

Attorney for Park X-Way Foes Accused of 'Trickery, Semantics'

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The attorney for the state Highway Department said today that attorneys for those opposing the Overton Park expressway route were trying to win the lawsuit by "semantics and trickery."

J. Alan Hanover special counsel for the department, said, "If trickery is the best they (objectors' attorneys) can do to win the case, well, all right."

Hanover's accusation was made shortly after the opening of Federal Court this morning when John W. Vardaman resumed a heated cross-examination of George D. Barnes, a civil engineer who heads the Mid-South office of Buchart-Horn, the firm which finalized plans for the design of the park route.

Hanover objected to Vardaman's manner of questioning Barnes, and said Vardaman was trying to confuse the witness. He said Vardaman had been trying by his questioning today and yesterday to confuse the witness and mix up his answers.

Barnes turned thumbs down testimony on a more northerly route along the L & N Railroad as an alternative to the approved park location.

The suit, brought by objectors seeking to block construction of the six-lane highway through the central city park, went into its 17th day of hearing today before District Judge Bailey Brown.

Buchart-Horn, Inc., on March 25, 1964, received a contract for detailed design between Claybrook and White Station Road, including the 4,200-foot section through the park. The objectors have proposed a route swerving north of the park, along the L & N railroad, as an alternative to avoid the park.

Barnes said the L & N route would not be as feasible because:

- It would cause further community disruption.
- It cut across the east-west and north-south grid alignment of the Memphis street system.
- It would not be in line "with the traffic desires" of the population.
- It would make for "tight connection" to the mid-town interchange now almost completed.

Under examination by U.S. Atty. Thomas F. Turley, representing the federal defendants in the case, Barnes said the approved route through the park would "do as little damage as possible and serve the people for the purposes of getting to work, homes and hospitals better and more safely."

Barnes said that his firm checked the previous studies made by Harland Bartholomew and Associates and "found the present route through the park as determined by Harland Bartholomew to be the most feasible and prudent route for the expressway and the city." He said the L & N alternative route would cause "monumental disruption to the community."

Barnes spent most of his

day on the witness stand under cross-examination by John W. Vardaman, the Washington, D.C., attorney for the objectors.

Vardaman questioned Barnes extensively about his objections to the L & N alternative route proposed by the objectors.

"... To run the route through the L & N right-of-way would only create twice the damage," said Barnes. "We considered numerous factors (when designing the park route). We considered all factors. And, the fact that the park route is already almost all cleared is one factor."

"Would it be feasible and prudent if you were planning the highway now, and the park route hadn't been cleared?" Judge Brown asked Barnes.

"The L & N route would not be feasible," said Barnes.

"Why?" asked Judge Brown.

"It violates the grid pattern of the city, the major street pattern. It would tear up facilities that are serving the people, such as the Memphis Light, Gas and Water wells and parks owned by the people of Memphis, such as the railroad which would have to be relocated, taking more land somewhere else..." said Barnes.

Barnes then said that the L & N alternative route would be too far north of the park route which he said would cause additional driving time.

"The time factor is important," said Barnes. "We may talk about taking one minute longer to go along the L & N right-of-way. I live out east. Well, if I want to get downtown to the medical-center... say my daughter was bleeding to death. I don't want to take a minute or two longer to get there. That may sound like an emotional issue, but..."

"I think that's the weakest thing you've said yet," Judge Brown stated interrupting Barnes.

Vardaman attacked Barnes' statement that Buchart-Horn had designed all of the interchanges on the I-40 route from White Station to Claybrook to connect with major arterial streets.

"Is Tillman, where you have located an interchange, a major arterial street? Is Avalon, where you placed another interchange, a major arterial street?" Vardaman asked Barnes.

Barnes said the Harland Bartholomew Memphis Urban Transportation study designated Tillman as a collector street.

"It doesn't even designate Avalon as anything other than a small neighborhood street?" asked Vardaman.

"No, sir, but we know Avalon is a street in Memphis," said Barnes.

Barnes said both Tillman and Avalon would be "widened" and "improved" to handle the traffic and thus become major feeder streets to the expressway.

Barnes added, "And if you were traveling Avalon you would know the volume of traffic that travels it north and south."

J. Alan Hanover, special

counsel for the state Highway Department, contended that the L & N alternative route would take 10 neighborhood parks, each incorporating city water wells, along the L & N Railroad right-of-way north of the park; a path through the predominantly black Springdale community; the Shelby County Growers' Association; McLean Baptist Church; the Church of the Good Shepherd (Episcopal); a path through the innovative Vollintine-Evergreen integrated inner city community; St. Teresa (Little Flower) Catholic Church and Little Flower School; the Crosstown Theater and several blocks of residential area north of Overton Park from Watkins on the west to Holmes on the east.

Vardaman asked Barnes if he knew how many homes and churches the park route took?

Barnes said he did not, adding, "but to my knowledge the approved route took no churches."

Tracing the approved route on the map, Vardaman pointed out one church on the map, that he said was taken by the expressway at Vandalia and Madrid.

Barnes said "Yes, it appears it does." (The approved route takes a church there.)

"And what about this church at East Parkway and Broad? Did the approved route take that church?" Vardaman asked.

"I'm not familiar with a church there," said Barnes, "it doesn't seem like there would be one there because there was a fire station right across the street."

Judge Brown said "I'm not familiar with any church being at East Parkway and Broad."

"There's a Primitive Baptist Church there, your honor," Charles F. Newman, one of the Memphis attorneys for the objectors, stated.

"If he's going to testify he ought to get on the witness stand," said Hanover referring to Newman's interjection.

"Well, you've been doing a little of that all along," Judge Brown said, grinning.

Before Barnes was cross-examined by the objectors' attorneys, Turley entered into the record numerous pictures showing areas of residences and industries that exist along the entire L & N alternative route.

The prospects now look slim that Judge Brown will adjourn court for a day to hike along the alternative L & N route as well as the state's route, as he announced he was considering doing last week.

Judge Brown told reporters yesterday that it now appeared that the pictures "would be satisfactory and probably eliminate the necessity for a hike."

Judge Brown asked Barnes to pretend a "gun is at your back and you have to plan" an expressway to run through the Crosstown area. Barnes said he would try to miss the entire area if possible. "If we had to take the houses," he said, "let's take them in a block and not diagonally. Let's curve so it will come behind and come over the highway. Let's not interchange with Parkway — that is another east-west street, it doesn't make sense."

City engineer Tom Maxson was expected to take the witness stand for the state today when cross-examination of Barnes is completed.

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