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Conservation Groups Tell Why They Joined

X-Way Fight ²

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Press-Scimitar Staff Writer

Why have two nationally known conservation groups, the Sierra Club and the Audubon Society, jumped into the scrap to keep Interstate 40 out of Overton Park?

How did they get involved, anyway?

How much money are they spending? And who has financing their efforts to thwart the state of Tennessee?

These questions have special relevance since the U.S. Supreme Court has granted a Dec. 7 oral hearing on a request that work be halted on I-40 route through the park until the justices review lower court rulings which have gone against conservationists.

The Audubon Society, headquartered in New York City, and the Sierra Club, with main offices in San Francisco, are plaintiffs in the Overton Park case along with the Citizens to Preserve Overton Park, a Memphis group, and Mrs. James M. (Sunshine) Snyder, of 327 Kenilworth, and William W. Deupree, 1740 Glenwood Place.

To the public mind, the Audubon Society has long been identified as "that bird-watching group" and the Sierra Club thought of as a California organization concerned with redwoods.

Although the public may still think of them this way, they, along with other

the Wilderness Society, have changed with the urbanization of America. Now they consider themselves leaders in the fight to save "man and his environment."

Michael McCloskey, 36-year-old attorney who is executive director of the Sierra Club, and Robert C. Boardman, editor of the National Audubon Society's conservation publication, the "Audubon Leader," were interviewed.

How did they become involved in fighting to stop an expressway through an inner city park in Memphis, Tenn.?

Both said they were approached by leaders in Citizens to Preserve Overton Park.

Both conservation groups dispatched national representatives to look over the park in person before deciding to join the litigation.

"Twenty years ago," said Boardman, "we didn't have traffic jams as we do today, so there weren't expressways being put in through public land. In a case like Overton Park you have a classic example. Man is an urbanized animal now. We are fighting to preserve the few breaths of air and green space left to man."

McCloskey said after he personally looked over Overton Park and studied the situation "it was obviously very similar to other ex-



MICHAEL McCLOSKEY

years around the country."

He said since passage of the federal transportation act, which instructed governments to avoid going through parks and wild-life refugees "with all prudence," the Sierra Club has found its litigation "load" on the increase.

"Up until a couple of years ago," said McCloskey, "we hardly had two or three cases a year. Now we have four dozen in various stages of litigation."

The Sierra Club has become expert at anti-expressway warfare. The club has been involved, said McCloskey, in legal fights to protect Breckenridge Park in San Antonio. New Or-

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California, not to mention rescue of the state's legendary redwood parks.

One such fight cost the Sierra Club its tax deductible status.

On June 9, 1966, the Sierra Club ran full page ads in the Washington Post and New York Times asking the public to write and object to federal plans for building two dams at the Grand Canyon.

The ads read, "Only you can save the Grand Canyon From Being Flooded for Profit."

Immediately after, the IRS wrote the club, said McCloskey, saying IRS was no longer prepared to extend assurance of deductibility of contributions to the club. The club still hasn't regained its tax exempt status.

Even so, "the Grand Canyon hasn't been flooded yet," said McCloskey.

Both Sierra and Audubon raise money from memberships sold to individuals and families all over the country, the sale of their various books and magazines, and from contributions. Both are non-profit organizations.

The Sierra Club has 33 chapters and 110,000 members in the United States. Its annual operating budget is about \$3 million, said McCloskey.

Boardman said the annual budget of the Audubon Society is more than \$4 million.

The Audubon Society operates numerous wildlife sanc-

tuaries across the United States, the cost of which consumes more than half of its budget.

"Only an infinitesimal portion goes to legal work and litigation," he said. Audubon also operates educational centers in various cities.

Sierra has about 80 full-time staff members throughout the United States, said McCloskey, and a good portion of its budget goes into conservation work. About one-fourth of the budget goes to operate various lodges and trips into the "back country" and one-fourth into publishing. The name of the club is associated with Yosemite National Park, Upper Colorado and the Redwood National Park, the Grand Canyon and a host of other projects.

Boardman said Audubon has about 160,000 members but also has 250 affiliated garden clubs and other groups "who are valuable allies in the conservation fight. When you add our affiliated members you get about 350,000 persons with whom we have ties."

He said Audubon maintains no Washington lobbyists.

It has a board of directors elected annually by its membership and has a paid president and staff. Its president is Elvis J. Stahr, former Secretary of the Army under President Kennedy and former president of Indiana University.

Numbered among Audu-



ROBERT BOARDMAN

bon's 33 board members are such people as Bill Conway of the Zoological Society; Olin Sewall Pettingill Jr., of Cornell University; Sydney Howe, head of the Conservation Foundation of Washington, D.C.; Russell Crain, who was President Nixon's environmental consultant; and author Roger Tory Peterson.

Sierra board members include such people as Luna Leopole, of the U.S. Geological Service; Paul Brooks, of Houghton and Mifflin Publishing Co. and noted landscape photographers Ansel Adams and Eliot Porter. Former board members have included such people as

U.S. Supreme Court Justice William O. Douglass.

McCloskey speaks frankly about the costs of litigation — which he admits is on the increase — but says the Sierra Club has been lucky. "We have many attorneys who are members of our organization. They have been generous enough to donate their services free of charge, usually. All the expenses we bear are usually just the cost of printing of briefs and other expenses."

Mrs. Snyder said most of the financing for the local suit has come from local contributions. "Citizens to Preserve Overton Park has received more than 500 donations," she said.

Mrs. Anona Stoner, secretary-treasurer of Citizens to Preserve Overton Park, declined to discuss how many people had contributed to the cause. She said, however, that in 1957 when Blanchard Tual, the attorney for the Committee to Save Overton Park, spoke against the expressway route to the City Commission, he presented a petition carrying 10,000 signatures of persons protesting the route.

"One of our big problems is that governments view park land as free and try to run roads through it," said Boardman. "They just wear the public down."

Jack Vardaman, of the law firm headed by Edward Bennett Williams in Washington, is scheduled to argue the case for the conservationists

Dec. 7. Charles Newman, Memphis attorney, will assist.

Briefs for the hearing are due at the Supreme Court by Dec. 3, and these will come from John A. Volpe, U.S. Secretary of Transportation, and the State of Tennessee, defendants. All nine Justices are expected to sit in.

Even if the Supreme Court upholds the stop order, it will not end the matter, but will stop construction work until the Supreme Court decides whether to uphold the split decision of the Sixth Circuit Court of Appeals in favor of permitting the expressway to go through the park.

The State of Tennessee is requesting that protesting citizens and conservation groups be required to post a "substantial bond" if such a construction halt is ordered, to cover possible cost hikes. Tennessee has already awarded a \$5 million contract for construction of the park segment.

McCloskey and conservation attorneys do not seem to be worried about being ordered to post a bond.

"Actually, if the Supreme Court ordered any such thing it would be highly unusual," they say. "The Constitution is based on the individual's right to protest government action and the protection of those individual rights. To make citizens post bond to protest a government action is unheard of in the United States."

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