

BROADCAST BY PATRICK HAYES, WGMS, AUGUST 28, 1960, WOODWARD & LOTHROP

Good afternoon. They did it out in Chicago. They did the unexpected and the wonderful. They saved an old empty building from being torn down for esthetic reasons alone, because it is an historic landmark, a theater, rich in memories, still attractive to the eye. The theater and building are known as the Garrick, built in 1892, 1 year after Carnegie Hall was built. It is a combination office building and theater, and in the heyday of show business it was one of Chicago's leading legitimate theaters. In recent years the theater was used only for motion pictures, and not too successfully, and the offices upstairs were occupied by tenants.

The march of progress in Chicago has produced a master plan for a huge downtown center which will involve tearing down a few blocks of old buildings, some of them tremendous in size, to make way for the new and even bigger buildings. The Garrick is just across the street from one side of this proposed complex of buildings, and its real estate and parking potential are obvious—tear down the Garrick, build a new and bigger building, including substantial parking facilities. This is the modern, downtown, march of progress.

The owners of the Garrick applied some time ago for a wrecking permit from the city of Chicago. A citizens committee, headed by Mayor Richard J. Daley himself, intervened. The permit was refused by the city. The owners took the matter to court, seeking an action that would force the city of Chicago to grant the wrecking permit. This is where matters stood a few weeks ago when we commented on this Garrick situation, bearing in mind always the Belasco situation here in Washington. Last Tuesday Judge Donald S. McKinlay gave his decision, after a personal inspection of the premises and long reflection on the law involved. He decided that an architectural landmark can be saved, that a wrecking permit can be denied, that owners of a property such as the Garrick can be forbidden to destroy it even though they own it—and esthetic reasons alone suffice as a basis for his decision. The Garrick had been declared an architectural landmark in 1958 by the appropriate city commission.

There is a lot involved here, which might affect similar situations across the country. Judge McKinlay pointed out that what he was doing was essentially a new interpretation of a municipality's police power. He said that a clear legal right to a wrecking permit is not an absolute right when the public esthetic interest is involved. I think we should all pause here and say "Hallelujah." Judge McKinlay says that the public esthetic interest can come first in the march of progress.

In support of his decision, Judge McKinlay cited a 1954 Supreme Court decision which unanimously upheld the power of the District of Columbia to include in a slum clearance project the destruction of a department store that was in no way a slum building. He said that the Supreme Court held that District authorities had the right to decide that the District should be beautiful as well as sanitary and could consider artistic values in deciding what should be taken and what left. Are you listening, members of the Citizens' Committee to Save Lafayette Square? A judge out in Chicago is giving you the answers, from a case right here in the District of Columbia, on which he based his decision to save the Garrick in Chicago.

The Garrick case deals with the same values, artistic and esthetic values, but differs in that it upholds the power of a city to deny a private owner the right to destroy his own property. Judge McKinlay was frank to say he knew of no similar case. Lawyers for the owners promptly said that the decision would be appealed to the Illinois Supreme Court. That decision will be one to watch for. Meanwhile, it is more than encouraging to realize that there are a few Athenians among us in positions of influence. To return to the Chicago story of the Garrick Theater, and bearing in mind that the Belasco Theater here on Lafayette Square is in jeopardy, it is ironic to note that in Chicago a court saved the Garrick, while here a courthouse may lose us the Belasco.

S. 3280, INTRODUCED BY SENATOR JOHN F. KENNEDY

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Buildings Act of 1959 is amended by adding at the end thereof the following new sections:*

"SEC. 18. The Administrator is authorized to conduct a joint study together with the National Capital Planning Commission and the Commission of Fine Arts, for the purpose of determining the feasibility of constructing, near the