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Architectural Conservator  
212 Wirt St., Leesburg, Va. 20176

December 16, 2018

Board of Architectural Review, Old and Historic District  
City of Alexandria  
City Hall  
301 King Street  
Alexandria, Virginia 22314

RE: BAR Case Number 2108-00410 – 619 S. Lee Street (Hugo Black House)

Dear Chair Kelley and Members of the Board:

I am writing today about a matter of serious concern for the cause of historic preservation in the City of Alexandria. I have reviewed the development plans for the Hugo Black House that you are scheduled to consider on December 19, 2018 and believe those plans should be rejected by you.

By way of background, in 1949 I moved with my family to Old Town Alexandria and knew most of its residents from my days delivering the Alexandria Gazette as a youngster. Growing up in the Old and Historic District, from my earliest youth I have been devoted to the cause of historic preservation. I am intimately familiar with Old Town in general and with the Hugo Black House and its setting.

In 1961, I was the first recipient of a Bachelor of Architectural History, awarded by the School of Architecture at the University of Virginia. I went on to work at the U.S. Department of the Interior where I co-authored The Secretary of the Interior's Standards for Historic Preservation Projects. I am Professor Emeritus, Department of Historic Preservation, University of Mary Washington, Virginia.<sup>1</sup>

Having reviewed the plans before you, I would like to clearly state that, in my view, the present project proposal does not reflect or support the goals and intent of the Secretary of the Interior's Standards for Rehabilitation as expressed by me and Gary L. Hume as co-authors of the original version of the Standards. Nor do I believe the plans are compatible with either the Hugo Black House and setting, nor the Old Town neighborhood.

Because the application for work on the Hugo Black House relies in no small degree on the conceptual approval of the Virginia Department of Historic Resources, I believe it is important

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<sup>1</sup> My complete CV can be reviewed at:  
([https://caine.emich.edu/archives/findingaids/html/Woolridge\\_Brown\\_Morton\\_III\\_papers.html](https://caine.emich.edu/archives/findingaids/html/Woolridge_Brown_Morton_III_papers.html)).

for me to explain why I think that approval arose from a misapplication of the Secretary of the Interior's Standards which the VDHR is supposed to follow.

Any evaluation of a project like the one before you should start with an evaluation of the historic resource at hand.<sup>2</sup> In this case, the Hugo Black House is one of national importance, not just because it is part of the Old & Historic District, but because of its association with one of the great American jurists during a time that the history of the United States was transformed by the United States Supreme Court. When Justice Black died in 1971 the considered judgment of the country was that

Perhaps no other man in the history of the Court so revered the Constitution as a source of the free and good life. Few articulated so lucidly, simply and forcefully a philosophy of the 18th- century document. Less than a handful had the impact on constitutional law and the quality of the nation as this self-described 'backward country fellow' from Clay County, Alabama.<sup>3</sup>

I my opinion, therefore, the period of greatest historical significance for 619 South Lee Street was the period when Justice Black owned the House and lived there.

As has been well noted by others,

The Vowell-Snowden-Black House, certainly one of the outstanding examples of the Federal 'row' type buildings in Alexandria, has fortunately been spared the fate of suffocation. By precept and example it stands flush with the street, but with its extensive grounds and breathing space preserved to this day.<sup>4</sup>

Shortly after Worth Bailey completed his study, the Virginia Historic Landmarks Commission certified the Hugo Black House and as an Historic Landmark property in December of 1969. Any assessment of the proper treatment of the property, therefore, has to start from a recognition of its Landmark status and the significant historical character of the property.

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<sup>2</sup> "To best achieve these preservation goals, a two-part evaluation needs to be applied by qualified historic preservation professionals for each project as follows: *first*, a particular properties materials and features which are important in defining its historic character should be identified. Examples may include a building's walls, cornice, window sash and frames and roof; rooms, hallways, stairs, and mantels; *or a site's walkways, fences, and gardens*. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings." Washington, D.C. : U.S. Dept. of the Interior, National Park Service, Preservation Assistance Division : 1983., p. 6 (emphasis added).

<sup>3</sup> N.Y. Times (Sep. 26, 1917) at 79 col. 1.

<sup>4</sup> Worth Bailey, Photographs, Written Historical and Descriptive Data, Vowell-Snowden-Black House, 619 S. Lee Street, Alexandria, Virginia, HABS No. VA-709, p.1.

In the case of the Hugo Black House, that means that one of the preservation priorities is the maintenance of the property as closely as possible to how it was during the life of Hugo Black, including the “extensive grounds and breathing space.” That includes a side yard extending from the house to the corner of South Lee and Franklin Street, and a back yard spanning an entire city block in the heart of Old Town.

The importance of preserving this important feature of the Hugo Black House is set forth in the current version of the Secretary’s Standards, which provide that “A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces and spatial relationships.”<sup>5</sup> Or as originally set forth in 1979, “Every reasonable effort shall be made to provide a compatible use for the property that requires minimal alteration of the building structure, or site and its environment, or to use a property for its originally intended purpose.”<sup>6</sup> “The ethical idea here is that ‘less is more’ the smaller the degree of change the greater the level of retained integrity.”<sup>7</sup>

The current Standards also require that “The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.”<sup>8</sup> In their original form this standard was stated as: “The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.”<sup>9</sup> And most pointedly, the current Standard 9 for both Preservation and Rehabilitation projects states:

New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.<sup>10</sup>

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<sup>5</sup> Code of Federal Regulations, Tit. 36, Section 68.3(a)(1), (b)(2)(2018).

<sup>6</sup> W. Brown Morton III & Gary L. Hume, *The Secretary of the Interior’s Standards for Historic Preservation with Guidelines for Applying the Standards* (Washington, D.C. 1979), p.3.

<sup>7</sup> W. Brown Morton III, *The Secretary of the Interior’s Standards for Historic Preservations Projects: Ethics in Action*, Lecture Presented at the Annual Meeting of the National Council for Preservation Education, Indianapolis, Indiana, October 23, 1993, National Park Service, Washington, D.C. 1993.

<sup>8</sup> Code of Federal Regulations, Tit. 36, Section 68.3(a)(2), (b)(2)(2018)(emphasis added).

<sup>9</sup> Morton & Hume, *op. cit.* (emphasis added).

<sup>10</sup> Code of Federal Regulations, Tit. 36, Section 68.3(a)(9), (b)(9)(2018)(emphasis added). This has evolved from the original articulation of the standard which said, “Contemporary design for alteration and additions to existing properties shall not be discouraged *when such alterations and additions do not destroy significant historic architectural or cultural material and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.*” Morton & Hume, *op. cit.* (emphasis added).

In my opinion, the VDHR failed to properly apply these Standards when providing its conceptual review of the proposed project on the Hugo Black House. The proposed plan unnecessarily destroys one of the distinctive and historically significant features of the property: the extensive open space side yard extending to the corner of South Lee and Franklin Streets. By choosing to locate the additional structures along the length of South Lee Street the project electively places those additions where they most conspicuously occupy the “breathing space” that the Historic American Building Survey as identified as one of the properties most significant features.

Since 1983, the interpretive guidelines issued by the Department of the Interior has recommended that,

Constructing a new addition so that there is the least possible loss of historic materials and so that the character-defining features are not obscured, damaged, or destroyed.

Locating the attached exterior addition at the rear or on an inconspicuous side of a historic building; and limiting its size and scale in relationship to the historic building.<sup>11</sup>

By stretching two of its three proposed additions along the South Lee Street portion of the property, the plans proposed for the Hugo Black House appear to do the exact opposite of these recommendations.<sup>12</sup>

I feel certain that with the architectural talent at the applicant’s disposal that they can develop plans to meet any legitimate need of the owners while at the same time minimizing the destruction of the historic resource consistent with recognized preservation principles. Unfortunately, the approach adopted in the current plans do not adequately undertake this important work of preserving this landmark property.

In addition to the overall size, scale, style and placement of the proposed additions, the plans ask you to approve the demolition of a noted architectural feature of the Hugo Black House. I refer to the “curve” where the ell joins the main block of the house. That feature was given particular note in the HABS Report. “The hyphen where it was joined to the main house was rounded so as not to interfere with the windows upstairs and down.”<sup>13</sup> Rounded corners are an interesting treatment used in some important and historic Alexandria houses.

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<sup>11</sup> The Secretary of the Interior's Standards for rehabilitation and guidelines for rehabilitating historic buildings. Washington, D.C. : U.S. Dept. of the Interior, National Park Service, Preservation Assistance Division : 1983., p. 58.

<sup>12</sup> “Not Recommended. ... Attaching a new addition so that the character defining features of the historic building are obscured, damaged or destroyed.” *Ibid*.

<sup>13</sup> W. Bailey, *op cit.*, p. 6.

For example, 213 South Pitt Street, where I grew up, had a curved corner on its rear wing. The preservation of such adaptive uses is precisely the type of architectural detail that the Secretary's Standards have always argued should be preserved. Originally the Standards said, "Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected."<sup>14</sup> Now the standards are even more explicit. "Changes to a property that have acquired historic significance in their own right will be retained and preserved."<sup>15</sup> A guiding concept of cultural resource management throughout the Western world is that the retention of original or early material is essential to the integrity and significance of the resource.<sup>16</sup>

I certainly do not suggest that the Standards Gary Hume and I developed for the Secretary of the Interior 40 years ago are the last word on Historic Preservation. The Standards have been revised several times since 1979 and in some respects these later revisions do not accurately express Gary Hume's or my original meaning or intent. These later revisions have hardened the Standards, in my view, into inflexible "commandements" rather than "recommendations" for thoughtful consideration of right action in the undertaking of any given project. Neither Gary nor I saw ourselves as a modern-day Moses.

In this case I fear that the applicant, in order to satisfy the dictates of the Virginia Department of Historic Resources, has been led to ignore the substance of the Standards in favor of a misguided and rote attempt to apply them. Thus, in the interest of "differentiation," the plan destroys one of the most noted feature of the historic property: placing additions where open space is supposed to be preserved. In the interest of not discouraging contemporary design, the plan ignores the precept that the "design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment."<sup>17</sup> Since these plans were apparently developed without any consultation with, or notice to, the local community, it is perhaps understandable that the result has been so out of keeping with the tradition of preservation in Alexandria. The result is starkly incongruous with both the setting, the existing historic structure, and the community as a whole. It is an example of the misuse of the Standards "where the Standards have been mistaken for rules — where ethical reflection has been replaced by bureaucratic fiat, [and] the Standards have ... failed."<sup>18</sup>

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<sup>14</sup> Morton & Hume, *op. cit.* (emphasis added).

<sup>15</sup> Code of Federal Regulations Tit. 36, Section 68.3(a)(4), (b)(4)(2018).

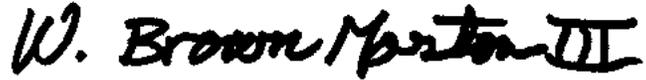
<sup>16</sup> Morton, *Ethics in Action, op. cit.* p. 20.

<sup>17</sup> Morton & Hume, *op. cit.* (emphasis added).

<sup>18</sup> Morton, *Ethics in Action, op. cit.*, p. 22.

In conclusion, I wish to thank you for your service to Alexandria. The BAR stands as the guardians of the historic fabric of this precious place in American History. I am confident that by applying the longstanding practice of the BAR and the fundamental principles of historic preservation, you will agree with me that the current proposal for construction on the Virginia Landmark Hugo Black House property should be denied your approval.

Sincerely,

A handwritten signature in black ink that reads "W. Brown Morton III". The signature is written in a cursive, slightly slanted style.

W. Brown Morton III

cc. Historic Alexandria Foundation