The end of the battle over the neighborhood housing retention legislation suggested that the Over-the-Rhine Planning Task Force, now known as “Stevens’s folly” among department heads with projects in the neighborhood,¹ would at last concentrate on completing its work. Odds for this seemed even better in light of two contemporaneous events. First, internecine squabbling on the Task Force ceased after six business representatives walked out in disgust, contending that they supported low-income housing as the plan’s top priority but complaining that only one-fourth of the group’s members attended meetings, that the group had not even discussed land uses, and that resident representatives dominated the body and used it principally to promote low-income housing.² Sy Murray responded to the boycott by leaving the business seats vacant and by promising Buddy Gray and his allies that he would not sanction the establishment of a separate business group as a planning body to work in tandem with the Task Force.³

The retirement of planning director Herbert Stevens, who sided almost from the outset with Gray and who never pressed the Task Force to pick up the pace of its work, provided the second reason for optimism about expediting the plan. It gave Murray the chance to replace Stevens with Hubert Guest, the same man who a decade earlier had helped write
in fairly short order the Queensgate II plan; who then served as Model Cities director, in which job he derailed Harris Forusz's long and complicated plan for Over-the-Rhine; who next became director of the Department of Buildings and Inspections, where he supported the now stalled Lazarus effort to diversify Over-the-Rhine's population; and who most recently worked directly with Murray as assistant to the city manager. In all these posts Guest earned a reputation for getting things done as simply and quickly as possible, and he deplored as much as if not more than Murray the embarrassingly slow progress of the Over-the-Rhine Planning Task Force.

Instead of quickly completing the plan, however, the Task Force held it hostage in a renewed and protracted fight over the nomination of Over-the-Rhine to the National Register of Historic Places. This took shape in February 1982, when W. Ray Luce, the state historic preservation officer, informed the city government and the Over-the-Rhine Community Council that the National Register had reopened after being closed in 1981 to allow federal officials to work out procedures to handle a congressional mandate prohibiting the listing of a district if a majority of property owners objected. The Over-the-Rhine Planning Task Force immediately voted its opposition to National Register listing “in recognition of the current planning process in the neighborhood” and urged the city administration and the city’s Historic Conservation Board to take the same stance.

Stevens might have backed the request, but Guest, who knew the Conservation Board supported the nomination, as did he, told the board to prepare and approve a report for the Planning Commission. Genevieve Ray, the city’s urban conservator, wrote the report, which in the context of the earlier debate on the issue took an unavoidably defensive tone. Ray labeled National Register listing as irrelevant to the planning process because the decision one way or another would not affect either land use planning or the establishment of neighborhood boundaries for planning purposes. She also argued that further postponement of the listing would discourage reinvestment under the Economic Recovery Tax Act of 1981, which provided major tools both for the creation of low- and moderate-income housing and for stimulating rehabilitation of higher-income housing. She then attacked the “myth” that displacement automatically followed National Register listing, asserted that displace-
ment flowed from disinvestment, not reinvestment, and observed that Over-the-Rhine in any case contained room for some middle- and upper-income housing because of its 24 percent vacancy rate.9

The Historic Conservation Board reviewed Ray's report, unanimously endorsed the nomination,10 and sent the issue to the Planning Commission, where Guest supported the listing. Predictably, Buddy Gray objected vehemently, but not on architectural or historical grounds. He conceded that Murray acknowledged low-income housing as the top priority for Over-the-Rhine but complained that the city government had made no such commitment "on paper" and contended that city council had not gone on record in favor of "any type of development action" in Over-the-Rhine. Council member Thomas Brush (C) responded that the city council needed a "clear and concise plan" on which to act, pointed to an immediate need for incentives for developers, especially in view of the high interest rates, and added that historic designation provided "the only mechanism that offers some hope" and that it would not "result in any worse condition than what now exists in Over-the-Rhine." With that, the Planning Commission unanimously endorsed the nomination.11

City council consideration came next, just two days before the issue went before the OHSPAB, the Ohio Historic Sites Preservation Advisory Board. Here, however, the attempt to line up a united front for the listing failed. Four people, including Gray and Jack Towe of the Over-the-Rhine Community Council and Planning Task Force, spoke against the measure, after which Mayor David Mann (D) transmitted to council various communications and petitions from residents of Over-the-Rhine objecting to the nomination. These pleas elicited some sympathy, for city council member Charlie Luken (D) moved to request the state advisory board to defer action. The vote yielded a three to three tie,12 which left the state board without guidance by city council.

By this time, moreover, the state historic preservation office had been bombarded with letters against the listing, some of them from powerful people. These included three black members of the Cincinnati delegation to the state legislature, Representatives William L. Mallory (D) and Helen Rankin (D) and Senator William F. Bowen (D), two of whom (Rankin and Bowen) referred to earlier incidents of displacement stemming from other governmental actions, including expressway construction.
and urban redevelopment in the West End.\textsuperscript{13} Other letters of opposition came from the Reverend James Willig of St. Joseph Catholic Church on Ezzard Charles Drive just west of Over-the-Rhine; Andrew Fox, O.F.M., publisher of the \textit{St. Anthony Messenger}; Buddy Gray; and Grace Raines, speaking for People Against Displacement.\textsuperscript{14}

Proponents of the listing comprised a large and diverse group,\textsuperscript{15} but they could match neither the clout of the opposition nor the show it put on at the hearing before the OHSPAB. Buddy Gray and his allies brought to the hearing a busload of forty residents of Over-the-Rhine, many of whom testified in passionate terms about the gentrification and displacement that they claimed would follow from historic designation. Once again the advisory board voted to delay consideration of the nomination, this time for a year, to permit the Over-the-Rhine Planning Task Force to complete the comprehensive plan and the city to make all of Over-the-Rhine a neighborhood housing retention district.\textsuperscript{16}

This did not settle the matter, for Luce soon received inquiries from Cincinnati about the procedure for appealing decisions by the state board directly to the keeper of the National Register, Carol Shull. In response Luce warned Buddy Gray that interested citizens could appeal directly to the keeper, who might then either bypass the state review process or require the consideration of the nomination by the state board “at an earlier date than scheduled.” Luce reported too that Shull had gone on record as favoring the listing of the proposed Over-the-Rhine district and added, “I think you can see the need for haste in completing the process you are involved in at the local level,” by which he meant both completing the plan and securing protection for low-income housing in all of Over-the-Rhine.\textsuperscript{17}

Diane Smart, chair of the twenty-five-member Over-the-Rhine Property Owners Association, doubted that the Task Force would speed up and decided to pursue another strategy. She demanded that Luce exercise his right to override the advisory board and forward the nomination to Shull. She threatened to appeal the nomination directly to Shull if he did not. And she claimed that OHSPAB acted in response to “propaganda” from a “small but vocal group of alleged residents,” not on the basis of the architectural and historic merits of the proposed district.\textsuperscript{18}

Luce, however, refused to cooperate. He acknowledged the frustration of Smart and other property owners, and described the advisory
board's action as “unprecedented.” Yet he said he could not grant Smart’s request to bypass OHSPAB because federal regulations permitted him to forward a nomination to Shull only when he disagreed with a decision by his advisory board. And the board, he explained, had delayed the consideration of the nomination to encourage “local planning decisions,” not because it judged the proposed district ineligible for listing under the National Register criteria.\(^{19}\)

Smart and her allies nonetheless persisted in their efforts to get around OHSPAB. Late in May 1982 they filed an appeal with Shull that accused the advisory board of having acted on the basis of “local political and social issues . . . totally irrelevant” to historic designation criteria. The appeal also claimed that the delays had not only encouraged the demolition of many of the historic buildings in the proposed district but also had “caused more displacement than they prevented” by permitting the continued deterioration of housing units. It closed by requesting Shull to instruct Luce to send the nomination to her “forthwith.”\(^{20}\)

Shull considered this request for two months, during which time low-income housing advocates sought to protect all of Over-the-Rhine with a low-income neighborhood housing retention district. Mary Asbury of the Legal Aid Society and Jim Bower, chairperson of the Over-the-Rhine Planning Task Force, persuaded the Planning Commission staff to prepare such an ordinance,\(^{21}\) and the Planning Commission approved it on a five to one vote, despite the opposition of city manager Murray. Murray said the creation of the district would not produce low-income housing and contended that the ordinance would “put a hold on development in Over-the-Rhine for the next 20 years.” He then challenged the Task Force and “members of the community” to produce a plan that specifically ranked low-income housing as its top priority instead of always saying “don’t do, don’t do.”\(^{22}\)

City council disagreed with Murray, in part because of an optimistic report on the housing retention district and the Task Force’s progress by Charlotte Birdsell, the Planning Commission staff liaison with the Task Force. The Task Force had been working for eighteen months, she noted, and “frequently . . . in the spotlight—not always favorably.” Nonetheless, she predicted the Task Force would present “a product” for city council consideration within six months or less. In the interim, she argued, the creation of an Over-the-Rhine housing retention district
would support the work of the Task Force and contribute to the orderly
development of the area without significantly impeding development
opportunities.23

This sanguine plea impressed most members of city council, al­
though Mayor Mann tried but failed to secure the passage of an amend­
ment to reduce the duration of the district from two years to six months.
Another member then offered an amendment reducing its duration to
one year, a motion that passed by a six to one vote (two members absent).
Council next offered the privilege of the floor to Birdsall and Buddy
Gray, both of whom spoke in favor of the revised legislation, after which
council passed the amended ordinance by a six to one vote.24

Planning director Guest stayed out of the issue but intensified efforts
to speed up the Over-the-Rhine planning forces. He assigned staff mem­
bers to the preparation of a new zoning district to accommodate busi­
nesses in the basements and on the first floors of apartments in older
areas of the city, such as Over-the-Rhine.25 That same month, increas­
ingly frustrated with the lack of progress by the Over-the-Rhine Plan­
ing Task Force, he ordered the consultant on the project to prepare a
land use plan without waiting longer for the Task Force to adopt goals
and objectives for land uses in Over-the-Rhine.26

At this juncture the Task Force shifted its focus back to the nomina­
tion of Over-the-Rhine to the National Register. Carol Shull, the keeper
of the Register, had finally responded to Diane Smart's demand that
Luce circumvent his advisory board and send the nomination to the
keeper. Shull stopped short of this, recommending instead that Luce
schedule the nomination for reconsideration by his advisory board as
soon as possible.27 Luce ignored the advice until Smart sent him a tele­
gram demanding action.28 He then told Smart he would ask his board to
consider the nomination on September 17 and requested the city man­
ger, the Over-the-Rhine Property Owners Association, and the Plan­
ing Task Force to provide him evidence of "good prospects for a timely
implementation of an effective plan."29

Guest and Charlotte Birdsall responded for the city manager to
Luce's request, but sent contradictory messages. Guest said that the His­
toric Conservation Board and the Planning Commission still supported
the nomination, regarded it as an important tool for the provision of low­
and moderate-income housing in the area, and urged the advisory
board to approve the nomination "at the earliest possible date." Birdsall, however, asked the advisory board to defer action on the nomination until December 1982, by which time, she said, the plan would be ready for consideration by the Planning Commission and city council and would recommend the "designation of National Register and local historic districts."

Two persons acting as representatives of Over-the-Rhine residents also requested a delay of the reconsideration of the listing. Catherine Howard, vice president of the Over-the-Rhine Community Council, urged the state board to defer action for a year, and Jack Towe offered a surprising reason for such a delay: the highly unlikely possibility of amending the city's new neighborhood housing retention law so that it included historic design controls, fees for significantly increasing the rents for low-income housing, and certificates that low-income developers could sell to developers of higher-income housing. These, of course, were features stripped from the law to secure its passage, and the Planning Task Force itself had eliminated historic design controls before submitting the proposed ordinance to city council.

The Over-the-Rhine Property Owners Association wanted immediate action on the nomination. It reminded Luce and the advisory board in a letter that the nomination process had started in December 1979, that the Task Force had failed to meet its original deadline of December 1981 for completion of the plan, and that it still had not completed it despite repeated goading by Luce and the city administration. In the meantime, said the letter, Over-the-Rhine was "self-destructing," citing as evidence its declining population, surplus housing stock, increasing demolition rate, infestation by vagrants and "fire-starting thrill seekers," and rising incidence of rape, theft, and murder.

These and other entreaties for prompt consideration did no good, for the board once more put off its consideration of the nomination, this time until December 3, 1982. Before that session, Luce met with the Over-the-Rhine Planning Task Force to make the case for historic designation, and letters from the usual suspects supporting and opposing the nomination poured in to the state historic preservation office. These included deputy city manager Philip A. Hawkey's description of the planning process as "almost complete." Birdsall, however, was less reassuring. She indicated that the Task Force had voted on two of the
three components of the plan and predicted that the third vote would occur in mid-December. After that, she observed, would come "clean-up" work, an official review of the plan by the departments of city government and the Planning Commission, and the submission of the plan to city council in the spring of 1983, the date suggested by Towe for completion of the planning process.

The state historic preservation advisory board took up the Over-the-Rhine nomination on December 3, although it had to move the session from its regular conference room to an auditorium because more than a hundred Over-the-Rhine residents and their allies traveled to Columbus to oppose the nomination. As in the past, opposition speakers ignored historic preservation criteria and focused on the threat of gentrification and displacement. One of the most effective presentations came from a young and very angry black man who used confrontational language more common in the 1960s. The other came from Buddy Gray, who spoke calmly but passionately about the potential innocent victims of displacement, such as the young girl standing quietly by his side. Genevieve Ray ranked the presentation as a very good show, beautifully choreographed, complete with priests in their cassocks and lots of emotion—"You almost expected candles to be lighted and a choir to be singing in the background. . . . They beat us cold."

The anti-nomination demonstration also impressed a narrow majority of the board members, several of whom had received phone calls and visits from opponents of the nomination before the hearing. After the vote the tally showed eight against and seven in favor of the nomination, after which the crowd shouted down the use of a proxy to create a tie that would permit the chair, who favored designation, to break the deadlock and carry the nomination for the preservationists. With the nomination dead, the board approved by a margin of fourteen to one a recommendation that both sides consider the possibility of nominating to the National Register smaller districts within Over-the-Rhine.

The defeat of the nomination seemed to the victors to assure the future of Over-the-Rhine as a predominantly black and poor neighborhood and produced jubilation among the foes of historic preservation, who as they left the hearing sang "We Shall Overcome," ironically, of the racial integrationist civil rights movement of the 1950s and 1960s. On returning to Cincinnati the leaders of the anti-historic
preservation cause vowed to continue to fight, in part because such historic districts as Dayton Street to the west and Prospect Hill to the east of Over-the-Rhine consisted of “monuments and mansions” that presented a world inhabited by “masters, but no servants, owners, but no workers.” As a corrective, Mike Henson, another of the new, white Over-the-Rhine activists, sketched an alternative history of the neighborhood, “the story of one wave after another of immigrants who came into the city from Europe, then from Appalachia and the Deep South” to live in “overcrowded brick apartments” with no running water, dim gas lights, and outhouses in back. These strong and courageous people, wrote Henson, “Germans, Italians, Jews, Appalachians, and Blacks—each managed to improve their lives by creating their own cultural networks and by fighting against the landlords and bosses for better conditions.” “We” need “our” history, Henson concluded, one to “give us, the people . . . lessons for changing history.”

Father William Schiesl also celebrated the victory by picking up the theme of struggle, but he complained bitterly about the planning process and predicted that the outcome of the Task Force’s work would prove inconclusive. He alleged that planning director Guest and his staff made decisions “behind the scenes” for review and “input” by the Task Force, instead of letting the Task Force make the choices. He contended, too, that the Task Force had to fight with the staff and consultants over virtually every detail of the plan to keep low-income housing in the forefront on every issue, including the zoning of particular plots of land. And he predicted that the plan, when adopted, would provide a basis for protecting low-income housing but would contain no management strategies for implementing any aspect of it, a weakness that would leave to the Community Council the task of finding other ways to perpetuate Over-the-Rhine as a poverty neighborhood.

Schiesl and the Housing Committee of the Community Council had given this question some thought, and in January 1983 they announced six proposals to protect and increase the number of low-income dwelling units in Over-the-Rhine and to keep out more prosperous people. The first proposal asked city council to adopt an ordinance guaranteeing the establishment of a minimum of 5,520 low-income housing units in Over-the-Rhine, a figure almost identical to the existing number of unoccupied and occupied units, almost half of which ranked as substandard.
The second called for financial and technical support from the city for Owning the Realty, Inc., and Sign of the Cross (Towe's development corporation) to enlarge their capacity to produce low-income housing in the neighborhood. The third asked the city to sponsor the establishment of a "major multi-million start up package" by private interests for low-income housing in Over-the-Rhine. The fourth proposed a commitment by the city to bring one hundred apartments up to code standards. The fifth called for the rehabilitation of boarded-up HUD properties for low-income housing. And the sixth asked the city to withhold money from the Heritage Preservation Development Corporation until it set up "a fair, public election through the Over-the-Rhine Community Council for a majority" of seats on its board of directors.  

Action on these ideas had to wait, however, because the fight over the National Register nomination was not quite over, as Buddy Gray and his allies should have known. Luce had earlier explained to Gray the process of appealing decisions of the state advisory board to the keeper of the National Register. Others knew about these procedures, too, and three days after the meeting in Columbus, Joe Dehner, acting for Heritage Preservation, asked Luce to forward the nomination to the keeper, preferably accompanied by his professional comment in support of the nomination. Dehner said no one at the meeting had objected to the nomination on the basis of historical or architectural criteria, contended that without the listing Heritage Preservation would lose $50,000 in proceeds from two syndications for low-income housing in Over-the-Rhine, and threatened further action (presumably a lawsuit) against those responsible for the loss. That same day, Mary Heller, executive director of the Miami Purchase Association, also asked Luce to forward the nomination to Washington and informed him that Shull had assured her that federal regulations required state historic preservation boards to make their judgments on nominations on the basis of historical and architectural criteria exclusively.  

Luce responded to this pressure on December 22, 1982, by informing his advisory board that he had forwarded the nomination of Over-the-Rhine to the National Register because the architectural and historic criteria established by law compelled him to do so. He attached to the nomination a long letter to Shull describing Over-the-Rhine and exploring the question of displacement, which he portrayed as an issue that played
a sufficient role in the consideration of the nomination to warrant some discussion. Luce claimed that no one could predict what would or would not happen with or without listing, but asserted that two things stood out clearly. First, additional displacement would occur if the area continued on its current course, which had yielded the demolition of sixty-one rental units in the past two years. Second, National Register listing provided one of the few sources of funds for subsidizing low-income housing, and such subsidies had in fact been tapped extensively across the country for such ventures. Indeed, Luce observed, half of the new housing units created in the United States using historic preservation tax act subsidies consisted of low- and moderate-income housing projects. This fact, in addition to the commitment of the city of Cincinnati to low-income housing in Over-the-Rhine, brought Luce to the conclusion that listing would not lead, as opponents claimed, to widespread displacement in the area.47

Buddy Gray may or may not have seen a copy of the letter, but he was outraged by Luce’s decision to forward the nomination. “What’s the point of having a public board if a bureaucrat can overturn [its] decision?” Gray fumed. After all, he argued inaccurately, a “majority on the state board opposed this district and voted by a 14 to one margin to send the matter back to the neighborhood. We are furious,” Gray concluded, “and we’re not going to give up.”48

Indeed, Gray and his allies fought back desperately. First, they appealed to Shull to ignore the nomination because minutes of the state advisory board didn’t record the vote sending the matter back to Cincinnati for a solution. This move failed when Luce, at Shull’s request, sent her a copy of the minutes, which showed both the motion and the vote on it.49 Gray and the Over-the-Rhine Community Council then asked Shull to reject the nomination by alleging that city officials had not heeded the advisory board’s recommendation to consider the nomination of smaller districts in Over-the-Rhine to the National Register (something already established as a goal by the city administration); and they delivered to her letters protesting Luce’s action from organizations in Over-the-Rhine, several labor unions, state representatives Rankin and Mallory, state senator Bowen, and U.S. congressman Thomas Luken (D).50

Before the National Register office could review these pleas, the battle over the future of Over-the-Rhine took an unusual turn. On April 6,
an assistant to the recently elected governor of Ohio, Richard F. Celeste (D), sent a telegram to the National Register indicating that the governor’s office had received “a number of credible complaints” about the procedures followed in the nomination of Over-the-Rhine and requested the return of the nomination for its reconsideration by the governor’s office. The National Register office complied and called the intervention by a governor in the nomination process an “infrequent occurrence” that left the matter “up to the state.”

While proponents of the nomination, including Cincinnati mayor Thomas Brush (C) and top city administration officials, lobbied the governor to return the nomination to Washington, Gray and his allies finally aired their views on the eligibility of Over-the-Rhine for National Register listing. They asserted that buildings in Over-the-Rhine did not represent German architecture, contended that German Americans had maintained their culture in Cincinnati but had abandoned Over-the-Rhine, and claimed that parking lots, demolitions, and new construction had destroyed the architectural integrity of the proposed historic district, all of which rendered the idea of a physically and culturally cohesive German Over-the-Rhine a “fiction, a racist and ethnically biased myth” that overlooked black and Appalachian cultures. “We would prefer,” they added, “that those who pretend to be saviors of our neighborhood would choose instead to support what the neighborhood is trying to build and to respect our right as a people to decide our future.”

This assault on the preservationists changed no minds, however. The governor’s office concluded that all applicable historic conservation laws and procedures had been followed and returned the nomination to Washington on May 6, 1983. The National Register office promptly listed the nomination, which provoked one last effort to overturn the decision. The Over-the-Rhine Community Council asked the keeper to cancel the listing because 600 residents of Over-the-Rhine had each purchased a share in a building at 1421 Republic Street, thereby creating more Over-the-Rhine property owners opposing the nomination than supporting it.

That did not work either. George Kyle, public affairs officer for the National Park Service, announced that objections to a listing by a majority of property owners in a proposed district had to come before the listing. Jerry Rogers of the cultural resources division of the Department of the
Interior confirmed that judgment in a letter to Gray, a letter that finally ended the dispute over the nomination of Over-the-Rhine to the National Register of Historic Places.

But in this last phase of the National Register contest the opponents of the nomination averted total defeat. They not only delayed the decision on historic designation but also secured the passage of a low-income neighborhood housing retention district for the entire area, garnered abundant publicity for their cause, and secured promises from the city government that at least some low-income housing would be preserved in Over-the-Rhine. Now the focus of the fight returned to the question of how much low-income housing, a process that took two more years and culminated with the completion and adoption of an Over-the-Rhine plan.