City of Alexandria

Office of Historic Alexandria

Alexandria Legacies

Oral History Program

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Interviewer: *Alan Palm*

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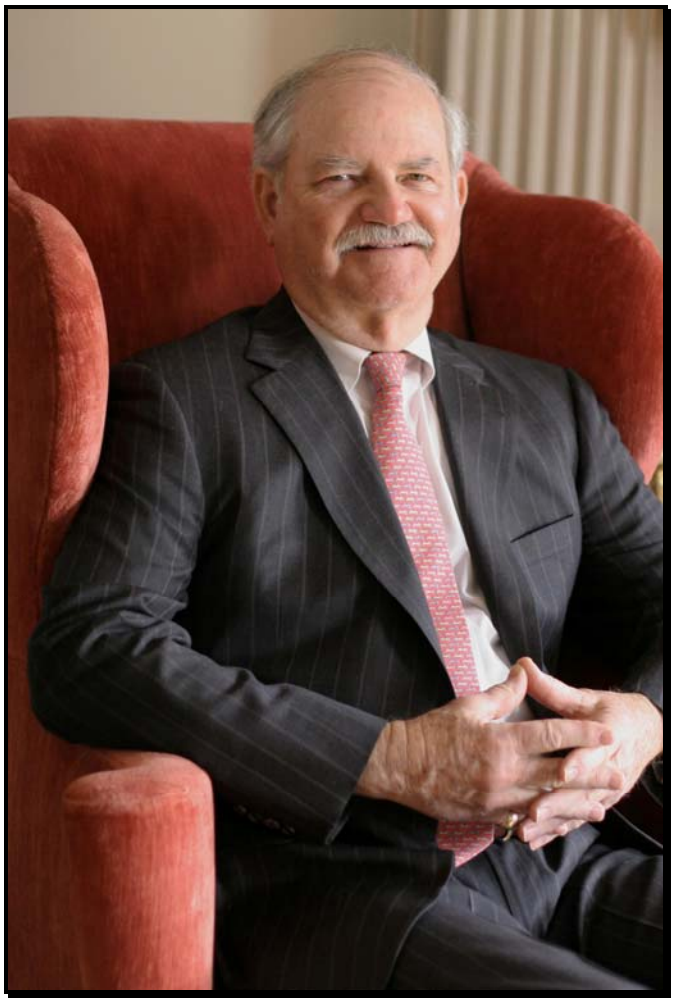
Abstract: *As former President of the Historic Alexandria Foundation and former Chairman of the Preservation Commission as well as former President of the Old Town Civic Association and the Northern Virginia Conservation Council, Mr. Montague reviews some of the issues with which those groups dealt since his arrival in Alexandria in 1964. The issue of legal easements on properties as a means to help preserve the character of Alexandria is of particular importance and interest to him.*

This transcript has been edited by the interviewee and may not reflect the audio-recording exactly.

Table of Contents/Index

Tape: ***Tape 1***
Side: ***Side 1***



Robert Montague III, 2007

(Credit Rita Yurow for Alexandria Archaeology)

Introductions	
Alan Palm:	I am Alan Palm and I am interviewing Mr. Robert Montague today. Are you from Alexandria originally or were you born...
Robert Montague III:	I was born in Washington, D.C., but I moved here in l964.
Interest in Historic Preservation	
A.P.:	How did you get interested in historic preservation and history? Was it something that you studied in school or...
Robert Montague III:	It started with my aunt, who was Mrs. Gay Montague Moore. She wrote the book *Seaport in Virginia: George Washington's*

	Alexandria in 1949 and was responsible for my interest in Alexandria being initially established, and she had no children. I'm her nephew—her oldest nephew—and she came to Alexandria in 1929 and restored the house at 207 Prince Street, which is George William Fairfax or Fairfax Moore Montague house, where I live now. She was one of the founders of the Historic Alexandria Foundation and one of the original members of the Alexandria Historical Restoration and Preservation Commission. She was responsible for developing my interest in Alexandria. My father was the first Resident Director of George Mason's home—Gunston Hall—so he had quite a bit to do with my interest in historic preservation as well. We were the last family to live in that mansion. I later went to law school at the University of Virginia and then became an Assistant Attorney General with the state of Kentucky and while working out there one of my state agency clients was the Kentucky Historical Society, which became the State Historic Preservation Agency in Kentucky. And I did research for that agency as an Assistant Attorney General. I brought that with me to Alexandria when I moved here in 1964 and it developed into an article that was published in the *Virginia Law Review* as a title, "Planning for Preservation in Virginia" in 1965, and it was published in another form by the National Trust for Historic Preservation in 1964, and that's what got me started with a reputation as a lawyer who was interested in historic preservation.
Status of Preservation Efforts in 1964	
A.P.:	Well, when you came—what was the state of preservation and the history movement in Alexandria when you arrived here in [19]64?
Robert Montague III:	The Historic Alexandria Foundation had been established and the Preservation Commission had been established at the time I got here, and I got involved with both of them. I became President of the Historic Alexandria Foundation in the late [19]60s and then I was lawyer for the Preservation Commission for pretty much as soon as I got here until I later became a member of the Commission and then Chairman of it, and I was Chairman of it for twelve years. I retired a few years ago from that position.
A.P.:	Right. And then, basically, were you—are you familiar with the 1972 Committee of One Hundred that was here?
The Lloyd House	
Robert Montague III:	I've heard of it. At that time, I guess my involvement was with the Old Town Civic Association. I was president of that in the early [19]70s and also the Northern Virginia Conservation Council. The first real involvement was with respect to the Lloyd House, which

	is now the headquarters of the Office of Historic Alexandria. That building was threatened with demolition and initially was bought by Robert New, and he was not going to buy off the demolition contract. My aunt provided the money through the Historic Alexandria Foundation to buy off the demolition contract on the Lloyd House in the early [19]60s. It was later acquired by the Preservation Commission, and I handled that transaction as the lawyer for the Commission. It was a jointly funded effort with a private foundation grant and money from the federal open space program under HUD [U.S. Department of Housing and Urban Development], state, and city monies. That was acquired by the Commission in 1968. That's the issue that I got involved with first.
The Lyceum	
Robert Montague III:	Later, I was president of the Historic Alexandria Foundation at the time the Lyceum came into jeopardy. And it was under contract for demolition at the time the Foundation had to get involved in a major effort to save it. It was going to be turned into a blacktop parking lot and the issue came before the Alexandria City Council after the Foundation had raised $30,000 from the private sector and I offered that money to the City on condition that they use it to acquire the Lyceum. And the Lyceum was saved in 1971—I think it was, from demolition by a very close vote. Alexandria City Council at 2 a.m. in the morning voted a tie with 3-3 with 1 abstention and then one of the people who voted against us moved for reconsideration thinking he would pick up the abstainer and he didn't. We won over the abstainer and won the Lyceum by a 4-3 vote. It required the city to use the eminent domain power to save the Lyceum because the situation had gotten so far advanced and that was the only recourse we had. And that was the first time in the history of Virginia that eminent domain power had ever been used to save an historical building from demolition. I organized the effort that made that happen and it was after that that I got more involved with the Northern Virginia Conservation Council and the Old Town Civic Association in an effort to do some conservation work on the Alexandria waterfront.
Waterfront Park	
Robert Montague III:	Watergate was planning to come to Alexandria to build four 19-story high-rise towers in what is now Founder's Park. That land was the site that they had in mind, and it was not a part of the historic district at that time. But it did turn out not to belong to the developer. It was owned by the federal government, and we brought to the attention of City Council the fact that they didn't own the land as well as the fact that they were trying to do

	something very inappropriate there and eventually had to sue over it—took the matter to court—because the City voted to allow Watergate to build those four 19-story high-rises and we had to get that vote set aside by judicial as well as political action—and eventually we did. And the City eventually swapped the site of the Ficklen School to the developer to build townhouses and we acquired Founders waterfront park. And that was the genesis of the Alexandria Waterfront Park system and that was probably the most involved thing I did in land use preservation—open space preservation—was to get the Alexandria Waterfront Park system started in 1973.
The Lyceum's Relation to the City of Alexandria	
A.P.:	When you mentioned the Lyceum, would they be sustained by private sector funding now or would the city be involved with a lot of the decisions?
Robert Montague III:	Well, the city owns the Lyceum. They had to acquire it with eminent domain power and it's now the Museum of the City of Alexandria. And it is a publicly supported museum. It is also used by community organizations for various activities, but it's owned by the city. They raised the money to buy that with another federal grant as well as state grants related to the Bicentennial of the revolution because it became the first bicentennial center in the country to open. And it was through the impetus of the bicentennial really that we gained the political power to persuade the city to do what it did.
A.P.:	Of all these activities that you've seen, are there any that you would consider the most important?
Importance of Open Spaces and Preservation	
Robert Montague III:	The Lyceum was one of the more remarkable things, but one of the things that I consider as important as anything is the easement program that the Commission—the Alexandria Historical Restoration and Preservation Commission—undertook when I was chairman of it. Senator Patsy Ticer was very supportive of our effort to get easements donated on properties in Old Town particularly that had open space around the gardens that had not been built on and that needed to be protected from development. They were tempting sites for construction of housing and would probably have disappeared if it were not for the easement program, which permanently protects open space.
A.P.:	Were the easements originally used as gardens or planning area?
Robert Montague III:	Well, the easements protected the open space on the side of a townhouse as a garden or as parking area or tennis court or

	whatever open space use it may be put to. Nothing can be built on the land once it's protected by the easement and it can't be severed from the house that it is attached to or subdivided. That's the kind of protection the easement program brought that zoning alone could not do.
A.P.:	How do you feel—why do you feel that preservation is important to Alexandria and its future?
Robert Montague III:	Well, the most important thing going on in Alexandria as far as I'm concerned is the preservation of the historic district and other sites throughout the city, but the historic district, in particular, is sort of the hub of what makes Alexandria attractive to tourism and also attractive as a place to live and work. The square mile area of the historic district has 800 buildings of the 18th and the 19th century in it, which is one of the most remarkable concentration of early buildings in this country and certainly in Virginia. And it really is absolutely vital for the city to retain its character.
Groups and Citizens Devoted to Historic Preservation in Alexandria	
A.P.:	Have you motivated others who have been interested and worked with you?
Robert Montague III:	Oh, I've worked with quite a number of people—yes. Ellen Pickering is one of the citizens that I have worked with as much as anybody. She was at one time a member of Alexandria City Council and she was my successor as Chairman of the city's Beautification Commission and also as president of the Northern Virginia Conservation Council and, as a result of those common interests, we have worked together a lot over the years and I have also worked a lot with the other Trustees of the Historic Alexandria Foundation and the members of the Preservation Commission.
A.P.:	When you mentioned the Northern Virginia Conservation Council—I'm not familiar with it—
Robert Montague III:	It was founded before I came to town—just about the same time I came to town and it was an organization that I found shared some of the interests and goals I had for the community so I've worked with it and through it to try and get the Waterfront Park system established in Alexandria and it still exists and it is still monitoring what is going on now to this day with respect to the Waterfront Park system. It was responsible for provoking the federal government into bringing quiet title actions for all of the parcels of land on the Alexandria waterfront, which at one time had been part of the bottom of the Potomac River and which had been filled since 1791 when the District of Columbia was created. At this time the federal government acquired the title that the state of

	Maryland had once had for the bottom of the Potomac River and all of that title claim has subsequently been litigated with respect to all but I think three parcels. Three cases are still pending and they are just south of where we are sitting right now. The city I think is in the process now of acquiring some of the land east of the Strand between Prince and Duke Street. They are still dealing with the Old Dominion Boat Club because those are the parcels that were not yet absolutely made into parkland or whatever and made public. And that is still an active issue in the community but it started in 1973 so it's been going on for 33 years. The litigation began about 31 years ago.
Litigation Over the Waterfront	
A.P.:	Did you do any of the litigation yourself then?
Robert Montague III:	No, it was handled by the Justice Department for the Interior Department. But we had the firm of Wilmer, Cutler, and Pickering working with the Northern Virginia Conservation Council pro bono to bring this about—to make it happen. We had to sue the City of Alexandria to save Waterfront Park. They had given a special use permit to allow four 19-story high-rises to be built there. And they had gerrymandered it out of the boundaries of the historic district when the district was set up sort of leaving it as a possibility for something like that to happen, which was an unfortunate mistake because the land should have been in the historic district to begin with but it was not. And so we had to deal with that with the aid of the quiet title lawsuit that the Justice Department brought. And it was fairly feasible to determine where that 1791 high-water mark was with test borings and historical records and pictures of what the waterfront looked like. And virtually everything east of Union Street is fill land and, in some cases, east of Lee Street. The river came in on a shallow bay, including the site of where we are sitting right now at the Torpedo Factory and all of the land that was fill was legally federal property.
A.P.:	This was fill land at one time.
Robert Montague III:	Of course, the Torpedo Factory was a federal torpedo factory when it was first built. But, in any event, a lot of this land was fill because they were building wharves and docks and things to get out to deep water, which was somewhat out in the river, and they had to do something to make the city accessible to deep draft vessels.
A.P.:	Right.
Robert Montague III:	So, over the years, a great deal of the area east of Union Street was fill. The Carlyle House was a waterfront property when it was first

	built.
A.P.:	Right over here?
Robert Montague III:	Yeah.
A.P.:	I didn't realize that.
Robert Montague III:	The water came to Lee Street when the Carlyle House was built. It was called Water Street before it was called Lee Street.
The Office of Historic Alexandria	
A.P.:	Is there anything about the Office of Historic Alexandria and these other groups that you've worked with that you haven't talked about yet that you'd like us to know about?
Robert Montague III:	Yeah. I guess I was one of the people who could be said to have lobbied to get an Office of Historic Alexandria established at the city government. I wrote the statute that created the Virginia Department of Historic Resources in Richmond. And it was somewhat of a parallel path for local government that was involved in setting up the Office of Historic Alexandria. And I worked with it from its inception because I was on the Preservation Commission when it was established. Jean Federico, the staff person, I worked with a lot over the years until she retired.
A.P.:	And you were a volunteer with them?
Robert Montague III:	Yeah, first I was the lawyer for the Commission. At the time that they were handling the Lloyd House transaction, I was their lawyer and, after that, I became—well, after my aunt retired from being a member, I became a member. I sort of took over the position that she had on the Commission and then after John Howard Joynt died—well, first there was Captain Van Swearingen who was chairman and then there was Howard Joynt who was chairman and then I was chairman and now Charles Trozzo. We've only had four chairmen. I was chairman of it for 12 years, which was back in the [19]90s.
A.P.:	Sounds like that kept you pretty busy.
Alexandria's Historic District and Urban Renewal	
Robert Montague III:	Yeah, it was why I moved to Alexandria. I wanted to work with an urban historic district as a lawyer, and my aunt had been very active with the historic district and she encouraged me to come practice law here so that I could work with an urban historic district as a lawyer because at the time I was ready to come, there were a lot of problems that needed to be dealt with. The historic district ordinance was relatively new and it was being put to the

	test quite a few times and I was around to see it amended so that it became more impervious to being challenged by lawsuits. Initially, it had some loopholes that could have created a chance for it to have been set aside in court, but I think it is virtually impervious to that challenge now. And I was also involved in the issue of urban renewal in Old Town. As a lawyer, I handled the case for the Historic Alexandria Foundation challenging the validity of urban renewal on King Street in the [19]60s—back when urban renewal was being implemented extensively because of "blight" as they called it—the word "blight" was a word of art and was subject to a legally definable definition. And we challenged the urban renewal project in Alexandria because we didn't think it was "blighted" enough to justify urban renewal but we lost the case. We took it all the way to the Supreme Court of Virginia.
A.P.:	Well I take it they basically bulldozed all of King Street then?
Robert Montague III:	Well, they did over the 3-, 4-, and 500 blocks of King Street. And it involved demolition primarily because they wanted to have underground parking and they didn't feel they could preserve the old buildings' walls and still have underground parking. And that was what was behind the effort to tear them down. But they were still sound enough that had they not had to create underground parking, they could have been restored.
A.P.:	Of all the folks that you've mentioned, you mentioned several folks earlier that worked with the preservation movement, were there others that you think...?
Robert Montague III:	Yeah, Ethelyn Cox is another person that I worked with. She wrote the book *Alexandria Street by Street*, which was sort of the second big effort at writing up the old houses of Alexandria after my aunt's book. And it's a very important resource for information on the early houses here. She was my neighbor across the street from where I live. And I worked with quite a number of other people who were on the board of the foundation. John Howard Joynt I probably worked with as much as anybody. He was on the original Board of Trustees of the Historic Alexandria Foundation and had been president. He later became Chairman of the Preservation Commission and served on that for a long time. And then I worked with Captain Van Swearingen in my early days here. He was the Chairman. I've worked quite a bit with Morgan Dulaney, who is the current president of the Foundation. And people like Effie Dunstan, who also was a very active person for preservation in Alexandria.
A.P.:	I presume they're still around?

Robert Montague III:	I don't know whether Effie Dunstan is still living. If she is, she'd be very old. I have a feeling she may no longer be with us. Ellen Pickering is still living. Morgan Dulaney is still living. John Howard Joynt is dead. Captain Van Swearingen is dead. Clement Conger, I also worked some with him—he's dead. A lot of these people have passed on. My aunt lived to be 97. But she died in 1988. So it's been 18 years since she's gone.
A.P.:	Hopefully, you have good genes—her good genes.
Robert Montague III:	Well, I hope so. But my parents didn't live quite that long. My father died at 75 and my mother died at 79. I'm 71 right now.
A.P.:	Well, you look like—you don't look old to me. You look pretty good.
Robert Montague III:	I'm fighting the battle as best I can.
Concluding Remarks on Easements and Historic Properties	
A.P.:	Other than the questions I have asked, are there any other observations that you'd like to make?
Robert Montague III:	Well, one of my concerns is the public understanding of an attitude toward easements because there was an effort to challenge it. The first easement in Alexandria was on 619 South Lee Street—the home of the late Justice Hugo Black—and Mr. and Mrs. Ginsberg owned it at the time. And they sought to try to set aside the easement that Justice Black had put on that house and brought the matter to the attention of the Virginia Department of Historic Resources. I went to Richmond to protest their effort and it was avoided—the issue was avoided—because the house was sold to someone who agreed to accept it and to honor the easement. But they wanted to subdivide the carriage house off of that property and make it a separate lot, which was prohibited by the terms of the easement. Subdivision was flatly prohibited. Period. And these people didn't seem to think that that prohibition meant anything. And it bothered me greatly that that would be the attitude that someone would have having bought the house knowing that it was subject to this easement. And then seeking to set it aside in such a fundamental way because the preservation of the property intact was the basic goal of the easement—to avoid subdivision and development on open space or to split up a property that had always been historically together. And that carriage house had always been a part of that property for over a hundred years. The problem has been averted for now but I am concerned that people in the future may run into this issue because easements are perpetual. That's why they generate the tax benefits that flow to the donor or the owner of a property under easement. I

	live in a house that's under an easement myself, and it's the second easement that was put on in the City of Alexandria in 1979. The first one was done in the late [19]60s. Also, my office at 1007 King Street is protected by an easement, and it's the only commercial property in the city of Alexandria that is protected by a preservation easement. And my purpose in putting an easement on my office and my aunt's purpose in putting it on my house was to be sure it stayed intact and was not altered inappropriately by some future owner. And I want to try to, by leaving these remarks with you, among other things, be sure that other people will come to understand that easements are perpetual. They cannot be weakened; they can only be strengthened. In later years the only way you can change it is to strengthen it. The Ginsbergs were trying to undermine and weaken the easement on Justice Black's property. And it is an issue that is somewhat pending right now. The property has been sold to some people that I hope understand it this way. I've talked with them and tried to explain this to them but when I first began talking to them, it was not clear to me that they had this understanding of what an easement might mean.
A.P.:	Well, the Robert E. Lee house—wasn't there a concern that was going over to a private residence?
Robert Montague III:	Yes, I was involved with that also. The National Trust president, Dick Moe appointed me to the committee that was to review proposals that were to be submitted to save it as a museum house. And, there were none that came in that were financially responsible. And so it remained—after it had been bought by Mr. and Mrs. Kington who were the ones who had offered to let it go back to being a museum house if a suitable museum operation could be found in the time period that was allotted—none could be found although there were one or two proposals that were made to the Committee, they weren't financially sound. And the reason the Kingtons had to buy the property was because the museum house operation had fallen on hard times and was not generating enough funds to be able to maintain the house properly. I do feel that they have done a wonderful job preserving that house. They have spent five million dollars on the property since they bought it—restoring the house and the garden—and they have protected it with an easement the terms of which I have never seen but I am told that they have protected it. I'm not sure if it's an adequate easement to fully protect it but it's better than nothing. It has a huge garden, which makes it a vulnerable target for developers if ever it was sold to someone that wanted to develop it and that's why I am concerned because the garden is a big part of why that house has so much character and is so important. It's not just the house; it's the house and the garden, which is unique.

A.P.:	That's right. I heard that it changed hands...
Robert Montague III:	Well, the Kingtons have bought Justice Black's house at 619 South Lee Street, so they now have two big fine easement houses on their hands. I don't know where that's going to lead. I'm following that one closely still at this time.
A.P.:	I hope they have enough money to maintain them.
Robert Montague III:	Well, I think if anybody does, they probably do. But it takes a lot. Five million dollars is what he told me himself is what he spent on the Lee house. I had dinner with him in July. I can believe that that may have happened although it's hard to see where all of it went because some of it is inside the house. It needed a lot of work at the time they bought it; it was definitely rundown and had not been given the maintenance it needed.
A.P.:	More than I could afford.
Robert Montague III:	Well, yes. It's a major property in Old Town. At this point, if it had to sell, they would probably be asking what they have in it at least—that's six million dollars. That would be a difficult house to find a buyer for. But they've already gone and bought the Justice Black house at 619 South Lee Street and now they're going to have the difficult decision of which one they'd really rather live in and both of them need to be lived in because when a house is lived in, that is the highest and best use. If it's sitting vacant, it's suffering. If it is in a hostile use, it is suffering. The museum house use that the Lee house had was good as long as it was being properly conducted but museum houses really are not as healthy for a house as to live in it, which is what they were built for in the first place and a house benefits from being lived in by an owner, not as much by a renter but either way, just so long as it is not vacant. So I hope that the Lee house will remain occupied as a single-family first-class residence or maybe someday it will be the Robert E. Lee Museum again, but that is a pipe dream I think at this point because it has so much money invested in it that I don't think there's a museum house operation that can afford to take it on and carry it.
A.P.:	Well, I do appreciate you coming in to talk with me today.
Robert Montague III:	Well, I'm glad I could do it. It's a good thing that you have this program to do this sort of thing.
A.P.:	Well, thank you. [End]