

**PRESERVE
Rosewood**



**AMERICA'S
OLDEST
Black Public
Housing**

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Texas Historical Commission
Mark Wolfe, State Historic Preservation Officer
P.O. Box 12276
Austin, TX 78711-2276

August 15, 2016

RE: Rosewood Courts Historic District National Register nomination (August 2016 revised draft)

Dear Mr. Wolfe:

Thank you for your letter of May 25, 2016, which made substantive and useful recommendations on our National Register nomination. Please accept this letter as our response. For ease of understanding, we have numbered our responses to your specific suggestions and findings; the sequence is roughly chronological.

Before continuing on to our point-by-point response to your comments, we wish to reaffirm our conviction that Rosewood Courts is nationally significant under Criterion C. The project's uninterrupted and ongoing use as public housing after nearly eighty years—in spite of the housing authority's unsympathetic maintenance over the years—is a testament to the design standards, materials selection, and quality craftsmanship that went into its construction. The fact that Rosewood Courts and its sister projects were built for the lowest cost in the nation—and for a *far* lower price than the projects built by the PWA Housing Division usually held up as the 1930's public housing standard—are a testament to the leadership of Nathan Straus, Oliver Winston, Catherine Bauer and others who helped to ensure that Austin's political leaders—who prior to Congressman Lyndon Johnson's intervention did not even know that this type of European modern housing existed—understood that they were building something that held significance far beyond the borders of Austin. It is a major reason why Austin's first three housing projects, including Rosewood Courts, were featured in national not just local architectural, planning and other journals.

Your letter references Paul Lusignan's NPS comments extensively, but entirely ignores our rebuttal. We recommend that you re-read our response to Mr. Lusignan's comments. Until NPS produces empirically supported counter-arguments we do not see a point in altering our position.

We now turn to our responses to your comments.

Comment 1: "We generally concur with the findings provided by the NPS, and with the recommendations to nominate the property under the same criteria as Santa Rita Courts."

Response: Findings that are not supported by empirical evidence are not findings, they are political statements. Our nomination has been extensively fact-checked and is supported by a mountain of scholarship in *primary* not secondary source documents. It remains our position that the Rosewood Courts Historic District is eligible at the national level of significance under all four criteria.

Comment 2: "We recommend that you follow NPS guidelines in the formatting of the nomination, some of which were addressed in the NPS comments."

Response: Section 7 and 8 now begin with clear summary statements, as recommended. Most of the historical information from Section 7 has been moved to Section 8, as recommended. Section 7 now mainly focuses on architectural description and sufficient historical context to understand it.

Comment 3: "We do not recommend nominating Rosewood Courts under Criterion B for its association with Winston."

Response: We disagree. We have examined Mr. Winston's career closely and feel confident about our claims regarding the centrality of his role in helping to establish the Austin Housing Authority on a firm foundation as being at the core of his contributions to public housing in America. His training and education of local architects, planners and politicians about the (then) uniquely new features of modern housing in America was of particular importance. Without Mr. Winston Austin would not have received its public housing; without him local officials, particularly H.F. Kuehne, would not have even known where to begin. In his February 10, 1938 application letter to USHA officials in Washington, D.C., the Austin Housing Authority board chairman E.H. Perry acknowledged as much.

In addition, National Register Bulletin 15 does not require that a nomination furnish an overscrupulous scrubbing of a person's entire career; what it requires is an empirically supported argument that the contributions being proffered constitute a person's most significant professional contributions in the areas under consideration.

Mr. Winston is being nominated under Criterion B because of his important role as a public housing pioneer in the 1930's, not his subsequent role as head of the Baltimore Housing Authority, where he helped to implement the city's Urban Renewal programs. We have reviewed Winston's role as a local public housing manager after passage of the 1949 Housing Act; in our judgment it is not as important as his important work in Austin in association with Rosewood Courts and its sister housing projects. If you disagree, it is your duty to document that using empirical evidence, not to make spurious claims about what *might* be the case.

Comment 4: "We do not recommend nominating Rosewood Courts under Criterion B for its association with [Nathan] Straus."

We disagree strongly. The nomination's case for recognizing Straus is clear, and it cites what the relevant guidance, National Register Bulletins 15 (*How to Apply the National Register Criteria for Evaluation*) and 16 (*How to Complete the National Register Registration Form*) actually state.

Instead of citing National Register Bulletin 15 or 16, your recommendation cites Paul Lusignan's NPS return comments instead. Given that the nomination empirically overturns parts of what Mr. Lusignan wrote as part of his contribution to the 1999 HUD historic context document, we do not consider his comments to be impartial or neutral.

There is no requirement stated in the National Register bulletins to evaluate people being recommended for their associations with a historic property "in context with other extant properties that might share similar connections, in this case at the national level." Claiming or implying that this is so is a cheap and evasive way to try to change the subject and to obscure the truth; namely the fact that Mr. Straus is definitely associated with Rosewood Courts. The fact that Straus *might* be associated with another property is not at issue here. What is at issue is whether the argument we have produced is tenable and able to be substantiated. The argument is stated simply in the nomination: "Looked at in historical perspective, it is clear that Nathan Straus's relationship to Rosewood Courts stands out as the distinctive embodiment of the ambitions behind the USHA housing program that best represents Straus's historic contributions.

There is no need to be distractingly theoretical about this. We have evaluated other properties that "might" share similar connections with Mr. Straus. As with Mr. Winston, we have performed extensive analysis of Mr. Straus's career and can further support our contention that Rosewood Courts constitutes his best professional national contribution in the field of public housing. We are prepared to support our claims with empirical evidence; such as the results of extensive research conducted in a variety of archives in the United States, as well as with the help of the Straus Historical Society in New York. If you have access to better research and evidence from the primary

sources, please produce a counter-argument clearly delimiting why our argument for recognition under Criterion B is flawed.

The claim that Mr. Straus "might" also be associated with another property is also based on a logical inconsistency. Let us, for the sake of argument, apply this logic to Lyndon Johnson. Were Rosewood or Santa Rita Courts the best examples of Lyndon Johnson's extensive housing career? One could argue—and the nomination takes pains to point out its significance—that Johnson's signing of the 1968 Fair Housing Act constitutes his most important achievement in the housing field, including public housing. Or his establishment of the federal Department of Housing and Urban Development in 1965.

Comment 5: "With regard to the proposal that Rosewood Courts should also be listed in the National Register under Criterion D based primarily on the potential of significant archaeological deposits associated with Emancipation Park, the THC believes there are integrity issues that must be considered."

Response: We agree. They were considered. The elevated potential for the discovery of house foundations or the inadvertent discovery of human remains, amply documented in the nomination, alone are reason enough to apply Criterion D to Rosewood Courts. The language of the nomination describing the archaeological track record in public housing cases is quite clear: housing authorities and demolition advocates strenuously proclaim that there is nothing there, then once demolition and new construction begin all sorts of archaeological issues, including the inadvertent discovery of human remains happens.

The nomination does not just argue that Criterion D applies to Emancipation Park. Site clearance for the construction of Rosewood Courts also entailed the demolition of African American homes. It was the discovery of house foundations at Allen Parkway Village in 1997—and the proclamation by THC reviewers that they were not significant—that led to the intervention of politicians and significant construction delays while archaeology could be conducted. Similar precedent exists at numerous public housing sites across the country, including at Iberville in New Orleans. Given the dearth of knowledge about the black history of Texas, there is more than ample justification to warrant listing this property under Criterion D.

We do find the comment about "post-1909 objects dropped by participants of one of the yearly Juneteenth Celebrations" to be both ignorant and offensive. An agency that refuses to implement an African American historic context document—which the nomination mentions—authored by some of the most prominent African American archaeologists in the state has no business making flippant comments such as this. It reflects poorly upon the THC as an agency and negatively upon the author of those comments in particular.

The language of National Register Bulletin 15 is clear: "The assessment of integrity for properties considered for information potential depends on the data requirements of the applicable research design." As the historic context document makes clear, neither staffers in the archaeology branch of the THC nor the great majority of archaeologists working in the CRM industry private sector possess the knowledge, skills or experience to pass judgment on what a proper research design looks like at an African American site. However the author of this nomination, one of the first African Americans to earn a Ph.D. in archaeology, does. If you disagree, please produce an empirically supported counter argument instead of bureaucratic occlusion.

Comment 6: Comments regarding architectural significance.

Response: Most of the issues you raise were addressed in our letter to NPS dated April 1, 2015. We see no need to elaborate further other than to once again state that both National Register Bulletin 15 as well as the 1999 HUD historic context document co-authored by Mr. Lusignan both clearly point out that "integrity" as defined in the National Register should never be confused with the physical condition of a property. We repeat in August 2016 what we wrote in April of 2015: if neither the THC nor NPS can specify *exactly how* a property with different windows and with *modified* (not replaced) roofs that qualifies for the National Register under Criterion C for

numerous other reasons is somehow not eligible then the discussion is bound to not be productive because it is not intellectually substantive or honest. The truth is that this discussion is not about questions of integrity; there are plenty of examples of properties occupying space in the National Register whose integrity was nowhere near that enjoyed by the Rosewood Courts Historic District in 2016. As the National Register guidelines make clear, "integrity" refers to a property's ability to convey its historic significance, not to its physical condition.

The property is nationally significant under Criterion C and suggesting local significance only for this property is both historically inaccurate and supercilious. The construction of modern housing of this quality for that little money was a revolution in planning, politics, real estate, architecture, and much else besides.

Regarding your statement that "we will not submit this current draft to the National Register" our response is this: we are prepared to keep re-submitting this nomination *ad nauseam* and to pursue legal remedies to have this nomination reviewed by the Keeper of the Register with or without your endorsement, as is our right under existing regulations. We will also explore possible legal remedies for what appears to be a coordinated effort by your office and NPS to keep the issues raised by this nomination from being discussed in a truthful and fair manner.

In closing, we wish to register our disappointment with your reliance upon Mr. Lusignan's 2014 response letter to the first draft of this nomination. We responded to NPS's comments over a year ago, although the agency never proffered a response; indeed it never even acknowledged receiving our response. The State Board of Review also approved the first draft of this nomination—as have the City of Austin Historic Landmark Commission, the Travis County Historical Commission, as well as the Austin City Council—but your letter does not cite these showings of support for the nomination. This was and is unprofessional.

Neither NPS nor you have produced a coherent and evidence-based counter-argument for why Rosewood Courts should not be in the National Register under the criteria listed. You have not cited sources for your spurious and pedantic claims. Perhaps the Keeper of the Register can produce such an argument. In either case, we look forward to widely publicizing the THC's and NPS's actions surrounding this matter in books, symposia, social media and elsewhere. There is inherent public interest in such a discussion.

What is the political take-away for African-Americans surrounding this nomination? That black history submitted to the National Register by politically connected white people—about a golf course—is treated one way, whereas black history authored by actual black people is treated another. The African American history of our city, state and nation deserve better than the treatment this nomination has thus far garnered.

Sincerely,

A handwritten signature in black ink, appearing to read "F.L. McGhee". The signature is fluid and cursive, with the first name "F.L." and the last name "McGhee" clearly distinguishable.

Fred L. McGhee, Ph.D.
Director, Preserve Rosewood
Nomination Author

cc: Congressman Lloyd Doggett
Councilmember Ora Houston