

INDIVIDUAL INTERVIEW

The Reminiscences of
Seymour Boyers

PREFACE

The following oral history is the result of a recorded interview with Seymour Boyers conducted by Interviewers Anthony C. Wood and Dorothy Miner on Oct. 17, 2006. This interview is part of the New York Preservation Archive's Project's collection of individual oral history interviews.

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.

A prominent attorney, politician, and judge, former City Council member Seymour Boyers was one of three sponsors of the Landmarks Law passed by the council in 1965. In this 2006 interview conducted by NYPAP president Anthony Wood, former Landmarks Commission counsel Dorothy Miner, and preservationist Liz McEneny, Boyers draws on his personal records to recount the dynamics of the bill's drafting, the perspectives of organizations and individuals who were consulted during the drafting process, and the political strategies that helped ensure the bill's passage. The interview also touches on the legal landscape for landmarks in the first few years after the law was enacted.

Seymour Boyers is a former City Council member, representing the Fifth District in Queens, and served as a Councilman at Large in the 1960s. He also served on the State Assembly, as Justice of the Civil Court and Supreme Court in Queens County, and in the Appellate Division, Second Department. Though his specialties span from medical malpractice to negligence, he is best known within the preservation community for his sponsorship of New York City Landmarks Preservation Law in 1965, a bill passed during his time on the City Council in 1965. Boyers is heavily involved in legal organizations, serving as member or advisor to numerous organizations including the Second Department Judicial Screening Commission, the CUNY School of Law advisory board, the Supreme Court Justices Association of the City of New York, and others.

Transcriptionist: [Transcriptionist Name]

Session: 1

Interviewee: Seymour Boyers

Location: Manhattan, NY

Interviewer: Anthony C. Wood (Q1), Dorothy

Date: October 17, 2006

Miner (Q2)

Boyers: I have some documents which might be interesting. The first one is a photo of Bob [Robert F.] Wagner signing the Landmarks Preservation bill into law. The two gentlemen observing the signing in the photograph are Geoffrey Platt, Chair of the Landmarks Preservation Commission, and myself, Chair of the Committee on Codes. The [New York] City Council's Codes Committee [Committee on Codes] was assigned the task to study the Landmarks Preservation bill and to hold any public hearings to aid in its implementation.

Q1: That was the committee, right? Codification?

Boyers: It was the Committee on Codes. Geoffrey Platt, who was the first chair of the Landmarks Preservation Commission, served as Chair over a three year period. On April 4, 1985, at a twenty-year anniversary meeting, the photo was distributed. The caption on the back of the photo indicated that the signing of the legislation took place twenty years before in 1965. I would also like to present to you a proper listing of the members of the Landmarks Preservation Commission in existence at the time the City Council was deliberating on the bill. This paper includes the names and addresses of the members of the Commission at that time.

Q1: Are we going to be able to get copies of this?

Boyers: Yes, we'll make copies of everything. Now, this document from the Municipal Art Society [MAS] announced that both myself as Chair and Geoffrey Platt were to be honored by the Municipal Art Society of New York. This event took place on April 30, 1965. You might want to take a look at this article, from the Municipal Art Society, at that time.

Q1: Thanks. That will be great.

Boyers: Now these are letters I thought you might want to take a look at that. There are a number of letters. There were many, many more, but these are a few that I had put away to indicate some of the letters that were sent to me as Chairman of the Commission. This one was a very nice one, so I have it on top. This is December 7, 1964, and the hearing was December 3, 1964. It says, "Dear Mr. Boyers: I'm not certain whether the enclosed statement was incorporated into the record at the hearings. If it was not, would you be kind enough to make it a matter of record? I also take this opportunity to congratulate you on the remarkable way in which you, sir, conducted these hearings which so vitally affect the cultural future of New York." It's signed by Adolf K. Placzek, who was the Avery [Architectural Library] librarian at Columbia University. He's also a well-known architect.

Q2: He was later a commissioner, much later, when he left—

Boyers: Right.

Q2: Did you actually meet some of these people later? Do you know?

Boyers: Some of them I did.

Q1: We'd love to see the letters, because we haven't been able to find any official file of them anywhere. It will be wonderful to get copies of these. Terrific.

Q1: Well, this is wonderful, because it really helps set the stage for some of what we wanted to get you talking about. Just to take us back to that time. Spring of 1964, I understand, is when the Landmarks [Preservation] Commission had an internal draft of the law that they gave to the Mayor's office.

Boyers: That's correct.

Q1: Then, partially as a result of the Brokaw Mansion being threatened, in the fall of '64—

Boyers: Someone wrote a letter particularly on the Brokaw Mansion.

Q1: Oh, great. We understand that helped to move the bill, and get it introduced to the council. It was introduced by three council members—you, Robert [Bob] Low, and Richard Aldrich.

Boyers: Exactly.

Q1: Help me understand why you three.

Boyers: Actually, I was the chairperson of the Codes Committee where the bill, of course, originated. I at that time spoke to both Bob Low—who was very interested—and Richard Aldrich. They were both very interested in the landmarks concept. They therefore volunteered to work with me, as far as proceeding with the bill and the hearings. Then, of course, we had to set up certain meetings with external groups and individuals that we thought would be most important in assisting with the implementation of the bill into law. We wanted to get this bill passed as quickly as was feasible at that time. Two of the groups that we recognized would be difficult were the Building Contractors Association [BCA NY] and the unions, as well. At that time, [Peter] Paul O'Dwyer was a member of the City Council. We were friends, and I asked Paul if he would assist in dealing with these two groups. Paul responded that he would be very happy to help. He and I arranged to meet with members from both the Building Contractors Association and the unions that would be affected.

Q1: This was before the actual hearing, as kind of a courtesy?

Boyers: Very definitely. Because we recognized that these two groups were vital in order for us to eventually pass this type of legislation. As long as we could get them to come around, and agree that the bill could be subject, in the future, to reasonable modifications that would not adversely affect their interests. Jobs were very important in the city at that time. Therefore we concluded if we could blunt their opposition, it would help to ensure the enactment of this important legislation. The meetings we held with them were very helpful. We were able to

demonstrate to them that it would not impact adversely on them. Yet it would be a tremendous advantage to the City to bring to fruition the Landmarks Preservation Law.

Q1: Now as part of those meetings—did Platt and people from Landmarks go with you? Or was this mano-a-mano?

Boyers: This was Paul O'Dwyer—they respected him greatly, and I knew that. So I thought he was, and would be, instrumental in having whatever criticisms they had blunted. The meetings with them were very helpful.

Q2: When were they being held? In the fall, before December? Or after December?

Boyers: This was shortly before.

Q1: After it was introduced and before the hearing.

Boyers: Yes. Right. This was when I had originally spoken to the Mayor [Wagner], and he asked me to carry the bill. I felt it would be very important, before the hearing, to see if we could reach the types of groups that would be adverse to it and change their attitudes. That was important.

Q2: Did they have specific items, or was it just a general concern?

Boyers: It was a general concern. We were able to convey to them that this would not impact on construction to any great degree. Of course, they were under the impression, originally, that once you start putting areas and districts that they can't destroy and not build, that it would be a problem. But with the help of Paul, we were able to indicate to them that, if anything, it would be beneficial because many of these areas would want to have reconstruction of the buildings to meet the requirements of the Landmarks Law. Although originally reluctant, we ultimately persuaded them that they could live with the Landmarks Preservation Law.

Q1: To help us understand the general political climate there, for a minute—I know it was a mayoralty bill, so it came out of his agency. He introduced it, asked you to carry it. The assumption I kind of read at the time was that, because the Mayor was a Democrat, the council was Democratic. With that support, that was—

Boyers: Well, there were some Republicans on the council. Not too many. Councilman [Angelo J.] Arculeo was the minority leader, and I think there was one other one.

Q1: Also, in my mind, I was trying to get a sense—when you read the newspaper accounts of the bill—it's described as being controversial. Even after the very successful hearings, the reports are still controversy, even though there were a few voices.

Boyers: No, there was.

Q1: Was it your sense that the Mayor was committed to this the moment it was introduced, no matter what the opposition? Or was he kind of finger-in-the-wind, to see how it would play at the council?

Boyers: When I met with him, he was very positive that he'd like to get this bill adopted, and was hopeful that I would be able to—

Q1: —shepherd it through.

Boyers: Shepherd it through. That really was the essence of his attitude. He was definitely for it, and he said, "If we have to make modifications, well, that's understandable. As long as it doesn't do anything to reduce the significance of what we want to achieve, as far as the Landmarks Law is concerned."

Q1: Jumping to the hearing itself now—December 3, 1964. The newspapers say it went on for seven hours, eight or nine people spoke, eighty-four were in favor.

Boyers: We went on and on. Of course, I was very appreciative to get the letter that I read to you. Fortunately, we were able to—I must say this, though. The majority of the people there were definitely in favor of the bill. But there were definitely a few who were very averse to it. They felt it would impact severely—particularly when they heard there were going to be historic districts as well as—

Q1:—individual.

Q2: Were they speaking as individuals or for organizations?

Boyers: Some spoke for organizations. But I would say in the main, the vast majority was very much in favor.

Q1: I had a chance, years ago, to talk to both Geoffrey Platt and Harmon Goldstone on their memories, before they passed away, which was really—

Boyers: *[unclear]* with Geoffrey.

Q1: Well, they had some very interesting insights, and helped one understand this. I can't remember particularly which one of them. They both echoed the same thing. They credited James Felt, who, in their minds, helped to get things going early on—to get the first Commission going and all. Then they seemed to imply that Felt also might have helped—I don't want to use the word "suppressed," but minimize the opposition of groups like the Real Estate Board of New York, because he was linked to them. Do you have any memories of that?

Boyers: He was helpful there as well, yes. I do remember that we did have some communication at that time, and James Felt—we had to get people we felt could communicate with them better than outsiders. He was helpful there. In fact, I was at a meeting with Paul O'Dwyer, and I think at one time with James Felt. That's my recollection.

Q1: That's very helpful.

Boyers: He was very helpful as far as the real estate group was concerned. A number of the people who were involved, as far as the real estate, were in favor.

Q2: I was just wondering if you remembered any specific ones who would vote for it, in the real estate community.

Boyers: Yes, there are a couple in the letters. In fact, if you give me the letters I'll pull that out. In fact, there was a broker who spoke very favorably.

Q1: I wonder if that was Peter Grant [ph], who testified?

Boyers: Well, let's see. Boss Realty. Kenneth Boss [ph]. Here's his letter. He was a broker [unclear]—City Council. Read his letter, underneath. The 20th Century Fund [The Century Foundation], August Heckscher, you'll have here. He was very much in favor. Lewis Isaacs [Jr.], of the Association of the Bar [New York State Bar Association].

Q2: The Bar Association, I think, was quite supportive.

Boyers: Yes, although they had some objections.

Q1: We want to move to those in a minute, and talk about the specific—

Q2: That's what I was interested in. You did meet with Bar Association representatives?

Boyers: Oh, absolutely.

Q2: You had a busy time for a while. Your social life was—

Boyers: Oh, yes. It was a very busy time during that time. Ed Carpenter [ph], from *Progressive Architecture*. Riverdale Community Council. Of course, architecture—Bruce Campbell [ph].

Q1: We've never seen those letters. The files aren't available, so that's terrific.

Boyers: I thought if I could pull a few of these out, you would get a flavor—

Q1: It certainly helps establish the flavor. Let me take the story a little further, because I want to get us to some of the things that went on in terms of the changes that evolved in the legislation.

So the hearing happened, a lot of interest, press coverage. We then got to the Christmas season of 1964, where there was the crisis over the Percy Pyne mansion [Percy R. Pyne House] on Park [Avenue] that were saved, thanks to the Marquesa [Margaret Rockefeller Strong de Larraín, Marquesa de Cuevas], Peter Grimm and things.

Boyers: Someone wrote about it.

Q1: I know. That was in the news even before that. That brings us into January. I know during this time period—between now and, I think, March, when it came out of your committee—there were a lot of conversations you were having. I think the committee met quite a few times, to go over things. According to the research we've pulled out, there are a number of kind of specific things that were changed, or people tried to change, that didn't get changed. Let me start with one of those before I forget it—because you mentioned his name—Paul O'Dwyer. I stumbled over a reference that he had actually wanted to expand the scope of the bill, I think to include parks or scenic landmarks. Does that ring a bell? I know there was also worry that trying to expand things was the wrong direction to be going in. Tell us that story, if you can remember it.

Boyers: Well, I can only give you a tidbit. Nevertheless, once I got Paul involved he became very enthused [*laughs*]. At first he was—not reluctant—he liked the idea. He felt, as many of us did, that a city like New York cannot possibly remain unique unless we have the past that would, in effect, give the historical perspective to people about the city, as time goes on. But at the beginning he was going to take on people he had a relationship with. Once he got involved with us, as far as concept, he then even wanted to go beyond what the bill was. But it was only because he became a real enthusiast about the landmark situation.

Q1: Well, in addition to those who wanted to expand the bill, there was activity on the other side.

Boyers: Oh, yes.

Q1: I know there were at least two provisions that I read about, that it would be good to get your take on. One was a provision that Geoffrey Platt said years later to me, that it was kind of a bone that had been put in, so they would be able to throw it to the opposition. This was this concept that the Commission would regulate within four hundred feet of everything they designated—which could take them into an eight-block area. That was pulled out, through the committee process.

Boyers: No question about it.

Q2: Through your process. In other words, when you saw the bill it had that concept of the wider landmark site.

Q1: That's how it was introduced, with that in the text.

Boyers: Within the framework of the committee there was opposition to it, so it was a question of making a modification. There were some other modifications, as well.

Q2: The committee meaning your committee.

Boyers: The committee.

Q2: The committee on codes.

Boyers: Right.

Q1: I know some of the other tweaking that went on. I know it was the council that—

Boyers: By the way, let me just say—there was criticism of that from other sources, according to—

Q1: The Bar Association had trouble with that, according to some of the material I've seen.

Boyers: Absolutely. The Bar Association—in fact, if I can just get the Bar Association letter—

Q1: Oh, it's in there? Good.

Q2: The one from Isaacs, is that the one?

Boyers: Yes. He says here, "Your committee has before it for consideration to create a Landmarks Preservation Committee. There are two committees of the Bar Association concerned with this bill: the committee whose name appears above, which is the Special Committee on Housing & Urban Development, and the Committee on Municipal Affairs. I have prepared and will submit at your hearing on December 3rd a brief memorandum, supporting the purposes and principles of the bill—but, indicating several reservations as to several of its specific provisions. Because we are anxious that a proper bill shall be passed, and promptly, we did not, in our memorandum, specify the defects which we have noted, but simply indicated our readiness to

point them out, and actively take part, if requested, in drafting amendments which will cure these defects. I write you now, in advance of the hearing, so you may know about these interests and to ask that you give us an opportunity to meet with you and your counsel, soon after the hearing, so we may explain the objections we have and point out the ways in which we think these objections can be met, without endangering the principles of the bill. I may be reached at my office [telephone number], and would appreciate hearing from you. Sincerely yours, Lewis M. Isaacs, Jr., Chairman." He wrote a cc to Dave Ross—Dave Ross, at that time, was the majority leader—and Angelo Arculeo, who was the minority leader of the council. Then Paul DeWitt, Leon Silverman and Robert E. Herman of Silverman. Friedman, who were the committee members of the two committees that he mentioned.

Q1: And who was the City Council president? [Paul R.] Screvane?

Boyers: Screvane. Screvane, at that time.

Q1: That's the Illinois pronunciation, probably.

Boyers: Paul Screvane. *[crosstalk]*

Q2: He refers to your counsel. You had a counsel? Or you relied on the [New York City] Law Department counsel?

Boyers: At that time we really relied, I believe, on the counsel to the majority leader.

Q2: Who was that?

Boyers: Offhand I don't have the name. Because we've had several counsels. But Dave [David] Ross, of course, was the majority leader at that time and it was his counsel. But frankly, I did communicate with other counsel as well on these issues. I didn't fully rely on him.

Q2: Did you meet with the counsel of the Law Department? Or it just came over from Wagner, without the Law Department's presence?

Boyers: No, it came over from Wagner but we did—god. Bob Wagner's right-hand man at that time—right now his name escapes me.

Q2: Well, we all know.

Boyers:—whom you all know.

Q1: He was the go-to man.

Boyers: He was the go-to—

Q2: [Deputy Mayor Robert] Sweet and [*crossstalk*]. I'm trying to think. It was at the time of Sweet.

Boyers: No, no. Sweet, of course, was with Lindsay.

Q2: Yes, but it was that kind of a position, right?

Boyers: Yes. Except this fellow was a gung-ho guy—and I mean gung-ho! Oh god. He was not a youngster.

Q1: I know who you're talking about, because Platt references him, too.

Q2: I think Chris Nieber [ph] worked with him, too.

Boyers: He worked with us. He was a very knowledgeable fellow, as far as municipal issues are concerned—

Q2: We'll all think of it in the middle of the night and call each other.

Q1: That's right [*crosstalk*]. Well, at the end of the meeting we may pull it out of our heads.

I know the council also had the wisdom of changing things so there would be representation on the Landmarks Commission from each borough. That was also a provision, in terms of the Landmarks commissioners, that there would need to be one from each borough.

Boyers: Well, let's see. Right over here, at the bottom. At that time—

Q1: This was the post-law Commission, as opposed to the pre-law.

Boyers: Right. You had Brooklyn; you had New York; Staten Island; New York; New York; New York; New York; and New York. So that wasn't in at the time. You didn't have Queens, you didn't have the Bronx—

Q2: You didn't have Queens? Really.

Boyers: No Bronx.

Q1: I think that's one reason the council decided to put that. Because that wasn't in the legislation, as introduced.

Boyers: Well, this was the first Commission.

Q2: This was the Commission before the bill was passed? Or this is the first Commission after the bill?

Boyers: That's a good question. I think this was before the bill was passed.

Q1: I think that was a sitting Commission.

Boyers: This was the sitting Commission, Geoffrey Platt—he was three years.

Q1: Fisher was on the first from Brooklyn. Is Tankel on that?

Boyers: Stanley Tankel. Sure. He was on it.

Q2: It's a very distinguished group, I must say. *[crosstalk]*

Q1:—AIA [American Institute of Architects] head.

Boyers: And William [K.] Zinsser.

Q1: Right. Another architect. Well, there was another provision, I know, from the records—

Boyers: Would you like copies of everything?

Q1: Oh, yes. If it's not asking too much. Because it's a record that—

Q2: Do you have other records, besides these?

Boyers: No.

Q2: These are all the letters you have. *[crosstalk]*

Boyers: I took out a group of letters. I should have saved more.

Q2: I ask for a personal reason. My father wrote one, and at the time of anniversary of this one, anniversary, somebody went through the files and gave me a copy of the one. My father was a professor of American history at Columbia [University], and they gave me a copy. Well, [Robert] Fogelson is in there but Dwight Miner is not. My father's name was Dwight Miner, Dwight C. Miner.

Boyers: No. I'd look for it.

Q1: That's probably the last time that file was seen, Dorothy, when they pulled that.

Q2: Yes, well, that was Jim Hurley [ph].

Boyers: That's a shame. [*crosstalk*]

Q2: I only mention that because of the amount of support you were getting from Columbia.

Boyers: Oh, yes.

Q2: Because Fogelson's in here, and—

Q1: That makes a lot of sense. There was one major change in the addition the council put in, and I'm trying to see if you have any memory of how it got dreamed up and put in there. That was what was called the moratorium provision—

Boyers: Oh, yes.

Q1:—which was inserted, I think, to help ease the concerns of the real estate community.

Boyers: That is true. That was where the genesis was.

Q1: Well, you don't happen to remember—and this is a long shot, but this is why I'm asking the question. When Felt, James Felt, led the drive to redo the zoning resolution, years before this—the '61 resolution. When he started to get opposition to it, he came up with the notion for the zoning resolution that there would be a moratorium, a year's moratorium, before it went into effect. It helped calm down a lot of people.

Boyers: It may very well.

Q1: I wondered if he might have been the one who suggested this, as a way to help defuse.

Boyers: I can't say specifically—

Q1: But it's conceivable.

Boyers: It's certainly conceivable that what he did, shortly before that suggestion—because I remember meeting with him. There was no question that, at our original meeting with the real estate group was—some were in favor, but there was a lot of opposition. So the moratorium idea, I think, could have emanated from him.

Q2: But it came in at your level. In other words, what you got from Mayor Wagner didn't have it. But out of the discussions—

Boyers: Right.

Q2: Was it in by the time of the hearing, or after the hearing?

Boyers: No, I believe it was after the hearing.

Q1: Because the hearing was on the bill as printed in the city record. It's not in that, but it is in the version that came out. There's actually one nice historical record, when your committee took action and sent forward the bill to the full council. It came with a very good report—which you probably wrote or oversaw—which called out the specific changes. That's why it cleared.

Boyers: Actually, the three of us, at that point—I had the original draft, and I submitted it to Bob Low and Richard Aldrich, for whatever comments they had.

Q1: Now help me understand the dynamics again. Because we had that little flurry over the Percy Pyne Mansion that were saved over the holidays. Your committee is now at work. It's January, then February rolls around. You probably will recall that the first week in February the Brokaw Mansions, which had triggered it in September, were now demolished on a Friday, on a weekend. Everybody went crazy, in terms of the press and everything. What was that like for you?

Boyers: I have the fellow who wrote specifically to the Brokaw issue. Let me just pull that out.

Q1: We know that agitated a lot of fellows on the Upper East Side and elsewhere, but they were particularly—

Boyers: That was terrible, because the Brokaw was unique.

Q1: The Commission had already designated it, but with no force of law behind it. A preliminary designation.

Boyers: Right. There may have been a contract already that we didn't know about.

Q1: Actually, there was a press interview with Campagna—Anthony Campagna, the eighty-year-old head of the family that had bought the site, to redevelop it. He basically said that they moved up their demolition schedule by a month, because they had gotten word that something was going on. Everybody was taken aback by the speed of the transaction.

Boyers: *[long pause]* That was most unfortunate. Let me read you this. John L. Handy, dated December 4, 1964. "I have written to the mayor and the governor, after living in New York for forty-five years. I am sad to see old landmarks and beautiful sections sacrificed to strictly commercial projects, which change the image of old New York and destroy its traditional character. I appreciate that the world must march on, but I feel very strongly that beautiful areas, such as Fifth Avenue between 78th Street and 85th Street—which is across from the property owned by the Metropolitan Museum of Art—should be preserved for those who love it now, and for future generations. To tear down the interesting and beautiful Brokaw Mansion, which is one of the two magnificent buildings that flank the corner of 79th Street and Fifth Avenue, is really a crime and an unnecessary sacrifice, I feel, to commercialism. I should like to enter my protest against this desecration of traditional New York, and encourage those who are working to save the Brokaw Mansion, particularly, and in general to preserve the beauty and tradition of that particular stretch of Fifth Avenue." That was John L. Handy, 405 Park Avenue.

Q1: So the Brokaw Mansion came down, the editorials started going. Did that speed up the process you'd been working on? Because you guys must have felt pressure. I know there were TV editorials and the [*New York*] Times, saying, "What's going on at the Council?" Did that prod it along in your mind? Any memory on that?

Boyers: No, actually, I don't really think it did. Of course, the mayor was very interested in getting this done as soon as possible. We felt that, other than laying the groundwork earlier on, it was also essential to get this thing into law. We had to move expeditiously because we didn't

want acrimony to spring up, and all of a sudden the council people would be nervous about voting for it.

Q1: You wanted to get it through while—

Boyers: We wanted to see that—we recognized that we had to persuade our council members, in the main, that this was beneficial for the city and it would not in any way affect them in their re-election bid. But the sooner the better, if we could move this along. We made certain concessions, where we felt concessions were necessary.

Q1: I understand the Commission agreed to all of those. In the records it states that any change your committee had come up with was agreed to. They didn't have to, but they agreed with the wisdom of it, or at least publicly signed onto it. That provides a unified front.

Boyers: Well, I must say, the mechanics—once we made certain changes—we communicated with Jack [Lutsky], first—

Q1: Jack Lutsky?

Boyers: Lutsky. That's the name!

Q1: We did it before the end of the meeting!

Boyers: Jack Lutsky. He was a very dynamic figure, if you remember.

Q1: I've only heard about him.

Boyers: Short but—he was a fireplug, and he was perfect for the mayor. He really was. We would get Jack involved, then on some occasions I went in with Jack to see the mayor. He said, "Okay, let's get this over to Geoffrey, and see if we can get quick approval." He had no objections—how he works it out, that's his business. That's what was done. Ultimately, he came back and we moved on.

Q1: One last question on potential areas of trouble in the bill, if you have any memories. I remember hearing this from somebody. I haven't been able to find it in any of my notes, who I heard it from—but was there a concern about religiously-owned property? Did Trinity Church [of Wall Street] or any of the other big real estate holdings come in as an issue?

Boyers: There was some concern about that. But essentially, they were concerned as to getting an understanding as to how, for example, if there's a historic district, how it's going to impact the church and the membership and so forth. In fact, we did meet with some of the clergy, to assuage any difficulty. Most of them were in favor, by the way. They thought it was a good thing. But they did ask some questions as to whether or not it would adversely affect them in any way. There was some opposition to it on that basis, but—

Q1: Did they cite the [United States] Constitution, or just a general—

Boyers: Just general. No, the Constitution—

Q1: It wasn't a First Amendment issue.

Boyers: It wasn't a First Amendment issue at this point. There were some people who raised the First Amendment issue, I must say, but I don't remember the clergy doing it.

Q1: Interesting. Back to the atmosphere at the time, before the passage. As your committee, I think, was just about to vote it out, the Old Merchant's House [Seabury Tredwell House] was being threatened. There was this children's crusade, this march of kids with guitars, singing "Where have all the landmarks gone." Going down—ultimately coming down to the City Council with petitions. Do you have any memory of that episode?

Boyers: I do remember it, but I can't tell you that—

Q1: You were well down the pike by then.

Boyers: We thought that was very interesting, very unique, and they were delightful, from the point of view of the activity. But it didn't have any—

Q1: —policy impact.

Boyers: Policy impact. That's right.

Q2: In terms of your fellow council members, were you being asked questions by them?

Boyers: Oh, yes.

Q2: Were they saying, "We're hearing from our constituents," for or against or whatever?

Boyers: Very definitely.

Q2: Were certain of the council people, in certain areas of the city, hearing more in favor or more against? Can you remember?

Boyers: There were definitely some areas where they were posted. They were concerned as to, mainly, expenditures—costs, how it was going to affect some of their constituents, which would adversely affect them. Ultimately, we were able to overcome—

Q2: What was the area that you represented?

Q1: You were at-large, right?

Boyers: I was Councilman at Large at the time.

Q2: But Queens was sort of silent on the issue? Or you were hearing from them?

Boyers: They were. Yes. We really didn't have that much criticism.

Q1: I think there was a particular landmark that there was an effort to save it at that time, in Queens. They were trying to raise money. It was one of the old mansions—Kingsland [Homestead]—and they were supportive, I remember.

Boyers: They were, and there were one or two others—

Q1: You'll get a kick out of that. You probably have that in your memory book, but you might get a kick out of that.

Boyers: I never had that. I'll make a copy of this.

Q1: Yes, help yourself. It came up in our searches.

Q2: When you made the changes, did you have the City Council redraft, or did it get sent back over to the Law Department, to redraft the changes?

Boyers: As I recall, we did send it back to Jack Lutsky, and we requested—we told them exactly what we were looking for, and they would arrange—

Q2: —and they dealt with the Law Department. Because I always heard that Bernie Friedlander [ph]—you know, I was the lawyer for the Landmarks Commission for about twenty years. But I dealt with Jeffrey Lander [ph], who had helped draft the amendments in the '70s. He was totally devoted to the law. I could get Jeff to rally around us whenever we needed it, but Bernie, by then, had gone into pensions. I was always told that he was the one who worked on the original draft.

Boyers: He could have.

Q2: But you never interfaced with him.

Boyers: He was our interface. He was the interface. We would suggest to him what we wanted, as far as change was concerned that we felt was beneficial. We would indicate to him the policy of the Commission that was involved, and he'd say, "All right, let's see what we can do." There were times when he came back and said, "Look, you're going to have to go back and see if you can get the minds to change, because we decided we don't want to make this—"

Q2: Can you think of an example of that?

Boyers: I can't give you an example, no. But there were—

Q2: Well, one of the ones I heard over the years was that the hardship procedure might have been given to BSA [New York City Board of Standards and Appeals], rather than left at the Landmarks Commission and the hardship law.

Boyers: That could be. That may have been one of the situations involved. I can't be certain.

Q2: I always thought it was wise that it remained at Landmarks, because our law is a much more sophisticated law in the idea that there's time for a plan and for condemnation, etcetera. Most laws don't even think to that extent, and BSA doesn't deal with it.

Q1: Speaking of our law as compared to other laws—when you vote and the committee approves it, and that nice report was written explaining all the work that the committee had done, it references the fact that something like over seventy laws from around the country had helped inform this process. I know the Commission—before the law came to you, they had looked a lot of those.

Boyers: New Orleans—

Q1: Did your committee look at those directly, too?

Boyers: Yes.

Q1: New Orleans they looked at, and Charleston, I know, and Boston is always put in the mix there.

Boyers: We did have an opportunity to review it, in our consideration. But the main draft of the bill was really homegrown.

Q1: Back to helping understand the dynamics. Once it came out of your committee, and the committee voted to send it to the full council—did that pretty much seal the deal? Was it something that wouldn't have been allowed out of committee, if it wasn't—that's my understanding of the dynamics, at the time.

Boyers: Politically, everything in our committee we discussed with the majority leader of the Council and his counsel. We indicated our recommendations, and he was on top of our work product, and he knew that the Mayor's policy position for passage was very strong.

Q1: I also know that the public and private perceptions are not always the same on these things. I know there were still some people who were worried that, at the last minute—after the Council voted on it—of course, the mayor has a little meeting before he signs it. I know there were, at least in the landmarks circle—not at the level of the Platts, but at the grassroots level—worries about last-minute opposition. Indeed, at the mayor's hearing, before he signed the bill, a number of recalcitrant real-estate types showed up.

Boyers: Absolutely.

Q1: Was there any doubt at all, really, going that far? In your mind, it was—

Boyers: We recognized that there was going to be criticism, and the mayor was very strong. He was, as I indicated, right at the outset, his attitude was “let’s see if this passes.”

Q1: I must say, there's a wonderful quote from the mayor when it passed, which must not have given the preservationists too much comfort, but he basically said, "I hear the opposition to this. If there are problems, I've been assured by Council leadership." Turning to you, "that the Council will immediately look to amend, to take care of this." [*knocks on wood*] That, thank goodness, hasn't been the case.

Boyers: That was our mantra, really, for all the adverse opposition. If we felt it required change, we wouldn't hesitate to make the appropriate amendments. That was the mantra.

Q2: You weren't there when the amendments came back, in '73.

Boyers: That's right. No. That's true.

Q2: But they were only to strengthen the law, they were not to diminish it in any way.

Boyers: That's correct. I had already left the City Council and was elected a member of the Assembly of the State of New York in 1966.

Q1: Oh, that's right.

Boyers: Thereafter, I was elected to the Civil Court of the City of New York and then to the Supreme Court of the State of New York and thereafter appointed by Governor Carey to the Appellate Division, Second [Judicial] Department of the State of New York.

Q2: The loss of the at-large council people, I think, was a sad loss. I was really sorry when they went. Having dealt with council people, I felt that it was always—

Q1: They were some of the most alive, committed, and engaged councilmen—

Q2:—including Bobby [Robert] Wagner, Jr.

Boyers: Oh, yes. Absolutely. I knew Bobby [Robert] Wagner, Jr. very well, as a young man.

Q2: That extra step back was important.

Boyers: Absolutely.

Q1: Let me throw another thought out, just to get your reaction, because it's a theory that—once again, I'm not sure who it's accredited to. But there was some thought that the real estate community's opposition might also have been slightly muted because they really believed that

this was unconstitutional—and that they were going to challenge it legally. So, in a sense, between that and the moratorium, it would all be thrown out by the time they had to deal with it.

Boyers: I'm sure that that was there. It was not overwhelmingly evident, but some of the comments that were made in our meetings—there were clearly some individuals who felt—

[INTERRUPTION]

Q1: They said to me—and rightly so—that their top priority in the years they were commissioners, that the top thing they had to preserve was the law. They were very conscious of any legal exposure to the law. It was only when it finally got to the proposal to build the tower over Grand Central [Terminal] that they basically said, "This is worth risking the law." But up until that time—

Q2: Well, there was litigation, earlier.

Q1: But in terms of them pushing. In terms of them consciously taking a position that they knew was going to call everything into question.

Q2: So it wasn't litigation, but they really wanted to be—they were careful in their approvals. Is that what you're saying?

Q1: I would say they were litigation-averse. That doesn't mean there wasn't any, but I would say they were certainly litigation-averse.

Q2: Were you all following that over at the City Council?

Q1: Once it got past? Were you following how the *[unclear]* was going, and whether there was litigation?

Boyers: Very definitely. But you know, at that point we were just involved—

Q2: You were on the sidelines.

Boyers: As far as personal interest was concerned. When you're involved, to the extent we were, in drafting this law you always look to the situation to see that it remains stable. Naturally, we were very interested in what modifications were proposed, if any, and also if anybody was going to challenge it.

Q2: I gave a talk, when I got the Lion's Award [Landmarks Lion Award] from HDC [Historic Districts Council]. The ceremony was in the Appellate Division Courthouse [of New York State], First Department, and I gave a talk on the importance of the First Department, in how that law—we weren't ever in the Second Department, except for a very minor thing. But in the First Department, they played a major role in how that law came through and was perceived.

Boyers: Absolutely.

Q2: They were really critical. The Appellate Division are my heroes.

Boyers: There's no question about it. I was in the Second Department.

Q2: I know. That's what I was saying. I know you didn't have the cases. The First Department got a lot of critical cases, and they were the turnaround. They did Penn Central [Transportation Co v. City of New York].

Q1: Shortly after the bill was passed, the American Institute of Architects wrote an article and they called you "an adroit champion of the law." Clearly, your memories are confirming that was indeed the case. We were lucky to have you there at the time.

Q2: Did you keep following the court cases later?

Boyers: Absolutely. Yes. The interest was always there, to see that this law remain viable.

Q1: I'm curious if you have any particular memories of people. I know that people said that Whitney North Seymour [Sr.] was very involved in helping create a positive climate for this.

Boyers: He was. I had occasion to speak to him from time to time.

Q1: He was a civic player.

Boyers: He was a civic player. Of course, again, as to policy, not necessarily a great impact on it. But as a person who was well thought of and we liked his opinions, we were anxious to hear from those individuals that we could quote, who were in favor—

Q2: Do you think he made a difference at the Bar Association?

Boyers: He could very well have.

Q2: But you weren't aware of it.

Boyers: No, I wasn't aware of it. But I had no doubt that he was very active, of course, with the Association of the Bar, and when I got the letter from Lewis Isaacs, Jr. and the committee people we were going to speak with, I felt he would be helpful.

Q2: On this question of constitutionality and the real estate interests maybe saying they were going to challenge it—I always heard that Whitney's support for it, saying, "This is constitutional," had a lot of weight within the legal community.

Boyers: That could very well be.

Q2: But you didn't see it on that front.

Boyers: I knew he was in favor of it and, certainly, in my conversations with him, I indicated that, I certainly hope you can use your wonderful reputation in overcoming whatever opposition is coming from the Bar.

Q2: Those early amicus briefs—he's got the senior bar all there, of counsel.

Boyers: Right. Well, you know, he was very prominent.

Q1: Any memories of your working with James Vanderpool, who was the executive director—Geoffrey Platt's executive director—at the Landmarks Commission? Did you have any direct interface, in your memories?

Boyers: Not to any great extent, but we did have an opportunity to speak to each other. He seemed to be a very intelligent person, very knowledgeable in this area. We recognized that he would be very supportive.

Q1: Are there any other people, kind of like the Jack Lutsky type, who were on the scene and helpful, but might not pop up because they were in a position that you'd recognize?

Boyers: I've got to say, our then-majority leader, Dave Ross, was very, very active. He later on become a judge, a Supreme Court judge, and the Administrative Judge of the City of New York.

Q1: This was David Ross.

Boyers: David Ross, yes. He was a very dear friend, and, as I say, he was instrumental in making me chair of the committee.

Q2: Had you been chair of the committee before the bill was assigned to it?

Boyers: Yes. Oh, yes.

Q2: So you had been dealing with other—

Boyers:—other issues.

Q: But when this came, was this a much bigger workload than you had been dealing with on most of the bills?

Boyers: Well, there were some bills that had a workload, but this impacted immediately with a substantial workload because we had a time situation which we recognized was very vital.

Q2: Were you given a staff, or were you relying on Ross's staff?

Boyers: No, no, we had a staff. We did have a staff. Everybody knew that it was going to be time-consuming, and if we were going to be able to move expeditiously we had to get some help.

Particularly in communicating with all the people we wanted to speak with, and the groups. It wasn't a large staff. A few people.

Q2: Were there any people on the staff level who later were involved with the City Council? Do you remember anybody in particular?

Boyers: Well, there may have been. Dave Ross liked the staff we had very much. In fact, he was instrumental. He was actually the one who provided us with the staff members, so I'm sure he utilized them thereafter, whenever he had to.

Q1: Just one last thing in terms of the climate. When you read the various newspaper accounts in that time period—the early '60s, then '64, the Brokaw Mansion, the Percy Pyne Mansion, and the drumbeat of editorials—you almost had the sense, there was almost the perception that things had gotten out of control. Something had to be done, and that that was part of the realization of the mayor and the Council, that something had to be done. That helped to drive this. Does that echo true, in your sense of—

Boyers: I think that's an accurate portrayal of events at that time. Certainly, the mayor—Gracie Mansion was right near by. He knew what was developing, and Geoffrey Platt surely played a very good role in convincing him of the importance of this concept.

Q1: This just triggers one thing you might shed a little light on, in a larger context. There is some question in people's minds—the bill went to the mayor in the spring of '64 and it kind of sat there

until the fall. I know that the mayor, tragically, lost his wife that spring. I can't imagine that that didn't slow things down for a period of time. Did that have an impact?

Boyers: That may very well have, but I can't tell you specifically that it did.

Q1: Do you remember government slowing down a bit because of that?

Boyers: I don't think the government slowed down.

Q1: Or just anything in the Mayor's Office, I guess.

Boyers: The mayor may have possibly slowed down. But Jack Lutsky was a dynamo.

Q1: Yes, Lutsky sounds like he was keeping things burning.

Boyers: He was quite an aide. He was very dynamic, and he knew everything about the city. He had the [New York] City Charter, everything was on his tongue, and whenever the municipal laws were concerned he was right on top of it.

Q1: When did you first go on the Council? I'm just curious.

Boyers: I was elected in 1961.

Q1: '61. Did you ever overlap with somebody who was just at the end of his life at that time. He died in 1963, but he was quite a prominent civic figure. A guy named Albert [S.] Bard, the lawyer, very involved in—

Boyers: The name is familiar.

Q1: Well, probably because he was the one who helped the state authorizing legislation. The Bard Act was named for him, even though he wasn't a lawyer. It was passed in '56. I was just curious if your paths had crossed in the halls of the state legislature.

Boyers: The name is very familiar, but I can't specifically indicate that we had a relationship.

Q1: Well, I can't let an interview go by without asking you about that *[laughs]*.

Q2: Were you practicing law before you went on the City Council?

Boyers: Oh, yes.

Q2: Did you have a special interest in land use?

Boyers: I knew about land use and real estate law. I certainly had a knowledge of it, but no specific interest as an overriding situation, from that point of view.

Q1: Maybe a closing thought—then Dorothy has another question—but somebody was talking to Wagner well after he left office, in the context of something going on with Gracie Mansion, and the subject of the Landmarks Law came up. To paraphrase, he basically said he thought it was probably going to be the most lasting legacy of his administration, which I thought was kind of an interesting insight. When you look back at all the things you were involved with on the City Council—

Q2: Even later, too.

Q1:—is this at the top of things?

Boyers: Well, there's no question that he felt very strongly. I came to his office, and he discussed it with me. There was no question that he was very vigorous in his—and he was not a vigorous man [*laughs*]. But he was vigorous about wanting this enacted.

Q2: Personally, in terms of your career in public service, does it rank high?

Boyers: Oh, absolutely. Right at the top. In fact, I've got to tell you—the other day my grandson asked if I would speak to his high school class about my background, and the things that were enacted in the Council and the Assembly. So I spoke, and I spoke to them about the landmarks situation. They had very interesting questions about it.

Q2: Where is the high school?

Boyers: It's in Westchester—Edgemont. Edgemont [Junior-Senior] High School.

Q2: Well, I hope we've carried out the law in ways you didn't have too many qualms about, as it was going forward.

Boyers: No, whoever has presided over it has done an excellent job. I think, looking back, that it certainly matches the types of landmark laws in Paris and Boston, and any other municipality. I think it has done an enormously good job for the city. No question.

Q1: We'd like to think so *[laughs]*.

Boyers: Absolutely.

Q2: Geoffrey Platt's son, Charles [A.] Platt, was a commissioner for a while.

Boyers: Oh, is that right?

Q2: Yes, later. He's the one I knew well. I knew Geoffrey Platt, but I knew him well. Charles Platt once accused me of defending the Landmarks Law like a mother tiger defending her cub. When you talk about the reluctance—feeling that the thing you had to preserve was the law—that's what I've always thought. That you try to not shirk the fights you must take on, but you try to make sure the law works—

Boyers: Absolutely.

Q2: —and at all costs, you don't lose the law. But it's not by being chicken, and never facing up—

Boyers: Absolutely.

Q2: It's by making your choices.

Boyers: Absolutely. As long as it has a stability effect, and this did.

Q1: Well, thank you so much for being so generous with your time. *[crosstalk]*

Q2: What I've always been interested in is that our hardship law is so different from other laws. We distinguish between the tax-exempt that are religious and historic, as opposed to the subject of real estate *[unclear]*. Did that come in the original draft, and was that something you discussed as you reviewed it?

Boyers: There was no question that it was discussed. In fact, that was a concern of a number of councilmen, because they were wondering how it was going to affect their districts. Cost is always a factor that a legislator thinks about when he goes back to his constituents. We were able to carry the issue, that it was not going to impact unfavorably.

Q2: Interestingly enough, there have only been about nineteen hardship applications in the history of the law—

Boyers: That's extraordinary.

Q2: It is extraordinary, because these are really viable buildings, right?

Boyers: Absolutely. That is extraordinary.

Q1: For how many years?

Boyers: Since '65.

Q2: There have been a few that burned from fires and so on. But basically, these buildings are usable buildings, and if you have just that as your mindset—that I can use this building, how am I going to maximize my return and find it useful? As opposed to, what's the most I can do.

Boyers: Of course, in most instances, people made appropriate changes. Keeping it consistent with the landmark regulations. The buildings have been maintained very well, those that have been considered landmarks.

Q2: The other one that I wondered how much it got discussed in your committee was the whole question of the Landmarks Commission reviewing City-owned properties. The original provision is just for an advisory report—

Boyers: Right.

Q2: —which later gets published. Then a few years ago there was an amendment to the [New York City] Art Commission law, where some of the Art Commission's binding jurisdiction was given to the Landmarks Commission. How much was that discussed—how Landmarks would work with other City agencies?

Boyers: Well, it was discussed, but once we got into that, very frankly, as I recall, Jack Lutsky was not happy to go into that area. He tried to prevail upon us, and he was able to prevail upon the majority leader, that that might create the type of opposition that could impede the enactment of the Landmarks legislation.

Q2: Because of resistance from other agencies. Was the concern having one City agency telling another City agency? Or was it just that Landmarks might be too precious about these buildings.

Boyers: I think the latter. I really do.

Q1: Well, one thing that becomes clear is that one reason it took the pre-law Commission so long to come up with a draft that they gave the mayor that spring, was that they had been meeting

with almost any agency that could conceivably be interested in that early drafting period. Before it came to the Council, including City Planning—which several times had sent it back, to be redrafted. So I can imagine Lutsky feeling that they had handled all of that before it got to this point, and didn't want to open any of that up. That would seem to be possible.

Boyers: Yes. Because he felt that that would be a real delaying situation, and he didn't want to do anything that might—

Q1: Unravel it.

Boyers: —be unraveling, as far as what we were able to accomplish at that point.

Q1: Well, this has been wonderful. Thank you so much.

Q2: I would have recognized you anywhere, because I knew the picture *[laughs]*.

Boyers: Well, I don't look like the picture anymore.

Q2: But you look enough like the picture that I could recognize you.

Q1: One last thing, if you'd be willing. We're going to have this interview transcribed. When we do that, if you don't mind, I'd like to send it to you, to make sure that—if there are any things you want to add or change—then, we'd like to have it as a record for people in the future who, in

twenty years, will say, "What did he say about that?" We can say, "Well, here you go." So that would be great.

Boyers: I'd be very happy to.

[INTERRUPTION]

Boyers:—about the Council, the committee, that there should be historic districts. The only question is that area—

Q2: —for the individual landmarks.

Boyers: Yes. That was a factor.

Q2: Were people a little more nervous about individual designation than about districts?

Boyers: Yes, there were some who were a little concerned about districts. They didn't want it to extend too far, into where they had, in their own minds, more difficulty with individuals who felt that they were going to get much more preference than anybody else in the district. So that was a factor.

Q2: Well, you know, Queens was difficult at first. But now Queens is among the boroughs in there now, begging for landmarks.

Q1: It's been an incredible reversal, just in the last twenty-five years.

[END OF INTERVIEW]