



Arlo Smith

# OVERTON PARK— CONSERVATION'S URBAN BATTLEGROUND

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**"I**T IS hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public parks and recreation lands . . ." (Section 4[f], 1966 Department of Transportation Act)—everywhere, that is, except for Brackenridge Park in San Antonio, Texas; maybe Overton Park in Memphis, Tennessee; and if Overton, then whose park is next?

Park defenders in San Antonio took their case to court and won a judgment preventing a federal interstate connector road from going through Brackenridge Park. However, Texas Senators John G. Tower and Lloyd M. Bentsen, over the vigorous objections of conservationists, wrote a provision in the Federal Aid Highway Act of 1973 exempting Brackenridge from all environmental laws, and the state of Texas is now building through the park. To their credit, both Tennessee Senators Howard H. Baker, Jr. and Bill Brock voted against the Brackenridge exemption, Senator Baker pointing out that he had a somewhat similar situation with respect to Over-

ton Park in Memphis, and saying, "I cannot help but express my concern for the precedent being set here."

In Memphis, a twenty-year battle has raged over putting federal Interstate 40 through Overton Park. Ever since the public was given its first glimpse of highway plans through the park at an April 18, 1957, public hearing, there has been a great outcry against them.

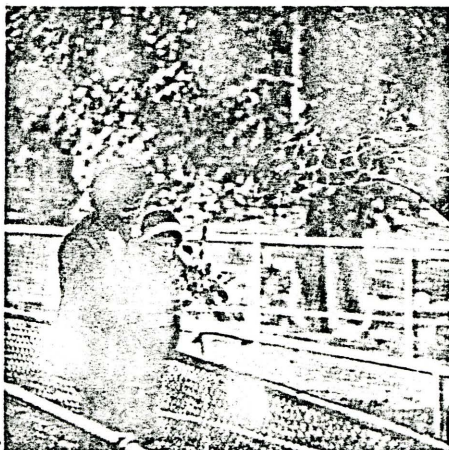
And why have people objected so? Why is Overton so special, so worth fighting twenty years for? Because it

is a family playground for the mid-South and for visitors for miles around. It is beloved and greatly used. It is a green respite from the asphalt and concrete. It is Nature. It is a park for all people and all seasons, with a diversification of activities. It was bought for the citizens of Memphis seventy-five years ago, a 335-acre tract. It is said to contain one of the finest urban forests in the world—an oak-hickory climax forest which contains forty-nine varieties of trees, eighty-four varieties of wild flowers, and as many as 147 species of birds have been noted there as permanent residents or transients.

The trails through the woods are heavily used, and it is the one place in the inner city where one can get away from the urban noises. It is cool in the summer, with its heavy shade, colorful in the fall, with its many trees, a winter wonderland when there's snow and ice, and in the spring, redbud and dogwood transform the woods into a fairyland of blossoms.

There is a lake, too, a favorite spot for visitors and residents alike, bordering an athletic field where young people romp with their dogs, throw

A scene at Overton Park Zoo.



Jack Conn



Frisbees, play baseball, fly kites or just loll under the trees. There's a playground for the younger set. Adding to the park's attractions are a golf course, the Memphis Academy of Arts, and Brooks Art Gallery.

One of the most popular attractions is the zoo, which in 1912 boasted 405 animals and now has 2,000. It is well known for animal breeding; and baby polar bears, bonteboks, douc langurs, llamas, hippos, and many others are successfully raised there to the delight of the public. There are more than a half-million visitors to the zoo annually, including school children from a seven-state area: 100,000 visitors are

anticipated this year. The park offers a family type experience within the price range of all. As many as twenty-two out-of-state car licenses have been noted at the zoo gates on a January 1st day.

When citizens of Memphis fought to prevent the construction of the federal interstate across the park, dividing it and bringing all the attendant disruption and noise and air pollution, groups from all over joined in. Finally, when there seemed no way to persuade the levels of government not to construct the highway, in 1969 a group called Citizens to Preserve Overton Park, Inc., together with the

Sierra Club and the National Audubon Society, went into court. This action resulted in a landmark Supreme Court decision, making it clear that the Parkland Statutes, a combination of Section 4(f) of the 1966 DOT Act and Section 138 of the Federal Air Highway Act of 1968, were "obviously passed to protect our public parks from forays by road builders except in the most extraordinary and imperative circumstances."

In 1973, then Secretary of Transportation John A. Volpe advised that he could *not* approve the highway and suggested several alternatives that the State of Tennessee might wish to adopt. The Sixth Circuit Court of Appeals upheld his decision, but the state has obstinately refused to consider any route except the one through the park.

Former Secretary Claude S. Brinegar also supported Secretary Volpe's decision. However, present Transportation Secretary William T. Coleman Jr. is now requesting an environmental impact statement (EIS) on tunneling a highway through the park. The EIS is due for circulation in mid-June with a public hearing in August and a decision forty-five days later.

The state's special counsel seems to realize that this EIS hearing cannot change the court decisions that still stand preventing an interstate from going through the park, as he says that "special legislation appears to be the only hope on the horizon," and he refers to the Parkland Statutes as a "legal monstrosity." He points out the tactic successfully used to exempt Brackenridge, as well as the Alaska pipeline. He suggests that, notwithstanding any other laws or regulations, Congress might pass special legislation to exempt Overton Park from all federal environmental protection. It remains to be seen how Senators Baker and Brock and other Tennessee Congressmen will view this idea.

If it has been accomplished in San Antonio, and could be in Memphis—whose park might be next? How many cracks in the dam before the flood? If Congress moves to exempt Overton Park, we will need your help, just as you will need ours if your park is the next one threatened. Each loss is a loss to us all.

*Sara N. Hines, a Sierra Club member, helped found, and serves on the board of, the Environmental Action Council of Memphis.*

*A pleasant walk through Overton Park in the rain. This is the proposed route of Interstate 40 that has been so controversial.*



Robb Mitchell