

15-Year-Old Overton Park Battle Takes Expressway Path Into National Issue

"It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands . . . The Secretary (of Transportation) shall not approve any program or project which requires the use of publicly owned land from a public park . . . unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park . . ."

—Title 23 United States Code, Section 138 Effective April 1, 1967

By THOMAS BEVIER

The battle lines are drawn in those phrases in the dispute over building an expressway through Overton Park.

After 15 years of emotion-laden arguments on both sides, political infighting and administrative judgments, it has finally come to this.

It is now in the United States Supreme Court and its interest now exceeds regional bounds and is of national significance.

Only last week, the Overton Park case was a subject for discussion in New York at a seminar for attorneys involved in the practice of an emerging specialty of their profession known as environmental law.

At issue is 26 acres, ranging in width from 250 feet to 450 feet, along the present bus lane through the north end of the 342-acre park. The proposed expressway consists of six lanes — three each way — with a 40-foot-wide median strip. The estimated cost is \$3,500,000, 90 per cent of which

comes from the federal government. Without federal funds it probably could not be built.

There is some risk in attempting to simplify the legal issues before the high court, which has scheduled a full hearing on the case Jan. 11.

The proponents have heretofore contended that Secretary of Transportation John Volpe thoroughly considered the problem and found there was "no feasible and prudent alternative" route and that the plan "includes all possible planning to minimize harm to the park." The opponents take the opposite position and further contend that even if he did meet those requirements, he still made the wrong decision in giving the go-ahead in April, 1968, for building the road through the park.

As in most great controversies — and this is one of Memphis' greatest — it is difficult to grasp the significance of the headline of the day without knowing what went before.

In 1953, when expressways were but a glint in city planners' eyes, the late Will Fowler, city engineer, referred to them as a "fad." The city fathers decided to send him touring so he could witness what other cities were doing. Later, he became a supporter and the circumferential route was named for him. When he got back from his trip, he said he had found that "every city of any size is talking of expressways," but he added these words, which have a prophetic ring in light of the Overton Park controversy:

"They cost a lot of money and no matter where you put them, everybody is dissatisfied. That's the way it's going to be with us."

In September, 1955, the City Commission (which preceded the present City Council), was shown the results

of an expressway study begun the preceding January by Harland Bartholomew & Associates.

It called for a circumferential expressway (I-240), a north-south expressway through town (I-255), and the east-west route through Overton Park (I-40). Also presented was a less ambitious plan, including most that was in the first one except for the east-west route.

William S. Pollard of Harland Bartholomew was asked last week if this was not an indication of low priority for the east-west leg. He said that was not true. "We never saw it as a viable option not to have the in-town legs," he said.

He said the 1955 plan was done under pressure so the city would have a proposal to present to the federal government when the anticipated Interstate Highway Act was passed the following year.

A person who has been involved in planning of the expressway system throughout — but who would not be quoted by name — said that it was recognized from the start that routing I-40 through Overton Park was inviting a battle. He said that is why the decision to first build the south leg of the circumferential in relatively low populated areas was made.

That south leg also gnawed at some parkland — about 30 acres of Riverside Park — as did the extension leg of 255 which cut about 9 acres off Pine Hill Golf Course. Neither slice, however, split parkland, apparently much of the issue in the Overton dispute.

"The feeling of some people was that an army with no one to fight will disappear," he said. "I did not agree with this decision. I thought we should have taken on our toughest nut first."

Many understood that the circumferential route would be built first, but there was a great deal of pressure from

downtown merchants to build the east-west leg. Planners contend that it deserved higher priority because it would serve a more densely populated area and, therefore, more motorists.

Opposition centered around Overton Park was not long in developing. In July, 1956, there was a meeting at Trinity Methodist Church, which is in the expressway's path, of persons interested in opposing it. They were told by their attorney that a legal fight would be useless and they accepted his judgment. In September, 1957, petitions with 10,000 signatures opposing Overton Park routing were presented at a meeting at which Mr. Pollard discussed the project.

Opposition was relatively quiet until June, 1964, when Citizens to Preserve Overton Park was formed. County Commissioner James W. Moore, then a city commissioner, was at that meeting and he suggested that the expressway could be tunneled through the park. At that time — and still — plans call for it to be depressed.

As the 1960s progressed, the environmental issue came more and more to the fore. One of the principal spokesmen for that argument was, and continues to be Dr. Arlo Smith, a professor of biology at Southwestern. He has said:

"It's not just the loss of a beautiful landscape; it's the disturbance which will drive the birds and wildlife out of the park and upset the whole balance of nature in this one area."

Most people involved in the controversy concede now that when the original decision was made the consideration given to environmental factors was much less. In

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Radicals' Right To Talk Backed

Hanna In Speech At MSU Says Faulty Ideas Fade In The Light Of Truth

By SALLY WRIGHT

Muzzling the Rubins, Kuntlers and others of their breed only gives them "the satisfaction and publicity of being barred," Gordon Hanna, editor of The Commercial Appeal, told Memphis State University graduates yesterday.

"Our great institutions suffer much less when these people are allowed to deliver their radical orations," said Mr. Hanna, primary speaker at the 59th commencement in Mid-South Coliseum.

He assured the audience his words were no defense of agitators "who go about spreading their hatred and their nonsense. I simply think we must not fear them."

"No matter how outrageous we consider his ideas, when we deny a man the right to be heard we endanger our liberty. Truth, like cream, rises to the top. The bad idea — the lie — will dry up and die when exposed to the light. Denied exposure, it will grow like cancer and infect those with whom it comes in contact."

Mr. Hanna also hurled a verbal challenge at everyone present concerning campus unrest. "Our danger today lies in the possibility of overreacting to the destroyers of our society . . ." he said. "There never was a greater need for tolerance and good judgment and self-restraint on the part of all of us — young and old."

He welcomed the 829 graduates to the "working world" and reminded them that it is filled with a myriad of grisly problems with which they will have to grapple.

Mr. Hanna ticked off a multitude of ills — from pollution to pornography — asserting that there are no simple answers to them.

"We can't just shut down our factories and our power plants and permanently park all of our automobiles. In our industrial economy I am afraid such extreme solutions would do us in even quicker than the pollution."

"Balance, as usual, is the name of the game . . . some sort of balance between natural environment and man-made environment . . . Achieving it is the real challenge we face in this area."

However, he was optimistic that "the energies and enthusiasms and urgings of young Americans will help us to do our best."

"Despite our difficulties, we are privileged to live in fabulous times . . . Never has man's knowledge been expanding so rapidly nor his opportunities so great."

Taking top academic honors at the convocation were Mrs. Joan Rachel Taylor with a grade average of 3.9 out of a possible 4 points. Two business administration graduates, Richard Cornelius Bradley and Charles Orr Branyan, tied for the male scholastic laurels. Each has a 3.71 average.

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Buildings Between Autumn And Princeton Have Been Removed For Expressway Approach To Park

—Staff Photo by James Shearin