

OPE 19-05

Rambling Raccoons Enter I-40 Park Case

By MICHAEL LOLLAR

Defendants in the Overton Park expressway case yesterday documented local instances of amphibious raccoon migration in an effort to prove Interstate 40 would not create a natural barrier to park wildlife.

Later, the city, state and federal governments rested their battle in support of the park expressway, and United States Dist. Judge Bailey Brown told attorneys for both sides the marathon trial must end tomorrow on its 25th day of testimony.

A statistician and a development engineer for the Tennessee Highway Department had testified early yesterday, defending the state's proposed design of the disputed highway.

It was then that United States Atty. Thomas F. Turley Jr. presented a surprise witness, Miss Dorothy Crunk, one of three federal court stenographers who have recorded the trial's oral proceedings since it began on Sept. 27.

Miss Crunk said she lives

at 2161 Court, "roughly five blocks south of Overton Park." She said her home is located near the intersection of Poplar and Cooper.

"Do you know what a raccoon looks like?" Mr. Turley asked.

"Yes," Miss Crunk said.

"And are there any wooded areas nearer to your home than Overton Park?"

"No," she said.

"Have you ever seen any raccoons in your yard?" Mr. Turley continued.

"Oh, yes."

"Frequently or infrequently?" he asked.

"Oh, infrequently. But they are there more than I see them, because other people tell me that they see them there."

"What do they do there, scrounge garbage cans?" Mr. Turley asked.

"They eat the bird seed and cat food," Miss Crunk replied.

"Eat the bird seed and cat food?"

"Mm-hmm."

"Are those streets, Cooper

and Poplar, heavily traveled streets?"

"Well, Cooper is, and I assume Poplar is. I don't use it so I don't know."

"How do the coons get from the park to your house?" Mr. Turley asked.

"They come down the creek."

"Come down Lick Creek?"

"Mm hmm."

"Through the culverts?"

"Yes."

Mr. Turley then said he had no further questions of Miss Crunk.

"Do you have any questions?" Judge Brown asked John W. Vardaman, attorney for the Citizens to Preserve Overton Park and other plaintiffs.

"Lord, no," Mr. Vardaman said, appearing somewhat baffled by the testimony.

Mr. Turley later explained, however, he was trying to show that an expressway built through the park would not create a physical or psychological barrier to park wildlife. "Raccoons," he said, "though they may have

recessive genes or even if they are albinos, are able to overcome the natural barrier created by that busy intersection at Poplar and Cooper. They just swim Lick Creek via culverts. Surely an expressway wouldn't impede them."

The plaintiffs had claimed early in the trial that Interstate 40 would divide the park into two sections, the north and the south, stranding wild animals on either side of the busy highway.

Lick Creek, which runs through the park from south to north, would flow under Interstate 40, providing the watery exit to the north or south, Mr. Turley claimed.

The plaintiffs will present rebuttal witnesses when the trial resumes at 9:30 this morning. Judge Brown said the attorneys must present their final arguments tomorrow.

They will then be allowed two weeks within which to file legal briefs. Judge Brown will later enter a written decision in the case.

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