

INDIVIDUAL INTERVIEW

The Reminiscences of

Michael Gruen

PREFACE

The following oral history is the result of a recorded interview with Michael Gruen conducted by Interviewer Lauren Peters on October 28, 2008. 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.

Attorney Michael Gruen was among the early leaders of the Historic Districts Council, which was founded in 1971 under the auspices of the Municipal Art Society. Gruen also lent his legal expertise to the Municipal Art Society. In this role, Gruen provided advice on matters in litigation and helped draft the 1973 amendments to the Landmarks Law, which provided for the designation of interior and scenic landmarks and made other changes to the law that preservationists had sought. In this interview conducted by Pratt graduate student Lauren Peters in 2008, Gruen discusses his role in the development of some of the legal mechanisms that enable preservation and gives his perspective on the volunteer-driven preservation movement of the 1970s.

Transcriptionist: Unknown

Session: 1

Interviewee: Michael Gruen

Location: Manhattan, New York, NY

Interviewer: Lauren Peters

Date: October 28, 2008

Q: Today is October 20th, 2008. I am Lauren Peters here with Michael Gruen. Thank you for joining us.

Gruen: Thank you for having me.

Q: So first just to jump off, maybe you could just tell us some basic information about yourself. Where you're originally from, your education, your professional background, whatever you feel comfortable sharing.

Gruen: Well, I like to tell people that I'm from Hollywood, which is a fact. Because it shocks them so much. I don't look like I come from Hollywood, which won't show up in your recording. Lived there for—till I was twenty-one or so, nominally. I went through public schools there, but I spent my last year of high school in Switzerland, in Lozan. Then I went to college in Boston at Harvard [University] and went back to Los Angeles for law school. Then I decided that—well, a bit of good fortune came along. I competed in the National Moot Court Competition in New York and I figured out at that moment that I didn't want to live in Los Angeles, really. I wanted to live in New York, where I had spent a lot of time as a child anyway. But it hit me at that point. I found myself a job here in 1966 and have been here ever since.

Q: In this interview, we're going to concentrate mainly on your historic preservation involvement—mainly in the 1970s, but feel free to speak before or after if the story entails. Can you just tell me a little bit about how you ended up getting involved, and what drove you to join community advocacy?

Gruen: Is community advocacy an organization or are you talking about—

Q: Yes, I'm just talking about—in general, how did you get involved in the preservation movement? From your experience as a lawyer maybe, or?

Gruen: I think—I'm not sure I can point to any particular sudden catalyst. I've always been interested in architecture. My father was an architect, and my mother was an architectural designer. They were modernists with an appreciation for roots, I would say particularly with my father. Well, both of them. So it kind of came around to my getting interested in historic preservation, and my father was even encouraging at one point. When Harvard was interested in replacing the leaded glass windows in my residential house, I got him to intervene *[laughs]*. He saved the leaded glass windows with a perfectly placed architectural opinion.

In any event, after that, I just kind of fell into preservation by working with the Municipal Art Society [MAS]. I think that was because my first wife was involved with the Municipal Art Society in some way. I got involved out of interest for planning and urban design, as well as historic preservation. Rather shortly after I got involved there, the—I guess I started out as a member of the Historic Districts Council [HDC] and soon became the chairman of it. There was

another thing along the way. I had a house on West 105th Street, between West End and Riverside Drive, which is a really very beautiful block of Beaux-Arts houses. I kind of led the campaign to get that block designated as a historic district. That's probably where I got really involved.

Q: Now were you involved in the Municipal Art Society when they decided to form the Historic Districts Council, or was it already formed when you had joined?

Gruen: I can't say I remember. I know that I wasn't the first chairman. I think I was the second. Clearly, something happened before—

Q: My research indicates that in 1971, the HDC was formed. I was wondering—do you know what prompted the Municipal Art Society to form sort of a separate organization for districts councils?

Gruen: Well, I think it fit in with a continuing philosophy of the Municipal Art Society to start projects within the organization and then spin them out when they become successful and seem to deserve to stand on their own. That happened with the Historic Districts Council, which was just a committee of the Municipal Art Society, as I remember, for some several years. Then eventually it took off on its own.

Q: In '86 actually, it had separated. How do you see—as someone who worked with one organization within the other, how did you divide up which projects which committees would work on and how their work differed?

Gruen: I think that the Municipal Art Society is a little bit too chaotic to enable one to answer that. We did what we wanted to, and nobody bothered us and we didn't bother them. Kent [Barwick] was there at the time and he was very encouraging. I didn't sense that there was a question of dividing up activities. I mean, obviously the direction of the Historic Districts Council was not historic preservation in general. It was historic preservation of kind of coherent districts. There weren't very many at the time. I think there was a perception then that the designation of more of them was important and that they had special problems of administration with different governing factors in the Landmarks Preservation Commission [LPC] than the individual landmarks would. So we were interested in protecting the interests of districts, as opposed to individual landmarks to the Commission [LPC].

Q: You said earlier that you were chairman of the HDC. How would you describe sort of your overall experience? One of frustration? Particular projects you were passionate about that maybe drove—

Gruen: Well, I don't remember frustration. We had terrific people on the Council.

Q: Did you feel that the HDC was well received by the Landmarks Commission and by, you know, the overall community and New York city government?

Gruen: Well, I think so. There were—it would be hard to dismiss people like Verna Small and Ruth Wittenberg and Otis [P.] Pearsall. That sort of person who's active in the Historic Districts Council—one tries to get along with them. They're too formidable not to.

Q: You were active in the HDC during the ongoing efforts to save Grand Central [Terminal]. Were you aware of this fight within the city and problems with the law at the time? Or did you work more separately?

Gruen: You mean over Grand Central?

Q: Was that something you were just aware of as someone who worked in and did the HDC ever get involved? Or maybe your work at MAS? Was that prevalent?

Gruen: I got involved in a lot of legal activity for the MAS from the beginning. I was involved in every historic preservation case that came along. Sitting on a committee that would be, if not itself writing the brief, counseling on it and I very often participated in writing. I did write a brief on the Grand Central case [Penn Central Transportation Co v. City of New York] and the Sailor's Snug Harbor case [Sailors' Snug Harbor v. Platt] and the Lutheran Church of America [Lutheran Church in America v. City of New York] and others.

Q: You acted as legal counsel, or was this that you just had used your professional expertise within this work?

Gruen: I'm sure I had different roles in different cases. I can't say on which, if any, case I was the lead counsel. I think there—I think probably on the Lutheran Church case, I was. But I'm not even sure. I was certainly involved in all of those.

Q: Was there a project that just stands out to you as your time as chairman? That you felt maybe more particularly drawn to or that you have more memories to share? Was it just felt that your overall involvement as a member of the board?

Gruen: I don't remember a project sticking out. I may along the way as we talk. I think that the function of the Historic Districts Council at that time was probably—I think we did some testifying at the Commission, but we also exchanged information. We were a sounding board for the different districts to talk about their problems. It was a very small organization when I was involved. It hadn't achieved its enormous stature and success yet, that it has now.

Q: Now while—please correct me if I'm incorrect—while you were chairman, the issue of amendments had come up? Amending the original law [New York City Landmarks Preservation Law]?

Gruen: Very likely. You gave a date for the HDC.

Q: '71.

Gruen: '71 was when it started within the MAS?

Q: Correct.

Gruen: Yes. That seems about right. I think the amendments to the Landmarks Law were in the mid-'70s.

Q: Yes, '73.

Gruen: '73?

Q: Yes.

Gruen: I can't imagine that they weren't discussed in the HDC, but it's not something I specifically remember. But, there were—well, actually the amendments didn't directly concern districts. They were principally parks and open space, interiors. Which might have been— might have affected a district on occasion, but incidentally—

Q: There was the issue of moratoriums, which I believe also had extended. In your working before that, did you personally have any frustrations with the original law? Did you perhaps see why the amendments were necessary or was that, sort of as you're saying, separate work?

Gruen: The lack of any moratorium was a frustration. Seeing good candidates get treated before they could be designated so that they became ineligible for designation. In terms of historic districts, I don't think that other than—I think—I'm not sure that I really originated much thinking in the revision of the law. I did a lot of drafting work. I think people who had more experience at that time were getting the brilliant ideas on what needed to be changed.

Q: I'm sorry—and you're saying that you did some original drafting work to the amendments?

Gruen: Yes. I was involved in—

Q: Was there one area that you particularly worked on that you were interested in, whether it be the interior or the scenic?

Gruen: No, I think it was across the board. I remember working with Dorothy Miner on it, with Kent. Negotiating with whoever represented the city on it to at least tweak the language in a way that we felt was desirable. That involved drafting to make specific proposals.

Q: It's been stated that the head of the Landmarks Commission actually had asked the MAS for some suggestions on what to do to the bill. I was just wondering if there was anything that stuck out in your mind that maybe the MAS wanted, or that you proposed in your drafting that had not made it all the way through?

Gruen: *[long pause]* I remember interiors being a difficult problem. The problem of finding a legal hook to allow the regulation of interiors—we came up with the idea of language which more or less mirrored Civil Rights Act [of 1964] language. The idea of restaurants, banks, places of public—that were regularly used by the public and the public was invited into, as a basis for allowing regulation. Whether there was real controversy over that, I'm sure there was—though the people involved in it were all on the same side. We may have had minor differences of opinion what the best way of doing something was, but I don't remember really having differences of opinion about objectives overall.

Q: I found this actually quite interesting that you—that the Civil Rights definition of public space had been used. I was just wondering was this something that was generated in New York or is this something you noticed in other legislation throughout the country? I just think it's interesting to pull those two struggles together.

Gruen: I don't think we found any precedent elsewhere. You may know better than I. But I think we were working pretty much in a vacuum. New York had been the—well, maybe the leader after New Orleans in historic preservation legislation. We studied up a lot on New Orleans. I don't remember interiors or open space being something we found there, maybe that we did. But we were inventing things. I'm trying to think—the language, the Civil Rights was one approach. I think that invitation to the public to enter was the second approach. We combined the two in the law as it became written, as I remember.

Q: Were you aware of the Opera House [“Old” Metropolitan Opera House] struggle and that being a driving force for interiors?

Gruen: Yes, a friend of mine actually handled that. I don’t remember on which side. I think he was representing the Opera. I don’t remember though, specifically what role the Opera House played in our amending.

Q: Currently, as you have stated, the interior statute is limited to public spaces. Do you see any need for this to grow and do you think there would be any possibility of success in such an endeavor?

Gruen: Beyond public accommodations and places to which the public is invited—well, I think it probably would be very difficult. I think that, in my own view of an ideal legal system, a lot can be said for much greater control over land use than we have. But I think that in the world of what is generally accepted, there really does have to be a legal hook of the type that we incorporated into this law.

Q: Since you—

Gruen: There are some places where one could expand in small increments. I don’t know where to suggest they would be. But I doubt that there are—that it would be politically and perhaps even legally possible to revolutionize the interior designation law.

Q: You had actually brought up the idea of land controls, and I have found it particularly interesting—the restrictions, or let’s say the contradictions between zoning and the designation of districts usually don’t coincide, shall I say. I was wondering if relinquishing some zoning control had ever come up within the amendments or doing your work in HDC, and perhaps giving the Landmarks Commission more of a voice in the planning department of the city.

Gruen: I don’t remember that coming up in the connection with revision of the law.

Q: Or just your personal thoughts on that.

Gruen: Yes. Throughout my involvement in historic preservation, as long as the Landmarks Commission has been there, preservationists have felt that the Commission is inadequately funded and inadequately staffed. Despite good people there, one needs more of them. I think—I haven’t thought a whole lot about the integration of landmarks preservation with zoning. My impression is that things have worked rather nicely on the whole of having a Landmarks Commission that’s specifically concerned with landmarks and has expertise there and the ability to—or a standard procedure of making decisions in individual cases. Which the Commission rather seldom does, only what it gets involved in—that special permitting situation doesn’t make a decision about a specific case of lot by lot, say. In general, its decisions are broader mapping and making policy decisions about what should be allowed to happen. Then the individual decision-making is turned over to the [New York City] Department of Buildings and the [New York City] Board of Standards and Appeals, even with special permits.

In principle, at least, they should be given where there's so much guidance in the law that there's hardly any decision-making to be made or exercise discretion. That probably isn't always the case. There's certainly a value to having the Commission as a separate entity that needn't feel any qualms about getting involved in decision-making, and having that conflict with what goes on in other divisions of a city planning commission that might incorporate a landmarks preservation division. At the same time, there are certainly zoning issues that arise out of landmarks. For example, bonuses for adopting preservation plans by an owner. There are shifts of air rights to alleviate the possible threat of a taking action, or an inverse condemnation, when an owner feels a regulation has gone too far. So, there's valuable interplay.

Q: In any of your work with districts, was there one in particular or a cause that you tried to champion, or are you for or against downzoning once an area has become a historic district? To keep with the historic streetscape?

Gruen: I don't think I've become involved in that issue. It's an obvious area of interplay that could have—could be valuable in preserving historic districts. But I haven't done a lot of thinking about it.

Q: You had said previously that there was a lot of frustration, which I think has spanned the lifetime of the Commission, in terms of funding and how it's governed, things of that nature. In the time that you were at the HDC there was a mayoral shift between [Mayor John V.] Lindsay and [Mayor Abraham D.] Beame. Did you feel any, you know, preference towards how one governed more, or did it affect the work you had done at all?

Gruen: Not that I remember. It may have. Nothing is hitting me at the moment.

Q: Could you perhaps speak a little—did you have a working relationship with Beverly Moss Pratt? Spatt, sorry.

Gruen: I did work with her when she was a commissioner—chairman. Can I recount anything in particular? I don't think so.

Q: Her professional background was that of a planner. She has been credited with therefore, I guess, pushing more historic districts and kind of seeing the larger picture of preservation in the city. At the same time, she's also been stated that she was a bit of an outsider and really didn't have maybe the architectural background. I was just wondering if you recognized that shift. I mean, there was a large jump in the number of districts that were appointed during her time at the Commission. In addition, she really encouraged sort of finding districts outside of Manhattan at the time. When she was in it was really only Manhattan and Brooklyn Heights. I was wondering what the role of HDC—was that a goal for you as well? To sort of expand?

Gruen: Yes. The Council was very interested in promoting designation of additional districts. That I suppose—well, perhaps one could say that that was a function of desire to expand the power of the HDC. I don't think so, really. I think it was a recognition that there are lots of wonderful places in this city that should be preserved. Coupled with a sense that preservation was a way of preserving neighborhoods of—and I talk about neighborhoods as opposed to the

architectural quality of an area—as a way of making people feel proud of their community, identifying with it, and therefore becoming more politically aware. It was a way of making preservation not so much a—be viewed less as a—the activity that rich people engage in, than something that is for everybody and valuable to everybody.

Q: Do you feel that the community was more or less involved in district designations at your time as opposed to now? Because it was new, do you think that maybe sparked something that perhaps had died down?

Gruen: Ask that again. I kind of missed that. Or something in it.

Q: Do you feel that because historic district designation was, as you said—you were being sort of pushed and trying to reach all neighborhoods of the city, all five boroughs. Do you think community involvement was a lot higher because this was, you know, something new and exciting that was reaching new groups of people who had never been considered, as opposed to there is a sentiment of passiveness with designating districts today?

Gruen: My feeling at the time was that this was not a matter of passiveness. There were communities around the city that were interested in exploring designation that the HDC probably helped them at the time. But I thought of it as a grassroots concern.

Q: Did the HDC—would you approach communities? Or was it more the communities would enlist your help?

Gruen: Probably more the latter. This is a feeling about it, I can't tell you for sure. But, if one was interested at that time, my sense is, in getting an area designated, one came to the HDC for advice about it because we had the great experts.

Q: Did the HDC offer any educational programs? Just sort of to help people become aware that this was something that they could do for their area?

Gruen: Not in a formal way that I remember. I think it was more a forum for discussion.

Q: During this time period that we're talking about, within the '70s, there was a lot of financial hardship within the city. I was wondering to what extent that you felt that pressure as a preservationist. Did you feel that there just wasn't enough money in government to do all the things you wanted to do? Or that, you know, problems maybe raising money for campaigns?

Gruen: I probably didn't concern myself with money as much as I should have *[laughs]*. It would be nice to think that we had the enormous wealth of the MAS behind us in the early days of Historic Districts Council and we didn't have to worry about money for that reason. But that wasn't the case then.

Q: Did you have separate funding?

Gruen: Did we have separate funding? We had very little funding at all and very little need for it.

Q: Oh, okay.

Gruen: It just was—it wasn't—with functions of testifying and sitting around a table talking, we didn't really need much money. We didn't have staff. At all.

Q: So, approximately, in your memory, how many people were on this committee that was completely volunteered?

Gruen: I think that we had maybe half a dozen people coming to meetings, and maybe more on occasion. Then we may have had fifteen or so organizations sending representatives to us. This is all very vague in my mind, I want you to know. It may be entirely untrue. But I think that at the time, we had member organizations that weren't necessarily designated yet but were interested in becoming designated.

Q: To your memory, the mix of people professionally—were they, you know, architects, planners, preservationists, or was it just sort of all walks of life citizens who were interested in this?

Gruen: Yes, I think. All walks.

Q: More the latter. I was just wondering, maybe you could speak to this—on the HDC website, they state that there became a shift in the '70s working on special projects and networking to

working directly with district designation. Do you know what prompted this shift, from working on particular areas to just overall trying to get more districts designated? Do you think that was some of the commissioners' influence? Or was that a larger goal of MAS?

Gruen: I'm trying to think of what I haven't already said on that.

Q: Well, maybe you could answer this: how did the HDC and MAS work together? Or did you not work together?

Gruen: Well, yes. MAS was a rather small organization at the time and there weren't very many employees there. There were a number of volunteers, including my present wife, who I'm pretty sure at that time was not employed. She was working for the planning commission [New York City Planning Commission], but she worked on—she worked on bus tours, guided tours of the city for the MAS. If she was employed at all at that, it was probably part-time. Kent [Barwick] was the key employee, as always, and we had a lot of interaction with him. Then we reported to the board about our activities and they asked some questions and nodded politely and let us go.

Q: Did it seem to you at the time that the board or Kent had different motives than your particular council of the HDC?

Gruen: No, not at all.

Q: It was all very clear. That's interesting as well that you had mentioned doing tours. Do you feel that that maybe due to the financial crisis at the time, that the city was promoting preservation from a tourist standpoint?

Gruen: From the what point?

Q: From a tourist standpoint? To generate revenue? Because, you know, currently there are so many walking tours of district—you know, it's a money maker *[laughs]*.

Gruen: Well, I think the bus tour was kind of unique at that time. But I think you—the mention of tourism is probably a good thought. We recognized that historic preservation in general, and particularly in districts, was a natural attraction for tourism. Whether we did it specifically for that, I'm not sure.

Q: Did you look—you had mentioned New Orleans before. Did you look at any of the programs that they were instituting? Because I know tourism was a driving factor for them as well.

Gruen: The then-city administration?

Q: Yes.

Gruen: I don't remember doing that.

Q: I guess whether in the past or present, what do you think is the relationship between economic development and preservation?

Gruen: Well, the *[long pause]*. I think one can have an economically viable city, at least on the short term, based on rampant new construction. But I kind of think that in the long run, a city that doesn't have a sense of its past is not going to be a place people enjoy living in and enjoy visiting as tourists or visiting as business people, coming to meet for business purposes. In the long run, recognizing was important in the environment of the city and preserving that has a huge economic value.

Q: To that point, when you were first especially designating districts—was there a fear of gentrification or the lower class being pushed out? Were you met with any resistance in terms of the economic, I guess, fortitude that being a district leads to?

Gruen: I think there's always been a concern about one or another class getting pushed out of this city. The real estate market is vibrant and it's the poor who are at risk when it falls. It may be that wealthier people find greater attraction in suburbs where they can control their immediate environment in their protective way, which doesn't sound very attractive. It seems to me that it's the reality. But was that a concern in the historic preservation movement? I don't specifically recall it. I think that in the '50s, '60s, '70s—people were highly conscious of the mess that had been made in planning terms. Urban renewal, just bulldozing everything in sight without regard to whether what was being bulldozed represented some sense of one's belonging to a place. So, the preservation movement was in part of a reaction to that, certainly as with Penn Station

[Pennsylvania Station]. But also the awareness that Jane Jacobs brought of friendly street life in a place like Greenwich Village, which in fact didn't depend upon—well, it depended in part on a terrific integration of social and economic classes within almost every neighborhood in Manhattan, at least. That was one of the real pleasures of Manhattan in the '50s and '60s. It has to some extent, gone downhill.

Q: Perhaps, if not economic fears—

Gruen: I was thinking of saying—going back a question or two. If you think of cities in the world where people choose to travel to or choose to live in because of their environmental appeal, as opposed to “I need a job and that's where the job is,” one would pick New York and Paris and London, Vienna. Cities that have an enormous amount of past around every corner and have been very careful to preserve it. New York may have come to that belatedly, but I think that it's done itself a terrific service, not only environmentally, but economically in recognizing that the past has tremendous value.

Q: Speaking actually of that, one of the criticisms of sort of the formation of the early districts is that they are sort of more small enclaves, rather than larger areas which ended up sort of breaking up neighborhoods—an example being Tribeca [Tribeca West Historic District]—at one point was four individual districts, when they had originally fought for one larger district. Do you think that was just a battle you couldn't win by having larger districts? Or were there just particular—were there smaller areas that you felt would be more successful to get through the Commission?

Gruen: I can point to my own experience with West 105th Street. I can't think of other experience that I've had personally in this regard. It stands to reason that doing a large district is a hugely time-consuming task that requires an awful lot of staff input from the Commission. It's always been understaffed and so it's always a huge—a difficult job to do that. On the other hand, if you take something like the West 105th Street [Historic] District, the research on that was largely done by the neighbors. We put together the basis of the report—I'm sure that it had insufficiencies that had to be improved on by the staff, but it must have made their task a lot easier. So if people in small areas, as the wind hits them, worked on designating the small area, then you have four or five that are more or less adjacent. Sure, it's easier to merge them than to start from scratch doing a large area.

Q: Neighborhood activism is obviously very important, especially in the early districts. Did you get any resistance from people in the community? If so, what were their concerns with becoming a district?

Gruen: Well, I guess—I guess we did on 105th Street. We went around and kind of solicited people to sign a petition. I think concerns were, we lose the ability to control the appearance of my own house. What if the Commission doesn't like the drapes that I put inside and doesn't let me put a window box out when I feel like having a window box out? I won't be able to paint the way I want to paint—and all that sort of thing, and one has to convince people that preserving the entirety adds to value. So you, as an owner, should be very pleased to have it happen. I remember putting those arguments together probably within the Historic Districts Council, too. I

think that was a concern that we had. As a matter of fact, we may have put together some sort of brochure which dealt with that—I'm not sure. Or I may have been thinking of doing that in conjunction with the Columbia County Conservancy, which was a land conservancy. Certainly that issue was prominent there

Q: Yes, I have actually read that you were involved in the New York Landmarks Conservancy, the Columbia Land Conservancy, the Historic Districts Council, and the Municipal Art Society. I was just wondering if there was one organization that you have felt was more effective, or has significant strength, or if one has a particular quality that the other ones could learn from?

Gruen: Gee.

Q: Not trying to get you in trouble *[laughs]*.

Gruen: *[laughs]* Well, I've enjoyed all of those organizations. They all do terrific work. I think that, if I had to pick out one that has a kind of a special joie de vivre of some sort, it would have to be the Municipal Art Society. That may be evolving, but it has always had a—historically, a kind of freewheeling spirit. Gatherers of a lot of very brilliant people together—committees—and has, as long as I've known it, who do their own thing. Have had—they may have reported to the Board of Directors from time to time, but were never discouraged—or seldom discouraged—from doing what they wanted to do. It's a very vibrant organization with a very talented staff, drawing in a lot of people as volunteers who are prominent, to say the least, in their various professions. It's an inspiring place to be.

Q: Speaking of that, and you are still active in several of these organizations, what do you think is sort of the future of preservation or where the city's direction needs to be?

Gruen: *[long pause]* I think that's hard to say. Partly—I don't think a whole lot about preservation these days. I feel that the great battles have been held. We won them, and that the great ideas have been had—probably not entirely. The exciting part of historic preservation – not historic preservation—the exciting part of being involved in historic preservation for me was the novelty of it, and improving the law when it needed improvement. Being involved with the major cases that established that historic preservation is constitutional and one really is allowed to do it. The zoning ideas of air rights transfers and bonuses for taking good care, the like. There are now other issues which have, in my own mind, surpassed historic preservation in terms of what is currently interesting to be involved in. I think that the use of the waterfront is an area which is not only burgeoning, but one has to ask—what's going to happen if one puts a lot of development on the waterfront and the ocean rises five feet? It could cause problems.

I think that the problem of retaining a real manufactured presence in the city is a really significant current problem of making it interesting to pass through—to be able to walk through, or otherwise pass through—areas where different activities are concerning—are taking place. Waterfront would be a good example of where it's kind of fascinating not only to have green space and paths and bicycles and recreational activities, but also restaurants and even manufacturing activity. I think this says nothing about whether—to suggest that historic preservation isn't a good thing. It's something that we all ought to be concerned with keeping

going. There are issues of, obviously, the financing of the Landmarks Preservation Commission and of possibly adding teeth to enforcement. But these are administrative and minor adjustment kind of issues. To me, maybe not to others. I can well understand others not having that attitude at all. But I now find other things to be more interesting in terms of requiring imaginative input to answer really serious challenges. So—it's a very personal reaction.

Q: You had said a little—what you thought was interesting was sort of the fight of it. I was wondering if you could just elaborate a little perhaps—how your activism and your work with the MAS and the HDC influenced your professional life as a lawyer? If those two crossed paths, or maybe had changed one direction that you were thinking of going? I guess did one feed the other in any way, or?

Gruen: To some extent. I have clients who are in—who have dealings with historic preservation and land use issues of all kinds. Perhaps I wouldn't have so many in that area if I weren't otherwise active in a volunteer capacity. It's hard to think of one not influencing the other though, because these are great interests of mine.

Q: Just I guess before we go—is there one particular case that you remember with, you know, fondness or that really drove you, hit home, that you still think has some relevance to topics today?

Gruen: A legal case?

Q: One that you worked on that deals with issues of preservation and land use.

Gruen: Yes, there are a lot of them [*laughs*]. One in particular—the Grand Central Case [Grand Central Terminal] was very important and fun to work on. I thought that Lutheran Church case [Lutheran Church in America v. City of New York] was very interesting. I often think of that case because I believe it came out wrong.

Q: Can you actually elaborate a little on what this battle was, of the Lutheran Church?

Gruen: Yes. The issue was the designation of the Lutheran Church headquarters adjoining the Morgan Library [& Museum]. As I remember, similar to the St. Bart's [St. Bartholomew's Episcopal Church] controversy, it had outgrown the space. So it—the organization felt that it should be de-designated in order to allow some sort of alteration. I don't remember what the alteration was. I believe that the case came out allowing the de-designation. That the courts looked at the issue as being—in a very narrow way, whether this building could accommodate the needs of the organization, without considering what was around or what kind of space was available elsewhere where the mission could be carried out. But I felt that the proper inquiry would be not to look at the situation purely in terms of this particular space, but whether there is any way, on a practical level, for the organization to resolve its mission problems anywhere within a reasonable area or distance from the existing structure that would make it unnecessary to alter the existing structure. This problem arises with some frequency – it's going on now at St. Vincent's [Hospital]. It's—I don't think it's an issue of law that's been fully resolved and is

actually one of the parts of historic preservation work that does have a great deal of continuing interest. So I correct myself.

Q: Actually, speaking of things that were unresolved. One of the things that had come out of Grand Central was the transferring of air rights and Grand Central possibly could have won, had they made that argument. What was your take on it at the time? Did you feel that the battle was going to continue? Did you feel that it was an overall success? Were you concerned about the rights of the air transfer?

Gruen: I think that the concept of the air rights transfer being either something that happens in lieu of compensation to the landmark owner or as a way just of ameliorating the hardship was a somewhat shaky proposition. I think it's we who invented it—I think I had some involvement at the time. But it's become quite well accepted. Yes, there was concern during and after the Grand Central case. Of course, the case was extremely important in establishing the validity of that approach to safeguarding landmarks. But the concern remained that it could still be challenged.

Q: Do you think perhaps that's maybe something that has been taken advantage of? Or that in terms of, as we were discussing earlier, economic growth—do you still think that's a viable exchange to allow you to build larger within a reasonable district of where you want it to?

Gruen: It becomes viable in a very practical way. Not so much governed by the law standing alone. But if a—if the owner of the Villard Houses wants to build a hotel, it has to reach agreement with the city to preserve the Villard House facades and the side buildings as a quid

pro quo. Once that's happened, it's preserved by deed rather than just the law. Deeds are more powerful.

Q: Do you feel that because a lot of landmark law—that's a lot of law in this country—is based on precedent, do you think there will be a need to add more amendments in the future? Or maybe rewrite the Landmarks Law? Or do you feel in its original conception, it's fairly strong and powerful? Because we're coming around—it's been about forty years now?

Gruen: I don't have ideas on how it would be improved. It always seemed to me to be a quite well conceived and written law. The people who originally wrote it did a good job. The people who did the amendment did a good job.

Q: If we could just, you know, sum up here. What is your role in preservation today? Or particular things you are perhaps interested in? Organizations that you want to be active in, or?

Gruen: Certainly legal work comes along from time to time that's preservation oriented. Thinking about a lot of issues in planning, preservation is often an important factor.

Q: I think actually your work, expanding the idea of districts within preservation has slowly been merging the field of planning and preservation and architecture. Do you agree with that statement? Do you think that's a good idea?

Gruen: Well, I agree. I think you're right. I had an occasion recently to think about what planning used to be and what it is now. It's related to a film being done about my father who was an architect, as I told you, but primarily a city planner. I realized that before he came along in the '50s and '60s, that city planning was either zoning in the sense of whacking up areas of the city and deciding what shouldn't be in each one primarily, rather than what should be and looking to separate functions as much as possible. It was traffic engineering, laying down roads where cars could travel freely and as fast as possible. It was thinking of building a Cross Island Expressway, across SoHo and things like that. In large part, because of the work of my father, the current conception of planning is very, very much more sophisticated and comprehensive. It's concerned now with making cities livable and attractive and places where one would want to be. That of course has to do with historic preservation, as well as everything else that's done in city planning. One can't think of planning without thinking of preservation.

Q: Thank you very much. Is there anything you would like to add or elaborate before we go?

Gruen: No, I don't think so. You've been enormously comprehensive.

Q: *[laughs]* Well, thank you.

[END OF INTERVIEW]