

Numerous Expressway Memos Revealed

Attorneys for objectors to the Overton Park expressway have filed a dossier in Federal Court containing 105 documents which show, among other things, that a federal highway official compiled a background information report on City Council officials back in 1968 and speculated ahead on what their feelings might be about the park route.

The documents were turned over to U.S. Chief District Judge Bailey Brown. Judge Brown said he would study them this weekend but allowed The Press-Scimitar to go over the collection in advance.

John W. Vardaman, Washington, D.C., and Charles F. Newman, Memphis, two of the attorneys, told Judge Brown that the documents, were selected from the administrative record "filed by the Department of Transportation."

Vardaman and Newman said the record consists of more than 8,000 pages "many are not directly relevant to the issues. For the convenience of the court we have selected a number which we believe are important."

The trial will go into its fifth day Monday.

Defendants are expected to file similar documents when they present their side.

The documents are mainly inter-office letters and memos.

The multi-page letter giving an evaluation of the new City Council member's attitude and background information about them was written by J. C. Cobb of Nashville, division engineer of the federal Bureau of Public Roads, to Harry E. Stark, regional federal highway administrator of Atlanta, Ga. Stark had requested the information.

The City Council members took office on Jan. 1, 1968. The letter from Cobb to Stark was written on Jan. 19, 1968. Cobb told Stark, "I obtained this information on each Councilman as best I could by contacting people who are well informed and know the Councilmen. It is their best judgment I do not contact the Councilmen (directly for the information)."

Cobb wrote: "My report on each Councilman giving his background as well as his business or profession and whether he is for or against the present I-40 location is as follows:

"Downing Pryor — Downing Pryor has been in the automobile business for a number of years . . . is a civic minded individual . . . It is the opinion of several people that know Mr. Pryor that he would be for the park route . . ."

"Wyeth Chandler — Mr. Chandler is inclined toward a political future. He is an independent public spirited citizen . . . He is for building the park route without further delay . . ."

"Billy Hyman — Mr. Hyman is prominent in business affairs of Memphis, is a retail lumberman . . . This is his first venture into politics . . . He is an independent in his voting . . . He is labeled as favoring the I-40 park route . . . The alternate location would take one of his lumber mills along the L & N railroad . . ."

Cobb then goes on to give the background of J. O. Patterson Jr., Jerred Blanchard, Tom Todd, Bob James, Lewis R. Donelson, W. T. McAdams and Phillip

Perel, stating that it "is the opinion" of "those who know" them that they would be in favor of the park route.

However, he tells Stark, that he can't anticipate how Mrs. Gwen Awsumb, Fred Davis and James L. Netters would feel about the routing.

Another document is a letter of March 4, 1968, from City Councilman Lewis Donelson to Mrs. John Hines, 1396 Carr, stating, "Dear Sara . . . I am convinced in my own mind that the original decision was totally wrong and the action of the City Commission in approving it (the routing through the park) to me is inexplicable. Mr. Maxson (Tom Maxson, City Engineer) virtually admitted in response to my questions the other morning that the only reason the expressway was put through the park was that the city already owned the land and this would mean less disturbance for existing homes and less trouble of land acquisition."

The plaintiffs — Citizens to Preserve Overton Park, Mrs. Sunshine K. Snyder, William Deupree, the National Audubon Society of New York and the Sierra Club of San Francisco — are trying to prove that under the new park preservation and environmental protection laws John A. Volpe, Secretary of the U.S. Department of Transportation acted "arbitrarily and capriciously" in his selection of the route and did not determine that alternate routes were "feasible and prudent" before routing the highway through the park. Under these environmental protection laws it is required that such a final decision be made by the Secretary himself.

Included in the documents given to Judge Brown for his perusal is a letter written by J. D. Braman, U.S. Assistant Secretary for Urban System and Environment, on March 20, 1970.

The letter states that the "route through the park, however, was chosen by the Memphis Mayor and City Council and by the Tennessee Highway Department, not by any federal official . . ." Braman also states that by the time Volpe took office "the planning had gone too far to consider reversing the prior decision to go through the park."

An unusual inter-office memo of Feb. 17, 1967, from E. H. Swick to E. C. Turner is also contained in the administrative documents filed with Judge Brown. Swick was then the deputy director of the U.S. Bureau of Public Roads, and Turner was the director of the Bureau of Public Roads.

Swick's memo states "The attachments concern your request that we look into an elevated I-40 across Overton Park in Memphis. The discussions aren't too conclusive, but apparently the structure concept was rejected by the park people themselves. It is important, as I see it, not to rock the boat right now. The new Governor and the new Highway Commissioner both have reaffirmed the location, the design is well along, and if we call now for a re-examination Mrs. Stoner (Mrs. Anona Stoner, secretary of Citizens to Preserve Overton Park) and company will soon be in full cry. I recommend no re-examination. I don't believe the elevated structure would be that better a solution."

Including in the documents is a July 18, 1969, letter of Secretary of the Interior Walter Hickel to Volpe requesting that the park expressway be placed in a tunnel.

Hickel tells Volpe that "although pedestrian crosswalks are provided the expressway will actually cut the park into two separate areas. Overton Park is a heavily used 350-acre park with a variety of outdoor recreation areas. It is un-

sual to find a natural area of this size and quality in a city . . . It is regrettable that the concerned governmental bodies approved the location of this expressway in this beautiful city park . . . However, since approval was given it is necessary under the provisions of the Federal Highway Act of 1968 that all possible planning be undertaken to minimize harm to the park."

The documents include a letter from Mayor Henry Loeb to Volpe Oct. 16, 1969, requesting fast action to approve I-40. Loeb encloses a letter to him from Thomas Prewitt, attorney for the Memphis Park Commission, stating that the Park Commission has negotiated to purchase Fox Meadows Golf Course for \$1 million and that the money was to come from payment from the state for Overton Park. Loeb tells Volpe "Prewitt urges fast action on I-40 in order not to jeopardize the Fox Meadows purchase."

On Oct. 24, 1969, U.S. Assistant Secretary for Urban System and Environment wrote Volpe a memo recommending that the park road be fully depressed.

In a letter on May 8, 1969, Swick said he found "it not feasible to depress the highway in the Lick Creek area of the park and has given approval to the concept of partial depression."

On May 23, 1969, Oscar Gray, of the Office of Environmental Impact, wrote a memo to Rex Wells, Chief, Systems and Location Division of the Bureau of Public Roads, asking that no decision be made on the design in the park without coordination with the Division of Urban Systems and Environment. On May 26, 1969, the record shows that Gray wrote to Mrs. Anona Stoner in Memphis indicating that the location of the route through the park was a decision made in 1968 and was based largely upon the judgment of the City Council.

On Nov. 4, 1969, Volpe approved construction of the east-west route through the

park with "significant qualifications." He wanted the road a foot or two lower, with additional pedestrian and vehicular overpasses.


The plaintiffs record filed with Judge Brown goes back to a letter written in 1956.

The documents also include a letter of March 23, 1961 from W. S. Pollard of Harland Bartholomew written to Herbert M. Bates, of the Tennessee Highway Department, referring to discussion of the east-west route at the public hearing held in March of 1961.

Pollard indicates that "the final result was that the proposed route (through the park) was the most desirable from the standpoint of cost" and states that "the route will be depressed through the park." Pollard also states that the median strip in the park expressway is wide enough so that additional lanes might be added without taking parkland."

Another letter in the files, dated June 24, 1964, is written by Claude Armour and states that the Bureau of Public Roads and the State Highway Department have indicated to the city officials that the highway had to go through Overton Park or there would be no highway at all.

However, on Jan. 16, 1969 then Secretary of Transportation Alan Boyd wrote, noting the City Council voted to approve the park location and that it would have "been inappropriate to disregard their vote unless it was clear that a feasible alternative existed." Boyd said that the majority of the community must make decisions on conflicting social values such as the cost of displacement versus the need to protect parklands.

"DON'T ACCEPT SUBSTITUTES" SUNDAY 10:50 A.M.	
	"CAN WE KNOW GOD

P.S. OCT. 2 1971

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