sometimes he would end up being in a fight with the borough presidents. When you see that, you see that there's a potential to get into a fight with the borough president over a designation, and as a chairperson you began to realize there are so many times you can go to the well here. You can't designate twenty items a year, which are going to be contentious at the Board of Estimate because then you have the mayor fighting to uphold all those designations and using up political capital to do that.

The fact that that politicized process existed is what caused the chairman to act with restraint in terms of bringing forward items that were politicized. As a young man on the commission, my feeling was I'd rather have the designations go forward to the Board of Estimate. I'd rather the commission heard these contentious items, designated them and had the borough president stand up and say I'm opposed to the designation and have it turned down. I thought that was a better way to go because then the political heat for not designating would have fallen on the borough president.

But what the counsel to the Commission pointed out to me is that—I'm hearing Dorothy at this moment saying, "Tony, if you get the Board of Estimate turning down five, ten, twenty designations a year, you're establishing a precedent for their acting in that way and then there will come a time when they start looking at things on the basis of other realities and turning things down." She was very concerned about not having that negative record. She wanted to have a condition—as a lawyer she thought the better condition was that the Board of Estimate would only on the rarest of occasions turn back a designation that the commission had made. Now as someone older looking at that I understand very well that discipline and why she did that but it didn't change the fact that it was very problematic that the commission was allowing these things to be reviewed and that lowered—prior to having the hearings and making the list, the number of designations for the year.

But the relationship that we had to the Board of Estimate was simply we were—because Mayor Koch was so pro-landmarks designation he would basically just support our

designations and in the cases of the Broadway Theaters and I'm sure on other matters they would fight for them and it would be political horse trading that was going on.

The other impact the Mayor had was that from time-to-time there would be C of A matters that would come to the commission for review. Sometimes not C of A, sometimes reports to the city agencies where the Office of the Mayor would be involved in the issue. One of the first ones that I carried on the commission was South Street Seaport. I was there when the Rouse Corporation first came in. This was probably a very important moment in my period on the commission. It was announced that the Rouse Corporation was going to collaborate with the South Street Seaport Historic Museum, and restore a bunch of the buildings and bring in a bunch of shops and a food emporium and a marketplace, all the things they had been doing in other cities in the United States at that point. The two most prominent examples were in San Francisco and in Boston at Faneuil Hall. Several of the architect members of the Commission had seen the restorations that had occurred in San Francisco and Boston and said they weren't great restorations in some cases.

I made a trip up to Boston to see the Faneuil Hall Marketplace restoration. Faneuil Hall is comprised of probably four or five buildings and the public spaces around them. The Faneuil Hall building was beautifully restored but the marketplace, the other buildings in the marketplace, were just as valuable historically—perhaps not as beautiful, but just as valuable—had very problematic restorations. For instance, they took out the multi-pane windows and put single panes of glass in because the upstairs were going to be for

offices. They eliminated the cobble stone streets and paved it with a solid mass of concrete. They eliminated curbs so that there wasn't a step down in height and they made the pavement of the sidewalk flush to the street and then eliminated the demarcation of the sidewalk, so there was just a solid paving between buildings and you didn't see the old streetscape. One of the reasons they did that was that at various times of the year they would allow sheds to be attached to the buildings and when people were walking in the sheds, they didn't want to have a drop of a curb there in a cluttered shop front.

The lampposts all looked like they came out of *Better Homes and Gardens*, as did the benches and all the furniture, so it looked very suburbanized. It was on the one hand relative to what was happening in the United States—those projects were a revelation and a revolution because they were bringing people downtown to have fun shopping in an urban setting after decades of everyone going out to the suburbs in their cars to go shop in shopping malls. So it was a reversal of that trend and as we know, we look back now and go, oh, that's the moment when it began, because now there is so much in cities all across the United States and the urbanization is so strong and people come to shop in the center of the city and enjoy the celebratory aspect of that. The Rouse Corporation was one of the principal sources for the reversal of that trend. They understood that potential when other people didn't see it and they could make it happen.

I went up to South Street Seaport and saw all of this and realized that it would be better not to have all that occur, particularly the loss of the street beds, because the street bed pattern of Lower Manhattan along the shore is very, very important. One of the aspects

that makes it so important is that there are streets there like Beekman Slip, Lion's Slip and various slips, Peck Slip. Well, those slips actually were notches in the shoreline and those notches date back to a practice that came from our Dutch forbearers who were actually creating more than just slips, they were creating slips that went in far enough that they were almost canals. Although we didn't get a network of canals, our slips went in several blocks and it was a beginning of a network of canals but never completed.

The city was—the plan was functioning and influenced very much by Dutch cities and those slips were the residual markers of that earlier urban topography. One of the things that happened is the lines of the slips, unlike a street in which both curbs are parallel to one another, the lines at a slip were at such an angle that the opening was wider at the water end and narrower at the inland side. So the slips were very important in terms of continuing our awareness of the relationship of the cityscape to its earliest—the topography—its earliest origins. To lose the markings of the curbs—the distinction between the sidewalk and street lane, was very, very important in terms of the history of the place.

Of course, everyone, I think, appreciates—I hope everyone appreciates—cobblestone street beds but also understands that cobblestones often came from the weight that was put into ships for ballast in order to balance ships out when they were sailing. So they would be in ships that were coming—the cobblestones themselves were actually coming from European cities, Then they would get unloaded here and put into the street because the weight of the new shipment was different so they didn't need that same ballast. A lot

of our cobblestones, particularly down in the watery areas of Manhattan, have extraordinary origins and it's important to keep them, so that became a huge issue.

When the first drawings came in for South Street Seaport, myself and the other architect commissioners, along with Kent, looked at them and saw they were going to eliminate the—they were going to do what they did in Boston—eliminate multi-pane windows, eliminate the street markings, have sheds that went all the way around buildings and have all this terrible suburban-looking street hardware. In the discussions we had we were pretty clear we weren't in support of that and that they could have a successful development—the success of their development wouldn't be compromised by having proper street articulation of the history of the street by having lampposts that didn't look so suburban. We were determined to regulate.

But then the night before our hearing I happened to be home and I heard Mayor Koch on the news. He was on the news and he was saying, “You know, we have a new project coming into New York, it's called the South Street Seaport project. It's being done by the Rouse Corporation and they are fantastic. They've revolutionized downtown development in Boston and San Francisco. Now they're coming into South Street Seaport. My administration has been working for two years”—whatever it was—“to make this happen and it's beginning now. And I just want to send out a message to everyone in the bureaucracy in the City of New York: don't make waves. Help this to happen. This is important to the future of the city.” It was something to that effect.

I remember walking into the Commission the next morning and I don't know how many commissioners heard that but enough did and word was passed around. It was pretty clear what the mayor was saying particularly to the Landmarks Commission, don't slow this down. I walked in and Kent was there and he asked to meet with me independently and the rest of the commissioners went into the hearing room. He just said, "Are you willing to try to regulate this?" And I said, "Yes." And he said, "I want you to understand that if we try to do this you could lose your appointment. You would not be reappointed if you get the mayor mad enough." I was young and I said, "I'm only here to do what I think is best and not"—for whatever other reasons people can—

Q: It seems a little pressured.

Tung: Yes. In any case, it was in my nature, obviously, so I said, "Yes." And he said, "You should lead the debate on this." I remember his reasoning was, "You're less well-known than the other commissioners and so you're less likely to be quoted in the press. You're less likely to be singled out. If Bill Conklin does this or Elliott does this, it's different." When I look at this in retrospect, I realize that what must have been happening is the other commissioners were sitting in the hearing room and must have realized Kent and I were talking in private. Then when we got into the hearing room and after the applicants had presented, it came time for the commissioners to start talking they noticed that Kent was deferring to me. I think they sort of figured out that we had a kind of game plan working here, but Kent never got their consent, never forewarned them, it just all was happening in the flow of the room.

So it was all kind of funny because I would say, “Well, I have a problem with the curbs.” And then the other commissioners would go, “You know I really think this is a great development. It has to go forward for the future of the city but I agree with the Commissioner Tung, there’s a problem with the curbs.” It was kind of hilarious how one by one they would kind of support my contentions but they waited for me to make the contention.

Then a curious thing began to happen. This whole process of the regulation of South Street Seaport and the Museum took at least a year and they came forward on multiple applications for the design of the market wall, the design of another building out on the pier, the pier building, for the design of Schermerhorn Row, for individual buildings that were going to be restored as part of the museum and for buildings that were going to be restored as part of the commercial aspect. This went on and on and on and on.

Throughout all this, we pretty much observed the game roles we had established in the beginning. I led a lot of these discussions and it appeared to someone from the outside that I was the primary force here, but that was an artificial perception. We just kept that arrangement. A year later, I remember sitting in the room—prior to that year later, that moment a year later—and there was an architect from Ben [Benjamin C.] Thompson’s office who was the project architect with us, I’ve forgotten his name. He was a big burly Italian guy and he could draw beautifully. Every time we would review these things and say, “The lamppost is terrible. You have to get a better lamp post.” He would look so

disappointed and then he'd stand up and say something and fight for his lamppost or whatever it was. Loss of the curbs was a big, big deal. There were a lot of fights and he would look so sad that he hadn't had his way.

But then I began to notice something—he would come back with revised designs with extraordinary speed. I mean he'd get whole buildings re-designed and be back a month later and the whole building had been re-designed. I was curious about that. On the day of the opening of the South Street Seaport there was a big open house and the Seaport closed off the whole zone. It had all been restored, all the shops were in, and everything that you could possibly want to eat was for free. If you got a ticket to this you just walked in and there were twenty different groups of people making entertainment in the streets and free food everywhere, it was this great celebration to which several thousand New Yorkers were invited including the commissioners.

I go down there and I see this guy and he has his tie loosened and his jacket off and his sleeves rolled up and he's been drinking a lot of beer and he sees me on the other side of the crowd and comes rushing through the crowd going, "Commissioner Tung, Commissioner Tung." I thought, oh, boy, am I in for it now *[laughter]*. He comes up and he grabs me and hugs me and says, "Thank you so much!" And he said, "Did you notice how quickly I had revised designs?" I said, "Yes, it was remarkable." He said, "Because those were the original designs. What you were asking for was what we wanted to do but Rouse Corporation didn't want it. They had their people who were all thinking about marketing, whatever it was, and they didn't want that. So often the designs I was putting

in to you were the compromised designs that we had to work out for our clients and you kept on asking for things that were more like what we really wanted to do. So we ended up with more of the design that we wanted to build as a result of the commissions interaction.” Of course that was a great lesson for me that that could happen to architects and that you wouldn’t see it in public. They might not show it because their clients were there.

That was a greater lesson of Rouse Corporation but it also was, in retrospect, a very important lesson about Kent and the relationship to the mayor’s office because Kent was willing to allow that to happen. He was willing to allow that kind of confrontation to occur. Then what happened was over the years I was a commissioner, there was a very sharp difference between the relationship of Kent’s commission to the mayor’s office on matters that were politicized and the mayor’s office had interest in, and Gene’s Commission. This gets to be a complex thing.

Q: That was actually my next question for you.

Tung: Oh, about the difference between Kent and—

Q: Yeah. Because you had served under these two commissioners, I wanted to get a sense of their leadership styles and how you would contrast them and how those differences affected the Commission’s operations during their terms.

Tung: Okay. So we'll come back to this and I'll begin by just saying this. I happened to be very lucky to serve under two really excellent chairs. Gene was excellent because he was what I would call an absolutely scrupulous professional. He was always—and he was so respectful of people coming in to testify and everyone in the public forum and he was willing to hear everybody. He was willing to hear criticism about himself and he was just extremely thoughtful, so that was excellent. In regard to design regulation, although he didn't agree initially with the more aggressive approach that Elliott and I were interested in, he gradually gave way to it. So he allowed that to occur.

Kent was a commissioner of even higher level of excellence. To my mind, Kent marks the kind of excellence you hope you get at the head of city agencies but happens only once every two or three decades. It doesn't happen very—maybe even not that often. It seemed that every bit of Kent's energy was always directed toward making the best thing happen in whatever issue was on the table, so he was always looking for the most positive answer he could for the city. He was trying to do the maximum number of designations—he was trying to get the regulatory process to be more rigorous, get design review better. He got the idea for the computerized survey. He got the idea of creating the Landmarks Foundation. He just had a constant number of new ideas, positive ventures that he would imagine and he would get them all activated and he did it with a very limited number of staff. I remember the staff would always seem so exhausted during that time when Kent was chair because he had so much happening.

When you look at the productivity of the Commission it was extraordinary. All those new ventures were occurring as well as setting records for the rate of designation and perfecting the regulatory process just because his positive vibes created a positive climate for everyone to work in and it was very stimulated and so he just got a much higher level of productivity than Gene. This is not to say that Gene wasn't a very solid and substantial chair, I think he was. There have been many times I think in the history of the Landmarks Commission now that we wish we could get Gene Norman back. With Kent, it's a different kind of standard. He's the standard of the kind of very rare excellence you can get in public life sometimes, so that's the fundamental difference.

But it then would play out—there were more specific differences and one of them was in designations, which we should talk about as a separate thing. Let's stay on regulation and the politicalization of the regulatory process. Kent was more willing to take on city hall with regard to various projects that came before the commission, and that meant also taking on other city agencies. There were probably two really significant things—I'll tell the simple one first and then the more complex one second.

The first one that was really significant in terms of regulating other city agencies was Kent's idea to designate the tile work of the subway stations. For anyone who ever reads this tape, you can't imagine what it meant to designate those subway stations unless you understand how filthy they were. They were covered with grime and the city just wasn't washing them. They couldn't be washed because there had been ad hoc conduit and signage applied all over the surfaces of the subway stations that created all these nooks

and crannies. You couldn't get them clean—they were a mess and the tile work was a mess. You could only see—there were probably—at least fifty percent of the tunnel was obscured by all the signage that was plastered in the stations and all that signage was screwed into the ceramics. It was ruining tile work underneath it and the conduit often had to run high so it was going into the decorative end course of the stations. The subway stations were so ugly and cacophonous. If you were sensitive to design, you would stand on a subway station and eventually realize, you know, underneath all of that gunk and mess there is actually something beautiful. But I think the number of people in the city who understood that there was something beautiful about the subway stations was a really small percentage of people.

This was an astounding kind of designation at the time because on the surface it all looked so ugly. Then Kent came forward with it probably in the last year of his tenure and he came forward with the idea to designate a select number of stations, obviously the very best ones. I think it was probably—you'd have to check, maybe ten stations, something like that. I remember when he brought it forward for discussion at the commission when we were calendaring. He brought this forward and he was very strong and supportive and so was Elliott. I had seen the beauty there but I thought this was an extremely impractical thing. I thought, boy, this is never going to go through because who can see the beauty there?

I also knew if you lived in New York at the time you understood there was this ongoing effort by the MTA [Metropolitan Transit Authority] to try to find ways to restore the

subway stations. One of the things they were doing was putting up new tiles that were very thick and were acoustical and were laid on top of the old tile work that theoretically reduced the sound in the station, the noise. The noise was terrible. The trains were also used—and we didn't know this, this was one of these things that isn't well publicized—we didn't know that they were using asbestos brakes. Anytime you were standing in a subway station, you would get this very distinctive smell of burning. It was asbestos. Everyone was breathing asbestos in subway stations when the subway braked, so the whole brake system was unhealthy. It was also too noisy. Part of the answer to the noise was to make the tracks truer and to change the way that the wheels engaged with the tracks and that greatly reduced noise.

The subway was such an awful environment on so many levels and they were trying all of these ways of making the stations better and reducing the noise level. It just seemed very unlikely that the city was going to suddenly turn around and go into this very delicate process of stripping away all this gunk and then replacing all the tiles and fixing it all up. It seemed so unlikely. So I am proud to say I was opposed to this at the executive session because I'm glad to remember my ignorance sometimes. I remember Kent and Elliott just saying, "Tony, think about this for a second. This is really beautiful. Stop being stupid." So we designated. I think several of the commissioners were probably questioning it.

Then something remarkable happened. It must have been an application for—it probably was the first station that they were going to do so the MTA sent the designer over to work

with someone at the Landmarks staff. The big issue was whether you could find a replacement tile for the white glazed tiles that form the mass of the station wall. That white glazed tile was a magical tile. It was not a pure white, it was a kind of ivory white that was creamy that had a luster that wasn't too bright but was lustrous enough that it had a sheen. There was some kind of perfect balance about this.

They started coming forward at our C of A sessions but it was for a report, because it was a report to another city agency, and they brought the tile samples forward. We kept on saying no, it just wasn't working. All the rest of it was fine, they were going to restore all the details, but that tile stuff was awful. Then finally after—this must have been going on for several sessions—finally our staff person found a substitute replacement tile from Great Britain. They found a tile manufacturer in Great Britain who was willing to manufacture these tiles at such a cost that they were ridiculously cheap compared to the tiles we were looking at in the United States and they had the right luster and they were hard enough and whatever other attributes you had to have.

So they restored that first bunch of stations and it came in at such greater numbers that then somewhere in the process they came back and said to us, either in public or in private, “Will you designate more stations?”

Q: Wow!

Tung: What we now know in fact happened was this was such an economic solution that they adopted it for almost all of the subway stations. So almost all of the subway stations in New York were brought back as historic subway stations. You have to chalk that up to Kent Barwick. I don't think a lot of people in New York understand how this occurred and I've never seen Kent celebrated for this, but he was the one who had this idea to do this for what seemed an incredibly unlikely thing. And it ended up—because our staff was so good—it ended up being the most economic solution and adopted for the whole city. If you ask a visitor to the city these days to name one of the significant attributes of New York that make it distinctive, as with other places, they'll say, "Well, the mass transit system, the subway stations." You go to London and you go to the subway stations there and they add particular art to the city and all kinds of attributes, in Paris also. In New York, too, our tile subway stations are very distinctive and that was Kent.

In that situation there wasn't an adversarial condition with the other city agency. But the other thing he did that was so brilliant at the time, which did involve a semi-adversarial or a potentially semi-adversarial relationship was the regulation of the city parks. During the time I was on the commission, it was early in the process of trying to bring back Central Park and the way it was brought back initially was one little project at a time. The city had come out of a period of economic hardship for several mayoralities up until the time of Ed Koch. Once Koch became mayor, he performed this extraordinary feat of bringing the city's economic house in order. It was something nobody thought was possible and he did it from inside the city. There was an oversight board that was established for the city's economy during that time so the mayors didn't have control

over their own budgets. And within I think two years, certainly by the end of his first time, that was gone because Ed Koch had brought the city back into solvency and the so the city was running its own budget.

What was happening was that the parks had gone through a long period of decline. They just hadn't been kept up and they were in really terrible shape with graffiti and broken cobblestones and they hadn't been—the maintenance of all of the shrubbery and everything was terrible. They were abysmal looking. Central Park was terrible looking. So they started bringing Central Park back one little project at a time. The first projects, as they came forward—it was really problematic because they were trying to bring back, like the subway stations, a kind of modernized version of Central Park. That someone recognized the genius of the original design but only somewhat. This stuff was just so awful. It was so unsympathetic to the character of what we now see in Central Park, which is the [Frederick L.] Olmstead and [Calvert] Vaux design brought back.

Somewhere in this process the mayor—the chairman of parks under Mayor Koch was Gordon Davis, who was absolutely brilliant and who was a very savvy political operator because he had been in very high positions in previous administrations. There was a problem in bringing all this back and it was that the designers who were working for the Parks Department [New York City Department of Parks and Recreation] bureaucracy were so incapable. They were producing these terrible designs, but they had tenure, they had sinecures, so he couldn't couldn't just go in there and fire all of them. He also couldn't open a design school for them to get them to be better designers.

For a period of time, probably a number of years, we kept on seeing these awful designs and we'd criticize them and they would go back and be revised and come back in again, revised again. What was happening was there was some kind of understanding between Gordon Davis and Kent that the design criticism of the Landmarks Commission was a productive thing, so sometimes on these matters Kent wouldn't bring this to a vote. He'd have us discuss a playground and it would be clear that we all felt very negatively about it. He would list some of the negative things, the reason why we might make a negative finding, and then he'd say, "Let me call the Parks Department and see whether they would rather have the negative report or would rather they'd revise the design and come back in later." And sometimes that was what they would do. We wouldn't have to issue the negative report because Kent would just make a phone call, but sometimes they would ask for the negative report.

The person at the Parks Department who was responsible for the capital projects was the guy by the name of Bronson Binger who Preservation Archive probably interviewed at one point or another because he was so instrumental in the early years of the Landmarks Commission, the founder of the Landmarks Commission. Bronson was very sympathetic and he knew his design department wasn't that good and he would actively work with us to get the designs to be better. Then Gordon Davis figured out that because the city would never come up with a lot of funding for this, he needed a separate city organization to raise money for Central Park, which was the Central Park Conservancy.

That was created by Gordon and by the mayor. It was brilliant in two ways: one was that it obviously became so successful in terms of raising money but it was also doing something else that was quite different and that was partly Gordon Davis and partly Betsy Barlow [Elizabeth Barlow Rogers] who was the first head of the Conservancy. Between them, they got a clear understanding that the path for the future of Central Park, for its renovation, was to bring back the Olmstead design. You have to change some of the detailing because of modern functionality, but to bring it back, which suddenly meant that all of these little projects wouldn't be separate little odd things that would be poured into the pod of the park and make a kind of strange combination of projects as you walked through the park. It meant that everything would be brought back in harmony with the central idea, so the thought would become an artistic whole again.

When the Conservancy first started sending projects in, those of us who were on the Commission recognized that this was much better work. The detailing of the benches was better and the paving, the treatment to trees, every little detail of the project was so much better. Also it was going really—it was an avid search for what the Olmstead and Vaux solution was. And even when they couldn't get to a particular bench that would have been in this section of the park they would bring forward examples of seven different benches by Olmstead and Vaux that were all great, and lampposts and everything. We started approving those things.

Then what happened was Bronson Binger started accepting the work of the Central Park Conservancy as the standard for the Parks Department work, too. It was coming out of

the bureaucracy. Something must have happened inside his design department because he got more talent in there. What began to happen was that we started seeing more and more designs that were going to bring Central Park—from both the Central Park Conservancy and the Parks Department, that were bringing Central Park folks—all on the same mission, which is to bring Central Park back as it was under Olmstead and Vaux.

All of this unfolded in part because there was this wonderful relationship between Kent and Gordon Davis which allowed for a critical, an intellectually critical, aesthetically critical dialogue to occur between the two agencies. Sometimes this even occurred with the Central Park Conservancy. They would bring in a design—normally their designs would be impeccable but once in a while, they would bring in something that was kind of clunky and we would criticize it. Afterwards, almost invariably, we'd find out their funder wanted that one clunky thing and when we criticized it, it became the basis for their not doing the clunky solution.

This was a very productive relationship and as you can see, was a non-adversarial one. That changed when Gene became chairman. That obviously became a big issue for me because I got involved in the fight over Bryant Park but it was a general change. I think it had something to do with the mayor going on between second and third term, with the fact that mayoralities that go on like that tend to become more rigid, they don't have the same openness as in the first term. Also, the people who are serving in the center in the mayor's office often are skilled as political operatives and they can make a lot of things

happen smoothly but they may not be as sensitive in terms of the larger planning of the city. So that's what I think happened.

In any case, what happened on the ground at the commission was we started receiving a bit more pressure from the mayor's office in regard to certain rulings, but it was pressure that wasn't directed at the commission as a whole, it was directed more at me. I think Elliott found a bit of it, but I don't think the other commissioners did, they didn't know. The reality of the commission—and I think at almost any point in time, is that if a chairman walks into a room on an issue and has an extremely strong position where they're advocating with their emotion, an approval or a disapproval of a matter—that commissioners are generally reluctant to oppose a chairman when they send out those kinds of messages.

But that wasn't the case with me. I always wanted to talk about the merits, and that made it harder for matters like this to just move in one direction or another. As a result, I guess the people at city hall began to see that I was the difficulty so I started getting messages that were sent to me from the chairman that, "Oh, there's a deputy mayor at city hall who wonders, are you aware you're up for re-appointment?" And I'd say, "Well, why am I being reminded of that fact right now?" They'd say, "Well, it may have something to do with what you ruled on this and this matter that was in the paper the day before."

So I started receiving messages like that. It wasn't a lot of them but it was enough to know that the mayor's office cared about some of these things. The reason why I gave

you the example of Central Park is because obviously one of the events that caused everything to kind of explode or implode was Bryant Park, which was a public park situation, but Gordon Davis was no longer the head of the Parks Department and Kent Barwick wasn't the head of the Landmarks Commission and the new head of the Parks Department hadn't established the same kind of working relationship with Gene. I also think what was going on was that there just wasn't the same openness and the tone of the mayoralty was different. There was more of a sense of cooperation in their initial mayoralty and less of it going on I think in this.

One of the things that was occurring was that Gene, who may not have been as comfortable as Kent in dealing with these kinds of insider politics, would have us more frequently move to a vote on reports, which made them a little bit more confrontational rather than stop the process and go behind closed doors and talk it through with the head of the other agency before issuing a negative report. I remember talking to him about it at the time and saying, "Kent used to do it this way because it saved us from getting into an adversarial condition." And Gene just said, "I feel less comfortable with it. I rather we just make a ruling." But you'll have to check with him, that's my memory of this.

When we got to Bryant Park, we knew we were ruling on something where the mayor's office was involved because they had approved the creation of the Bryant Park Conservancy and there had been a legislative act at the state level to—I forget what they called it, I guess it's called de-alienate the property. It's making part of the park no longer public parkland so that you could lease some of the ground out for private profit to a

private restaurateur for the restaurant. That took a state action but that would never have occurred without the support of the mayor's office. So there was a substantial commitment to making that project go forward before we ruled on it and Gene didn't have the same relationship with the Parks commissioner. What happened in the debate was that we moved toward—we knew because Gene wasn't going to bring it forward conversationally we knew we were moving to a condition where we either voted for it or voted against and all of the adversarial stakes had all been raised.

But again, part of this is not Gene, it's the change in the temperament and the tonality of the mayoralty, so part of it is Gene and part of it is that change but that was one of the big differences. It just made it tenser I guess in that part, the second part of my term, because there would be these issues in which I knew I was getting into a confrontational condition with the mayor's office, which doesn't add to comfort, that's all.

Q: Could you sum up by speaking to Kent and Norman's individual legacies at LPC, if you could judge them looking back today?

Tung: I think it's always important to get a certain amount designated, to get the maximum amount designated, because the sooner things are designated the less they're vulnerable to unfortunate circumstances that end up causing their destruction. I think we're grateful to all of the early chairs who were able to get large amounts of material designated, and Gene didn't do that.

In terms of regulation, Kent was open to increasing the quality of the—to making the design regulation process more effective and having higher standards. Gene was less open to it—and this I think speaks to his excellence as a chair. He was less open to it upon first consideration but was so willing to listen to other people that by the end of his term he had embraced a much higher degree of regulation than existed when Kent was chair. It was able to occur under his commission, so I think those are the two big differences.

Kent meanwhile then sent into action five other great things like the creation of the survey and all kinds of things. I mean he was just a remarkable chairperson for the city to have, but Gene was a very substantial chairperson for the city to have. The question becomes that—I think obviously a question that should be examined is the question of designations and why Gene didn't create as many designations in his term as Kent did with basically not just the same amount of staff power but more. Here the whole story of the relationship of the advocacy groups and how they affect the performance of the commission comes into play.

Once Gene had been in office for a year or so it became clear that the designation process had slowed very dramatically. It had gone from—probably the average amount designated per year by chairmen previous to Gene is somewhere around eight hundred properties per year. Gene was designating, when you look at his first four years, eighty properties per year, so it was one tenth of what the average was. As a commissioner I began—it took a year to realize this was happening. It takes a certain amount of time

because when the new chairperson comes in, they have to settle in—you can't tell. So it began to emerge that this was happening and I didn't understand it, why we were designating so much less.

Eventually, I had an experience that led me to understand that this as a result of Gene's slowing down the designation process. What happened was that the head of the research department called me in to speak with me—after hearing one night—said, “Would you come downstairs and talk with the research staff?” I was surprised. I said, sure, and I went down. I don't know if the full staff was there but a substantial number of people from the research staff were there and they started explaining to me how upset they were that they weren't being allowed to write designation reports and that we weren't designating things. Well people were so upset and some of them were on the verge of tears talking about this.

Out of that experience I came to understand that Gene just wasn't letting them designate. He was stopping them. This began to be an issue in our executive discussions because I started pushing it and other commissioners could see what was happening and there wasn't ever really a very good answer for why. Though I didn't reveal to the other commissioners that I had a meeting with the staff. I never revealed that to any of them because I thought that was a private thing.

Eventually we had some executive discussions and Gene capitulated on the issue.

Unfortunately it was near the end of his tenure and what was left—what really changes

the numbers in terms of designation performance is designating historic districts because there are so many buildings involved in one designation. What it slowed down was the virtual elimination of the designation of historic districts. The staff then began to work to put together designation reports for some big designations—for the Upper West Side Historic District. Now I believe the Upper West Side Historic District designation occurs under David Todd's tenure as chairman but a substantial amount of the research occurred during Gene's time. Gene didn't see the benefit of that in terms of his numerical record as chair because he wasn't able to complete it during his tenure, so I think this all inverted.

One of the things that came out of this was the Landmarks Commission was having a retreat that I guess organizations have at various times so that people at executive levels can talk with one another. When we were going off for the retreat, I called Gene a week ahead of time and I said, "I want to discuss this designation issue." He said, "I know you do." I said, "I want to have some idea of the designation history of the commission and so I need the staff to help me to put together a record of the designation history." Which had never been done before. It was a surprisingly simple thing to do and in two days we got a list of—because we had executive reports—we got a list of what had been designated under each—basically in every year so we had an idea of the rate of designation for the commission as a whole.

There were two things that came out of it. One was the general statistics of this, which after that retreat I started speaking in public. Several times, I guess in various executive discussions, I would raise these statistics and one of the people who heard it was

Christabel Gough. She came up to me after one of the meetings and said, “Where are you getting these statistics about how much is designated in the city?” Because I began using the statistic that 1.8 percent of the city was designated or 2.1 percent, whatever it was at that time. It was a statistic that hadn’t been used before. I just said that, “I know the rate of designation, how much has been designated from these reports.” And she said, “Can I have the material?” I said, “No, because it’s executive material, it isn’t publically available so I’m not allowed to give it to you. If you want to get the material you have to go into the designation reports and do the count.” Which she then did. Then in her edition of *Village Views* in the winter of 1987 she published the results of that study, which is—the article was titled “Is Landmark Designation Finished?” She showed the statistical difference the rate of designation under the various chair people.

What also happened then was David Dunlap of *The Times* saw a pre-release version of this and then on the day that her magazine came out he wrote an article for—it was April 14, 1987 entitled “The City Landmarks Designation Slowed.” It was on the front page of the B Section of *The Times*. What all this did was apply great public pressure to the administration.

I don’t know the facts of this. My guess is that when Gene was appointed, someone in the administration led him to understand that they weren’t fully happy with designations continuing at the same rate or they had some kind of negative feeling about it. I think at a certain point they reversed and he no longer was under that pressure and so he began allowing the staff to do the designation reports. It may very well be that what caused this

reversal on the part of—in terms of the deputy mayors who were managing the Landmarks Commission was the articles that were first published in the *Village Views* and then *The New York Times* because it was so stark in showing the different rates of designation. I think I've said enough about this in any case.

Q: Sure, let me pause for just a moment.

[INTERRUPTION]

Q: I would like to focus now on some of LPC's more controversial decisions in the 1980s to the extent that you can speak to those in your role as commissioner. I understand that there were preservationists who felt that the Commission had not exercised its powers to prevent the demolition of several historic theaters in the Theater District. What was your perception of the situation then to the extent that you were involved and what is your opinion today?

Tung: I can speak a little bit to this. The problem in designating the Broadway theaters was a problem that we saw with a number of building types like movie houses where if you lose the use of a building type like that, that were so specifically designed for that one use, that in a certain way you potentially lose the whole interior—the value of the designated interior. Because in my years on the commission I saw a number of efforts to try to take old movie palaces and adapt them for other uses as nightclubs, as shopping malls, offices. They were all abysmal because you couldn't efficiently fit these other uses

into a movie house without losing the rank of the audience seating area and to some extent the relationship of the stage and the height of the stage to the audience area and the balconies. The configurations are just too specific for that use and they don't lend themselves to these other things, so trying to reconfigure them for those other uses basically destroyed them in any case. What was left was little bits of decoration in these strange settings with chopped up spaces. It was a disaster.

When it came to the Broadway theaters, we all had had enough experience with movie houses. Another thing that is difficult to adaptively reuse is churches, houses of worship. As a commission, we had enough experience to know this was potentially disastrous in terms of saving the interiors of the buildings, but the issue became so much more complex because of the cultural and engineering attributes that were fused into these interiors as part of the design. The buildings had these incredible acoustical properties so that a performer could stand on stage and cast their voice to the whole house without electrified microphones and could sing to the whole house. That was true because the buildings were designed by theater designers who had gained enough experience in theater design that they could build interiors that had that kind of resonance. Part of it had to do with the materiality—they were making walls in which they had horsehair mixed in with the plaster. Part of it had to do with configuration; they would put all those detailed moldings because it created multi-angular facets that would cause the sound to bounce in all kinds of directions, and many other things that I can't remember and probably never understood fully in any case. Although I listened to all the hours of testimony of various people talking about this.

It was clear that the buildings themselves as theater spaces were this incredible resource because of their acoustical attributes for performance. Then of course, they were singularly related to the cultural history of New York as the center of American theater with all of those great shows that were produced on Broadway premiering in those buildings and running in them for all those years with all those great performers. It was a very unique cultural condition.

Then what added to the tension of the situation was not only were the buildings configured in such a way you couldn't possibly adapt all of them for other uses you know, you're just going to lose all these interiors. They're going to look stupid all being chopped up, but they occupied some of the most valuable land in the city because they were in midtown Manhattan.

I don't think we could have designated the Broadway theaters if the mayor's office hadn't arrived at an accommodation with the theater owners to create this special zoning that allowed for air rights transfers so that the air rights could be seen—the value of them could be seen by the theater owners. Part of this also had to do with the general change that was occurring in the economy of Broadway theater at the time and continues to this day which is that because of the union costs for all of the other disciplines and professions that go into mounting a Broadway show, the cost of doing a Broadway show at union scale in New York had gotten very prohibitive. The theaters just weren't earning enough profits. It was too risky a thing to mount a show and put all the money into it and

then the amount you were earning against what the costs of running it were such that Broadway was suffering.

That all was part of the whole complication here which had to be solved at some other level and I don't know if it really has been solved. Ultimately, it's been partially solved but the theaters owners were clearly under stress and so the city found a way to relieve some of that stress. This idea of the air rights transfer is something that had happened before in the history of New York City's designation. One of the areas that was very similar in concept, at least is the designation of the South Street Seaport, where several banks had bought some of those historic seaport buildings and blocks as potential areas for development of office towers. Once the designation occurred it became clear you couldn't have an office tower on those blocks so there was an air rights transfer.

The designation of South Street Seaport relied on the accommodation that was made through the Mayor's Office in regard to the air rights transfer because politically at that time, that was the only way to move forward. I think that was true with the Broadway theaters too—that the only way to move forward was if some kind of accommodation was made and they made it for the air rights transfer. That allowed us to begin designating things.

Up until that point until that accommodation was made, my memory is that the Broadway theater owners were being resistant to the designation and at the designation hearings they would be opposed. I remember this happened to be one of these things where there

was a complaint generated against me and I've always found it one of the oddest complaints. We had a hearing on one of the theaters and every theater designation hearing was marked by acousticians coming in and explaining the marvel of how these buildings managed to cast sound so well. Then there would almost always be some Broadway theater star who had come in, and we had many of these hearings in the theaters, and they would get on the stage and start casting their voice as a demonstration. These would be older type of stars who weren't TV stars or movie stars. They were original Broadway theater stars who had learned to throw their voice that way. It was always the most marvelous thing because it would fill up the space with a bit of *Annie Get Your Gun* or [William] Shakespeare.

I was quoted in an article as supporting the designation of one or two buildings saying that these buildings are comparable to Stradivarius violins because they have an acoustical quality that we will never see the like of again. I remember receiving a phone call from Gene saying the people at city hall are concerned that you're being a bit too aggressive. I thought it was so odd because all I was talking about the acoustical qualities of the buildings and how remarkable they were. I guess maybe it was a miscommunication here but that was the oddity of these communications coming from the mayor's office, that they were always conveyed second hand, they weren't coming directly.

Otherwise, the designation of the theaters—obviously it was how could you not designate them? But the truth of the matter is you can't save them unless you can save the theater

industry. You have to save the use, otherwise that designation ultimately is tirelessly played out. If you lost the Broadway theater and the viability of it economically and those were no longer—if the theaters never used the theater spaces the designations would be rather meaningless.

Q: So if we can move to St. Bart's [St. Bartholomew's Episcopal Church], I understand that it was an important test for LPC and I'm curious what the Commission's prior positions were on dealing with religious properties and hardship applications and how they evolved as a result of the case.

Tung: That carries an assumption in terms of the commission existing as an entity that had attitudes and opinions, because the commission doesn't really ever exist that way. It exists as one particular group of people and that group is constantly changing with different staff members, different chairs and different commissioners and the understanding that exists in that group only coalesces at moments of decision. There isn't a general understanding that's moving along. There's an understanding that shows itself at the moment when decisions get made.

With regard to hardships, there had been a whole history of court cases that had to do with the sufficiency of the Commission's hardship findings and the fact that the statutory finding that is written—that is outlined in the Landmarks Law does not adequately deal with buildings, which were being used by not-for-profit organizations. So there was a second hardship finding that emerged, a required hardship finding for not-for-profit

organizations—when not-for-profit organizations owned the buildings—that was mandated by the courts.

By the time we got to St. Bart's we all knew there would—I shouldn't say we all knew, those of us who understood the Landmarks Law understood there were two rulings that would be involved, which is the statutory hardship test and the judicial test. What we also understood was that the whole issue had become very inflammatory. From Elliott and myself—I keep on going back to Elliott and I because we were talking all the time because we were friends and we shared—Elliott served on the commission with me during the whole period of time I was on the commission so we had shared conversations and attitudes about these things.

During the time I was on the commission, organizations began to form that were citywide organizations and ultimately I think nationwide organizations by different religious groups in opposition to landmarks preservation. There was one for the Catholic churches and one for the Episcopal churches and I think there was one for synagogues and then one for all religious groups together. They would come in and testify against the designation of religious properties. They also would come in and talk about—they began to speak against the designation of religious properties in historic districts. So this all became a heightened issue. It particularly became heightened when churches were in areas that had changed from the original residential use to some kind of business or commercial use, and where churches had lost a community—a congregation where the congregation lives in the immediate surrounding area. Some churches like Trinity Church

downtown, there's a congregation there coming from other places in the city to be at that church.

When the basic economics of a church, like with the Broadway theaters, began to falter because of the changing demographics of the cityscape, there were churches that just fell into a condition where they didn't have a large enough congregation and not enough money to maintain them. That's of course a problem all across the United States and in all cities and all historic districts and we started encountering it as a practical matter. It was the same issue as the Broadway theaters and the issue of the movie houses, which is these buildings just lose so much of their meaning as spaces if you don't have those uses going on in them because they're designed so brilliantly and perfectly to fit those particular uses. A church is designed for a congregation of people to worship god and there's a kind of locus somewhere in the church, which is where everything comes together, where all the beliefs of the congregation come together and then have some connection vertically to the heavens. It goes up through the roof of the church, I think, so it's all spatially designed that way. It's beautiful.

St. Bart's was one of these cases, only it was the most unusual case because it had a very active congregation. It was one of the wealthiest congregations in the United States. It was one of the most high powered congregations because it had lawyers and ex-government officials in the congregation on both sides of it and because the parish was divided almost equally in half with people who were adamantly in favor of taking the

offer to build a one hundred million dollar office tower over the community house and people who were adamantly opposed to that.

I think you're not likely to see this issue again, that combination of factors of being in a location in midtown, of having such a huge congregation still intact, even though they weren't living as close to it as before, and to have a one hundred million dollar offer for a piece of the plot to build an office tower. It has to be a church that is not only designated with the church but has the adjoining property. I think the issue of St. Bart's in regards to the Commission's ruling is not a large conceptual issue and by that I mean the law really prescribed proceeding in a certain kind of way. The first step was to rule if the applicants brought forward designs for an office structure to rule on appropriateness. We saw two designs and we ruled against them.

Here I should say something about one of the phenomena of ruling on appropriateness and that is, as I said earlier in this interview, one of the things you discover when you get on the Landmarks Commission is that you're looking at a cross slice of the kind of design quality of new construction in the city as a whole. I hope that's less true today. I hope that what—and it seems to me as I look at historic districts, if I look at everything that's been in built in Soho or Greenwich Village over the past thirty or forty years, that the general quality of design of new construction in historic districts is far superior than the quality of design outside historic districts. I think that's through regulation, partly, but another part of it is that just as regulation exists as a reality in the social consciousness of the design community and the development community it becomes more and more clear to the

participants that you have to have a better quality of design if you want to get it through the Landmarks Commission.

I think the initial proposals that are brought forward to the Landmarks Commission probably represent an elevation in design quality that is accrued over thirty or forty years of regulation. Back then, when I was a commissioner in the 1980s, design quality could often be abysmally low, and I think we saw abysmally low design quality more frequently than they do today. Maybe I'd be wrong about that.

Here was one of the most difficult design problems you could possibly have in the cityscape. How do you design a high-rise tower to be in harmony or a sympathetic relationship with a low-scale landmark like the basilica of St. Bart's, which has such high artistic value? What was so ironic about this situation was that there was an example of how to do it right onsite. It was the General Electric building which sat right behind St. Bartholomew's which has a wonderfully sympathetic relationship to St. Bartholomew's because of the quality of craftsmanship, the color of materials, the fact that the materials are similar, their masonries, orange colors and cream colors. A number of architectural critics have written about the beauty of that relationship.

So there was this living example of literally what to do at St. Bart's. You saw it, and partly the answer was that if you want to do a building that will be sympathetic with a beautiful low-scale landmark, design something of the same quality. The General Electric building is another individual landmark of the city and that's part of why it relates so

well, because it is of the same quality level. But the designs that came forward to us were not anywhere near the quality level of the General Electric building. They were not anywhere near the quality one would want to have in an individual landmark—to meet the standards for designation as an individual landmark of the city. That was the fundamental difficulty—they just didn't have good enough architects. We saw that often at the Landmarks Commission where major, very controversial issues would come forward, and they just didn't have a good architect. The commission doesn't control that.

They brought forward these two tower designs and the architecture was just not anywhere near appropriate and it wasn't going to be with those architects because they didn't have—I shouldn't say it was impossible with those architects but the combination of the scripture of the developer mixed with the tone of the architects wasn't working out. I thought as a matter of design review those were pretty simple cases. The only thing that made them complex was the amount of money involved and the passions of everyone involved.

The hardship ruling was a little bit more complex, not because it was unclear what the ruling should be, which was that they didn't have hardship, that one of the wealthiest parishes in the United States didn't have hardship, was the conclusion. What was complex about it was the technicality of actually working out the solution, which was analyzing all the data that was sent to us. Basically what you're doing in a hardship ruling like this—the church sent in a body of material which showed how much it would cost to restore the community house and the church and the garden and keep them functioning at

an adequate level so that their social programs could flourish and they could fulfill their purpose and maybe even add to the space. Then they just had to show that that was a sum of money that was beyond a reasonable amount for them to raise.

The standard for judging that under the statutory ruling was a certain fixed percentage, which was unrealistic and it's a question that's raised about the statutory finding that has a fixed percentage. One would think that it would be better if they would change that part of the Landmarks Law, maybe they have to make it a floating percentage having to do with changing economic times and the rate of return on loans and things of that nature, but that's just simple math.

The other part of it is not so simple, which was judging whether St. Bartholomew's or a church like St. Bartholomew's had a certain kind of fundraising capacity. And then in between those two thresholds the thing that made this also complicated was that St. Bartholomew's sent us I am guessing somewhere close to six thousand pages of material. They had reports—they had a twenty-page report on their boiler and how much it was going to cost to fix it. How it would only last for so many years and then it wouldn't function properly anymore and how much it would cost to replace it. Then they would have a report from a stone restoration firm for all the stone of the property and how long it would last, it would erode due to airborne pollution, and how much it would cost to restore it.

So they had all of these reports, about six thousand pages worth, and as it turned out they were all overstated in terms of their cost. How did we find that out? That was the headache. We did an analysis of the report, and this was before the fight with Gene over my reappointment when we were working so closely together. I came in and there had recently been a new executive director appointed, also a new head of the research department, and they didn't understand the hardship provisions, which are so very archaic. I was the only commissioner who was interested in reading the law so Dorothy Miner had been giving me law cases for years and I had been reading them so I understood the hardship stuff.

We finished with the hearings on—it was a sixty or ninety day period—we finished on a Tuesday, let's say, and then the time was going to run out by the following Monday. And we only had that amount of time to analyze all this body of material and we had to wait until the body was completely filled because the most current documents were updating earlier documents. It didn't make sense to do the analysis until you had it all completed. So there was the question of how we'd get that analysis done in the amount of time.

Dorothy had asked the church if they would give us a fifteen-day extension in order to do the analysis and they said they would if we would keep the record open and they could submit new material on the record. I remember I met with Gene and Dorothy and the heads of the commission on the evening of that ruling of the last hearing knowing we had until Monday, which was six days or five days. They just said, "What are we going to do? We can't do this analysis in that amount of time but if we wait the fifteen days they'll add

another ten thousand pages to the complexity.” I just said we have to do the analysis now because it’s going to be the same problem; we’re going to have to wait until we get all the material and then we’re only going to have five or six days anyway.

Gene had to undertake the rigor of knowing what was in every document in the six thousand pages so he had to read through everything and be able to recite it. We had looked at everything and he had to prove that we were doing due diligence, so that was all he was going to be able to do. I came in and worked with the commission and the staff for all those days. I met with the staff the next morning, we had a staff meeting and Dorothy asked me to explain the law to them because she said, “You will explain it in English and not in legalese and they’ll all get it.” I explained the Landmarks Law’s provisions, the statutory and judicial, and then it was the most wonderful thing—I was there for the rest of the time working from nine am to midnight for that whole period and the staff—they’re all just so well-educated and at that point they probably had between them two centuries of experience in landmarks preservation so they just organized themselves.

We broke down the findings into specifics of the questions so we were looking at maybe fifteen or twenty questions that had to be answered and they broke themselves down into groups to go through the body of material and analyze it with the idea that on Friday—on Saturday and Sunday they called up—there were two other commissioners who were architect members at that time, Frances Halpin and David Todd, and Elliott who was an architect couldn’t rule on this because of conflict of interest.

Frances and David came into the commission on Sunday and met with the staff and they tutored them on how to make parts of the finding, so they made parts of the finding and I made parts of the finding. But then one of the most wonderful things I experienced at the Landmarks Commission was when we got to Friday and Saturday, after the staff had kind of nailed down what the assertion was in five documents about boilers—that they were actually finally saying this or that about the boiler—once they had finally got it all nailed down what they began to do was identify people throughout the city who were professionals, who established best practice in their field. They identified people like them because they knew them and would call. They started calling out to them and taking the particular part of the analysis that they were involved with and getting their opinions about it and getting a counter judgment, a counter analysis.

I sort of grasped the wonder of this at the moment but I grasp it more now in retrospect looking back at it because I realized all these people were doing this analysis for free. They were doing it because they believed in it and not only that, but the staff were working unpaid because when we started this, the first thing I said to them that morning of that first meeting on Wednesday or Thursday was, “I’m going to ask you to work from nine am to midnight all through the weekend on this and I haven’t made any arrangement for you to be paid and there isn’t any way to make an arrangement. This isn’t in the city budget, you’re not going to get paid for this but I hope you’ll all come in because we have to get it done.”

For the most part I think they all did it, we were completely staffed. I, of course was working for free, the other commissioners were working for free and the staff was working for free for large parts of the time and they were reaching out to people across the cityscape who were in a certain way the accrued genius of the community in terms of knowledge about historic preservation and it was all being applied to this evaluation on the basis that we all understood this was such an important ruling.

I think that was the wonder of St. Bart's, of that ruling, that we were able to tap into the genius of the city and making the best ruling we could. Eventually the Supreme Court did look at it and decided that there wasn't a case to be made. To that extent they upheld the rigorous way we made the ruling. I think that's the thing that is significant about St. Bart's. I don't know if it will all continue to hold up as law into the future.

Q: What were the wider implications for preservation in New York City of that case?

Tung: Well, I think there were two large questions that were answered. One was that the commission could undertake the analysis of such a complex matter, and do it within the time limits and do it in a way that at least from the point-of-view of the courts was rational and not arbitrary and capricious. I think that was one thing.

The other part of this is still not resolved, which is, can we save our religious properties?

I was at a colloquium last year and the year before last in Amsterdam where one of the heads of UNESCO [The United Nations Educational, Scientific and Cultural

Organization] was there and he started telling me about the hundreds and hundreds of churches in the next ten or twenty years that were going to be de-sanctified across Europe because they've lost their parishes and the various European governments didn't know what to do. How do you then preserve these buildings when there isn't a parish anymore, there isn't any money, and then how do you adapt the buildings for other uses because it's so hard to do so and maintain the integrity of the interior? I think this is a problem across the world and I don't think St. Bart's did anything to really solve that and it's a problem that still has its own momentum because of the social conditions.

Q: Switching gears a bit and going back more to your personal story, did you remain involved in preservation after the Bryant Park controversy and your replacement? I understand—I saw that you had published a couple of editorials about the African Burial Ground in 1992.

Tung: In the years right after, yes, I did but only on very specific issues. One of the things that I became very interested in, because I was interested in it when I was a commissioner, was the question of the designation of African American heritage. And the two which you said came up were the Audubon Ballroom where Malcolm X was assassinated and also the African American Burial Ground.

After I was replaced on the Commission I received phone calls from most of the newspapers in New York City, the heads of their editorial page, asking me to write a letter, to write for them, so I had access to those venues. The place I found to be very

sympathetic was *New York Newsday*, which is a Long Island paper which was then being published, had a New York City edition and actually had gotten to a point where its quality was such that one year it won more Pulitzer prizes than *The New York Times*, so it was very good. I started writing a lot for them—a lot meaning seven or eight pieces over the years. The thing that was so odd about both of those issues was they occurred during the mayoralty of David Dinkins. He was the first African American mayor of the City of New York and he was one of the main obstacles to the designation of two highly significant landmarks in regard to African American history in the United States. So that was a strange element.

In the case of both of those issues, there were very prominent political leaders who were in support of the new development and I believed the Dinkins administration did not want to cross and get involved in an adversarial relationship with them. With regard to the ballroom, it was Daniel Patrick Moynihan, the United States senator who had initiated the—not the ballroom, the burial ground, it was Daniel Patrick Moynihan who had been able to garner the monies to build this new courtroom facility in New York. Daniel Patrick Moynihan was a very powerful man [*laughs*] in the United States so the Dinkins administration didn't want to cross swords with them.

With regard to the Audubon Ballroom, it was Charles [B.] Rangel who was getting money for Columbia University to build a new facility there that had to do with the new high-tech bioresearch. The ballroom was more complex because that was the only site they had. I became interested in it and got in touch with the [J.M.] Kaplan Fund and

asked if they would help me with this issue and they were willing to give me some monetary aid to pay for an African American historian to write a bit about this and also to pay for some consultancies from a very skilled lawyer in New York City, Richard [D.] Emery, who was the lawyer who brought the case against the City of New York about the unconstitutionality of the [New York City] Board of Estimate and brought the case to the Supreme Court and won that and changed the government of the City of New York. So he was adequately skilled for a landmarks matter.

We began to work with the new borough president, Ruth Messinger, to try to work out some kind of compromise and the mayor was—the Landmarks Commission wasn't designating the Audubon Ballroom. They weren't moving to designate it. They weren't going to have a hearing and it was getting closer and closer to the point where they were going to go into construction. We just made as much of a fuss about it as we could and eventually people were embarrassed enough. Two prominent African American politicians said they eventually took some kind of action and they set aside part of the ballroom. That was a less satisfying solution.

The African American Burial Ground was a different kind of case. You know that they were doing test borings on the site and they went down to a certain depth and started finding bone and bone upon bone upon bone, layers of corpses, and they knew that this—they, archeologists working for the Landmarks Commission and I suppose for other organizations. But the Landmarks Commission had archeologists develop a kind of plan for lower Manhattan where they showed where there was a high possibility of finding

meaningful archaeological material below ground, so the Commission would be alerted to ask the people who were doing new construction to do test borings.

This was one of those cases where they did these test borings and found this material and then once they started excavating, it became this extraordinary story. Although people knew there was a negroes burial ground. It's called Negroes, spelled N-E-G-R-O-E-S in the old map, that's the terminology I'm using—so people knew there was a negroes burial ground down around there but they didn't know exactly. Old maps are not that accurate in terms of measurement so we didn't know if we were on the edge of it or at the heart of it or wherever it was. Nobody knew the density of bodies that were buried there.

It turned out—it would seem now in retrospect that we were in the heart of it or at least one part of the heart of it because there were so many bodies there. They kept on pulling them out and then they developed a plan that they would send them to a university where they would be saved and then studied. They started doing some of the studies pretty soon afterwards and I think even while the excavations were still going on and they said one of the things that the study showed was widespread malnutrition among all of the people who were buried there. Relative to other people from that period they had a substantial amount of marked malnutrition. There were things that were associated with these scientific studies that obviously had meaning in terms of the social horrors of slavery.

There began to be political meetings about this. The commission refused to calendar a hearing on this, which was ridiculous in my opinion because this was the single most

important urban graveyard from African American history in the United States, which is simply that and for the commission not to calendar the hearing was absolutely absurd, but they did it. There came an evening where there was a town hall meeting and I went to it just to listen and the town hall meeting was hosted by the borough president's office, the Landmarks Commission and several other representatives from other bureaucracies and elected officials. What became pretty clear at that town hall meeting was the local government of the City of New York was not going to do anything about this. All they were going to do—they had reached an accommodation with the Department of General Services through the federal government—was to have a space in the new office building which would have a museum and they weren't going to do anything else.

Then someone who was at the hearing from one of the groups pointed out a very simple thing, which is that the office tower portion of the new development would occupy about seventy percent of the site and it was forty stories high, I would imagine. But then there was a low-scale pavilion that was only two stories high that was occupying the rest of the site. Whoever was representing this group just said, "Why build this pavilion? It isn't necessary and why not leave therefore a part of the burial ground as open ground." I thought that was an absolutely simple and clear and logical solution to the matter.

I wrote an op-ed piece and it got published in *New York Newsday*. About four hours after the publication got that op-ed piece, the African American Caucus of the United States Congress got together and threatened to block approval of the federal budget, for all of the funds that would flow to this and to all other projects by the Department of General

Services, and as a result they had this property set aside by the federal government as a landmark site. I believe it was through them that it got on the National Register [of Historic Places]. There was immediate recognition that the construction of the low pavilion wouldn't occur, it was congress that saved this.

After that, after they had already done that, they had a hearing on Ellis Island and the mayor was called to it. I didn't go to it. I was told by people who went there that he was raked over the coals by African American congressmen for not designating this. Sometime after that hearing, the Landmarks Commission finally acted and they designated it a landmark of the City of New York, which I'm glad they did but they didn't have any hand in really saving it. The people who saved it were the African American Caucus of the United States Congress.

Yeah, so those were the two issues I got involved with.

Q: Great. I have a final question for you about the Landmarks Law and the commission. Do you feel that the commission's position and the law itself are stronger or weaker now than they were in the 1980s and is the commission still an effective steward of the city's landmarks?

Tung: I'm laughing at the needle-sharp focus of that questions *[laughter]*. I think these things were always relative to what is possible to do and so we need to look at the law relative to what is possible and what is being done in other places. When the law was

created here—and this was something I didn't learn until I researched my own book—but with that knowledge I came to understand that when the law was created in New York it had a very remarkable feature. It wasn't the first preservation law to be created in the industrial age. Those were created in France, Great Britain and in Europe and the early statutes were parts of government surveys that were occurring in the late 1800s. So we were fifty to seventy years behind.

What was remarkable about the statute was that it allowed a municipal authority to designate historic districts and that those designations would be binding, that all of the new construction in those historic districts would require the approval of the Landmarks Commission with no level of review administratively—you could only go to courts. That is a very remarkable degree of authority to grant to a branch of municipal government. At the time when New York did this, Paris didn't have that authority nor did London, nor did Amsterdam. As far as I know the only place in the world where there was a binding regulation of historic districts was in Poland, because after World War II, after the German occupation had caused the destruction of so much of Poland's patrimony they created very strong landmarks regulations.

At the time when our law was created, it had in terms of global—relative to other places globally—we were the first city to get to empower ourselves to designate whole historic districts and to regulate them. Which is why if one is going to study the long-term impact of regulation on historic districts, New York is one of the best places to do it because our

historic districts are older in terms of when they were designated and when they had binding regulation applied to them.

The other thing that was important about the New York law when it was first created is that it gave all the authority to one commission. In Paris, for instance, there are national commissions that look over certain levels of landmarks. This is true in Rome also and all across Europe. There are national lists and then sometimes there are regional landmark authorities and then there are local landmark authorities and so there's always a question of some degree of coordination between all these places. The cities don't have full control over their own destinies.

In New York, the city pretty much has control over its own destiny because no other authority dealing with landmarks preservation has any kind of way of regulating construction, except for the Parks Department, the National Parks Department. That's also unusual that all of the authority is invested in one place. The difference that makes is that because we've done that, it makes it easier for citizens to understand what the policy is for the whole city because you only go to one place, you go to the Landmarks Commission. Whatever their policy is, that's the policy for the city, so you can then effect the policy. In Paris, it's harder because some of the policy is at a nation-wide level and some of it is at the local level and you're fighting the president of France sometimes on some of these matters, so I think that's another attribute that is a strength of our law.

As compared to laws in the United States, by the year 2000, when I started looking at the number of laws that were binding in cities across the United States—I started looking at it as part of an inquiry for research I was doing on a potential new book, so I went and looked at it for two or three states. In looking at New Jersey and Florida, when speaking to the states attorneys for both of those states, they both told me that the number of municipalities that had binding historic districts represented only five percent of the municipalities in each state. From my experience in travelling around and lecturing in other places I think that statistic is pretty consistent across the United States. As a general notion, I would say probably at this time that no more than ten percent of all of the landmarks laws in the United States are binding.

That's the other thing that's remarkable about New York's law, that it was binding in 1965. Although for instance, Charleston passed its statute for the old and historic district of Charleston I believe in 1931, or it could be 1933, it didn't become binding until 1968, three years after the creation of the New York City Landmarks Law. I think that's true for New Orleans, too—their law was not as binding as the New York City's law was at that time. So that's the other feature that's remarkable, that we had binding protection not just of historic districts but for all new construction.

Now if you look at the law today, what are we, forty-five going on fifty years? I think the law is solvent. It's a really good law. I think it is wise to have all of the authority vested in one agency so citizens can make that agency accountable for policy. It's a much better system than having a federal and a regional and local authority, so I think that's better

because you can make government answerable. But I think there are two things that are really missing ingredients to a more effective preservation policy in New York. One is simply this notion we have in the United States that property owners should pay for the restoration of their buildings without any help from the government and I think that's an incorrect notion and it's unjust. One of the things I was surprised at was the level of subsidy for preservation in Europe—for certain decades in the postwar development of Europe in Great Britain, Germany, Italy, France and the Netherlands—government subsidies for the restoration of historic properties reached up to seventy and eighty percent of the cost of restoration.

Q: Wow!

Tung: Those governments understood that there was such a wide public benefit to be gained from this that there should be some kind of help given to private property owners. Also the amount of tax relief for the restoration work in Europe was much higher, so there were direct subsidies and much higher tax relief. I think at the very least, in New York, we should have much better tax relief. Anyone who puts in money to restore a private property that's part of an historic district or is an individual landmark should be able to write off all of that, all of the cost for the restoration against their city taxes. I think that's just a basic kind of fairness that we need to eventually have for this city.

The other thing that is striking about New York City and also to some extent preservation in the United States, is that we don't preserve historic structures as subsidized housing

and that has become an important aspect of the demographics of many European cities. In that for instance, in Amsterdam, in the center of Amsterdam where it's called Amsterdam Central, which is the area that was once enclosed by the last line of walls, in that historic zone, thirty percent of all of the residential structures are subsidized housing. And what that does is it ensures a diversity of people of different economic levels living in the center of the city and by securing that residential population what you also secure is the availability of drug stores, shoe cobblers, grocery stores and all of the features of residential life. If you lose that population base and you start gentrifying and moving towards fewer and fewer people per building and also go to more offices and less residential, you start losing all the services that support residential life and so you eventually get to districts that no longer are multi-use districts—they become districts that have mono-economies. I think that's very problematic in terms of historic preservation and it's much better if we can keep mixed-use districts particularly with residential.

The city would benefit greatly from an initiative that started to take historic properties and make them into subsidized housing. It's something that has been happening in the centers of European cities, not a lot of them, but in some of them, and it's happening a little bit in the United States and other places. The most notable places like Charleston where their housing authority has won awards for its scattered site, Charleston single-house housing and for the adaptive reuse of old institutional buildings as subsidized housing. That housing authority has come to house I believe about eleven percent of the

population of Charleston. In terms of the percentage of the population of a city that it serves, it may be the largest proportional housing authority in the United States.

What's interesting about the fabric of their holdings is that because Charleston has been a place that has regulated itself for its visual and historic beauty since 1931 or '33 they have a culture of looking at the quality of architecture. The quality of the architecture that the housing authority builds and administers is remarkable. It's usually the best housing in an area or some of the best housing in an area and when you go into those neighborhoods it's very difficult to figure out what the public housing is. You can almost never figure it out; there is no visible sign. Most of the time you'd think that Charleston Housing Authority project was either a really good new market building or a private institution building and it is neither.

So I think that's one of the most important missing ingredients in having a better and more productive long-term preservation policy in New York.

Q: Great. So that concludes part one of our interview.

[END OF INTERVIEW]