

# Nixon Officials Cut Plan To Depress Park Route, Says Johnson-Era Chief

By MICHAEL LOLLAR

A set of federal highway officials, freshly promoted in 1969 by the Nixon administration, undermined steps by the Johnson administration to completely depress Interstate 40 through Overton Park, testimony in federal court indicated yesterday.

As the environmental battle entered its tenth day of testimony, former Federal Highway Administrator Lowell K. Bridwell indicated he was disappointed by the refusal of his successors in the Nixon administration to fully depress the highway.

Mr. Bridwell was highway administrator under Secretary of Transportation Alan S. Boyd from March, 1967, until the inauguration of President Nixon Jan. 20, 1969. At that time he was replaced by Francis C. Turner, the former executive director of the agency.

Later yesterday, Mr. Bridwell denied the accuracy of a newspaper story appearing March 26, 1968, which quoted him as saying that if the Memphis City Council did not approve the park route "we will use funds available now scarcer, for other projects."

**The deposition of Secretary of Transportation John A. Volpe was read near the end of yesterday's proceedings. In the written testimony, taken in Washington on Aug. 31, he claimed he is unable to remember why he decided it would not be feasible to completely depress the park route.**

"The final decision was mine," Mr. Volpe said. He said there was considerable disagreement among his underlings as to whether the route should be depressed. So, "It was a decision I finally had to make myself, as I recall it."

Mr. Bridwell said that during the Johnson administration he was responsible for making recommendations to Mr. Boyd concerning location and design of interstate highways. "When I recommended to Secretary Boyd the location through the park, I had every intention of requiring a design which would have called for" total depression of the highway.

However, he said Mr. Turner, then executive director of the Bureau of Public Roads,

and Edgar H. Swick, deputy director of the bureau, disagreed with him.

**"Both stated that it was engineeringly possible and feasible to do, but both recommended against it," Mr. Bridwell said.**

Testimony so far has shown that total depression of the highway would require the use of a complex and expensive system of siphons and drainage pumps to divert Lick Creek under the roadway to prevent flooding.

The design as approved by Mr. Volpe provides that the highway will crest near the middle of the park in order to cross the creek, thereby maintaining natural drainage.

"There are several places (where siphons and pumps are used) in the country," particu-

larly in New Orleans, Mr. Bridwell said.

John W. Vardaman, attorney for the Citizens to Preserve Overton Park and other plaintiffs, then asked Mr. Bridwell if he would have approved and recommended the park route if he had known it would not be totally depressed. He replied, "I have . . . testified that you cannot separate location from design; they go hand in hand, so, therefore, it would have been a factor in my recommendations."

**He said that when he and Mr. Boyd were replaced in 1969 they had not officially approved the design of the highway. "Some of the decisions that would have led to the decision were still underway at that time." He said the main**

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Lowell Bridwell

## I-40 Interview In 1968 Disputed

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study which remained to be completed concerned the possible effects on the water table in the park if the highway were depressed and artificial drainage employed.

Mr. Bridwell claimed statements attributed to him in a news story by Ed Ray, managing editor of the Memphis Press-Scimitar, were "completely inaccurate."

Mr. Ray said in the article that Mr. Bridwell told him, "Failure of the council to act will postpone the expressway to some unforeseeable date."

Mr. Bridwell, however testified he did not recall a personal interview with Mr. Ray.

**Mr. Vardaman then asked that Mr. Ray be called as a witness to "impeach Mr. Bridwell's testimony." J. Alan Hanover, special counsel for the state Highway Department, objected, claiming Mr. Ray's testimony would be "irrelevant."**

Judge Brown said, however, the testimony would be necessary for "the sake of a full investigation."

Mr. Ray testified that he was invited to the White House by President Johnson in March, 1968, and that Marvin Watson, an assistant to the President, set up an appointment for him to interview Mr. Bridwell.

He said he met with Mr. Bridwell in Washington from 10 a.m. to 2 p.m. on March 20 and wrote the article after returning to Memphis. "I called Mr. Bridwell and read the story to him the day before it went into the paper," he said, "and he told me it was correct."

**Dale Woodall, attorney for intervening defendants Future Memphis, Inc., the Downtown Association, The Memphis Area Chamber of Commerce and the City of Memphis, then asked Mr. Ray about an editorial which was published the same day as the article.**

The editorial urged the City Council to approve the park route and allow completion of Interstate 40. "Did that editorial correctly summarize the newspaper's position?" Mr. Woodall asked.

"That's 100 per cent correct," Mr. Ray testified.

He also claimed that after the council members read his article, they decided to approve the park route before Mr. Bridwell talked to them in April.

Mr. Bridwell had earlier testified that he in no way attempted to threaten the City Council. The council had voted March 5, 1968, to reject the park route, pending a review of all alternative routes. But, after meeting with Mr. Bridwell in April, the council rescinded its earlier vote and approved the route on April 4, 1968.

He said that when he met with council members he "left in their hands the complete freedom to reflect upon the material we presented and make any recommendation to me that they wanted to make . . . I was not attempting to direct any recommendation that they wanted to make. . ."

**Mr. Vardaman then mentioned two alternate routes proposed by the state in 1965 as alternatives to the park route. He has stated he felt the routes were drawn up by the state "to sway critics of the park route," since the state-proposed alternatives were purposely disruptive.**

"Did you ever hear anyone speculate that the state had chosen two routes which because of their disruption would have been unacceptable to the community?" Mr. Vardaman asked. "Yes," Mr. Bridwell said. "I think that was a specific charge made (by some park route foes)."

Mr. Bridwell said, though, he did not suspect the state of the accused trickery.

**Mr. Vardaman asked him: "At the time you made the decision with respect to the location, was the state of acquisition of right-of-way a factor?"**

"I don't know that it played any major part in my thinking. I would be less than candid if I didn't say that it must have probably had some small influence, but it was not the determining factor."

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