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## "Overton Park X-Way Trial Opens: Choice of Alternate Routes Hit"

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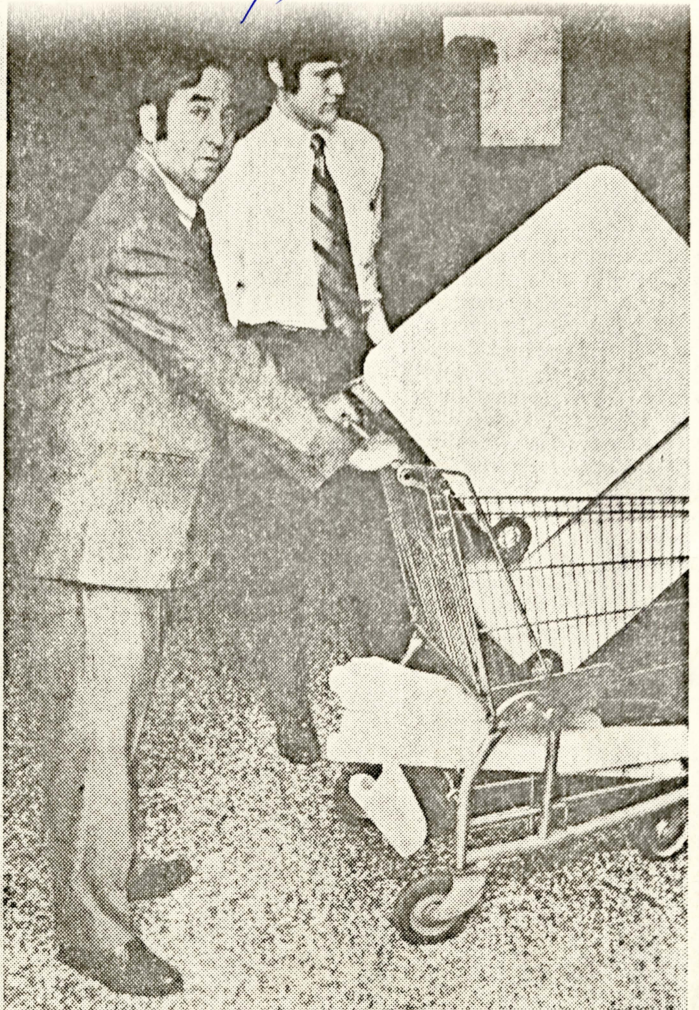


**VISUAL AID**

Michael Lackner, an attorney with the Citizens to Preserve Overton Park, labors over a bulky map of the park area prior to the beginning of the Overton Park case this morning.

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**CARTING IN THE EVIDENCE**

Jack Isele, deputy court clerk, made use of a shopping cart to move files of evidence into Judge Bailey Brown's courtroom.

—Press-Scimitar Staff Photos by William Leaprott

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## Overton Park X-Way Trial Opens

# Choice of Alternate Routes Hit

By KAY PITTMAN BLACK  
and  
TOM JONES

Press-Scimitar Staff Writers

An attorney for those seeking to block construction of Interstate-40 through Overton Park accused the government of "purposefully" picking two alternate routes that would "hit every major institute in the city" as a means of trying to silence critics of the park route.

Thus, the trial of the Overton Park case got under way today in U.S. Chief District Judge Bailey Brown's court.

The case was remanded to Judge Brown by the U.S. Supreme Court on March 2, 1971 for a full hearing. The plaintiffs, objectors to the park route, are the Citizens to Preserve Overton Park; Mrs. Sunshine Snyder and William W. Deupree of Memphis, the National Audubon Society of New York City and the Sierra Club of San Francisco. Brown ruled they must carry the burden of proof and show conclusively that the state and federal governments erred in selection of the route through the central city park.

The plaintiffs will present their case against the route through the park first and then the defendants, U.S. Secretary of Transportation John A. Volpe and the state highway department, will have their day in court in the trial which is expected to last a month.

John W. Vardaman, the

Washington, D.C. attorney for the objectors, made the opening remarks in the trial, outlining the proof and testimony that the plaintiffs will present.

He traced the history of the park route back to 1955 when Harland Bartholomew & Associates suggested it, over five alternate routes, for the east-west expressway.

"But there was an important event in 1958, another Harland Bartholomew study about which we will be hearing much in this case," said Vardaman.

He said that in 1958 the L & N Railroad offered to sell its right-of-way to the city for \$2 million and Bartholomew made a study of it for east-west expressway use.

"There were two alternate routes considered using the L & N right-of-way, both of which went north of Overton Park and behind Southwestern, both of which veered to the right-of-way from Holmes (on the east) and rejoined the present after missing the park," Vardaman said.

He said one of these routes "would have cost \$680,000 less than the alternative to go through" the park . . . "and the other would have cost \$1 million more than the alternative to go through the park."

Vardaman said, "These routes were never seriously considered by the state or federal government because traffic surveys showed,

based on 1975 traffic use projections, that one of the routes would serve one and a half percent less traffic than the park route and the other would serve two and a half percent less traffic than the Overton Park route."

Vardaman said that at a public hearing in 1961 "the public was never told of these alternative studies, in fact, alternatives were never analyzed after 1958. The state acknowledged that in 1964 it had been pestered by people who wanted to save the park and so they arbitrarily, suggest, just sat down and drew up on paper two alternate routes: one just to the north of Overton Park and the other just to the south of the park, and then told their engineers 'All right, now, figure out the damage we have done with these alternatives.'

"If they tried, they couldn't have picked two routes that would tear up more major institutions in the city, and we suggest that these were never bona fide routes, but rather routes purposefully selected to silence critics.

"On the north side the so-called alternate would take part of Southwestern and Snowden School. On the south, it would take the B'Nai B'rith home and the First Baptist Church."

About 20 persons were on hand for the opening of court

this morning and two federal marshals were in attendance.

There were 11 attorneys sitting at the counsel table.

Representing the plaintiffs, in addition to Vardaman, are: Charles F. Newman and Michael Lackner, Memphis; and Robert Kennan, of Washington, D.C., general counsel for the National Wildlife Federation, intervening in the case. Representing the United States government are U.S. Attorney Thomas F. Turley and his assistants, Jim Raines and David Porteous. Representing the state are J. Alan Hanover and James B. Jalkanak, Memphis, Lurton Goodpasture, Nashville, assistant state attorney general. Representing the intervening City of Memphis, Memphis Area Chamber of Commerce, the Downtown Association and Future Memphis is Dale Woodall.