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## "Secret Survey Revealed In Park Case"

Item Type	Article
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Publisher	Commercial Appeal
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Download date	2026-04-20 15:47:36
Link to Item	<a href="http://hdl.handle.net/10267/29408">http://hdl.handle.net/10267/29408</a>

# Secret Survey Revealed In Park Case

By MICHAEL LOLLAR

The vote by the Memphis City Council in 1968 that approved the routing of Interstate 40 through Overton Park was preceded by government activities that included the preparation of a secret profile and position prediction on each councilman, documents filed in federal court revealed yesterday.

The government's confidential and sometimes inaccurate survey, which was kept secret from the council members, was among documents compiled by plaintiffs in the park suit from the so-called administrative record and put into the case file yesterday by United States District Judge Bailey Brown.

Judge Brown said he plans to review the documents over the weekend before the second week of testimony in the Overton Park case begins at 9:30 a.m. Monday.

The documents indicate that state and federal governments wanted to know whether the City Council would approve the park route while a final decision was being made at the federal level.

A poll last night of some of the councilmen who were mentioned in the government's confidential survey produced a suggestion that the government may have intimidated council members by hinting that Memphis would get no expressway unless it were built through Overton Park.

A letter in the record written by J. C. Cobb, division engineer of the Bureau of Public Roads, outlines the profile study of the Memphis councilmen. Mr. Cobb conducted the study himself, and his letter dated Jan. 19, 1968, shows the study was made at the request of Harry E. Stark, then regional federal highway administrator in Atlanta.

"I obtained this information," the letter states, "on each councilman as best as I could by contacting people who are well-informed and know the councilmen. It is their best judgment. I did not contact the councilmen."

"My report on each councilman . . . and whether he is for or against the present I-40 location is as follows: Downing Pryor—Mr. Pryor has been in the auto business for a number of years . . . he is a civic-minded individual . . . and it is the opinion of several people that know Mr. Pryor that he would be for the park route.

"Wyeth Chandler—Mr. Chandler is inclined toward a political future . . . he is an independent, public-spirited citizen . . . he is for building the park route without further delay.

"Billy Hyman—Mr. Hyman is prominent in business affairs of Memphis and is a retail lumberman . . . This is his

first venture into politics . . . he is independent in his voting . . . he is labeled as favoring the I-40 park route . . . the alternate location would take one of his lumber mills along the L & N Railroad.

"Joseph Patterson Jr.—It is anticipated that Mr. Patterson will be in favor of the park route.

"Mrs. Gwen Awsumb — It is difficult to anticipate her position on the I-40 park route, but the best judgment of people that know her is that she will be for the park route.

"Fred Davis — It is difficult to anticipate the position he will take in regard to the park route because he has not expressed himself openly on this subject . . .

"Philip A. Perel—Mr. Perel is well-known in business circles . . . very active in the city in promotion of the central city . . . he is labeled to be for the park route . . .

"Thomas Todd — Mr. Todd . . . is owner and operator of Chisca . . . it is anticipated that he would be for the park route.

"James L. Netters — It is difficult to anticipate his position on the Overton Park issue by people that know him . . ."

Mr. Cobb told Mr. Stark that

he also felt Councilmen Jerred Blanchard, Lewis R. Donelson III, Robert James and W. T. McAdams would approve the park route.

**The City Council later voted** on March 5, 1968, not to approve the route through Overton Park pending a review of all alternative routes. And, after several discussions with both state and federal highway officials, the council rescinded its earlier vote and approved the park route April 4, 1968.

Contacted last night, several of the councilmen discussed their votes during the 1968 hearings:

"That was a bad prediction about me (by Mr. Cobb)," said Lewis R. Donelson III. "I never voted in favor of the park route. We did have a long discussion with Mr. (Lowell K.) Bridwell (then federal highway administrator), and he persuaded most of the councilmen to vote for the park route. But, Downing Pryor and myself voted for a northern alternate route along North Parkway."

Mr. Bridwell has been quoted many times as saying the I-40 route was to be determined "by the community (Memphis) itself . . ." and that unless the council voted to

approve the park route it would not be acceptable.

Asked if Mr. Bridwell attempted to sway the council, Mr. Donelson replied: "There were some round-about statements by Bridwell, but there were no flat statements as I recall. It was suggested that if we did not approve the route, it would cause some long delays and that we might not get it (I-40)."

**Wyeth Chandler said he voted** to route the highway through the park on April 4. "The people in both Nashville and Washington indicated they had worked on it (location studies) for about 10 years and that it was the only route that was feasible.

"The people of Memphis had been punished for too long."

Billy Hyman said, however, he remembers no threats or intimidation. "They just proved to us that they had selected the best route. The evidence was clear."

Mr. Hyman said he owns no lumber mill that might have been taken by an alternate route. "I do have a small office on North Hollywood, and that could possibly have been taken. I've been trying to get

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## OK By Council Said Necessary

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rid of that place for years anyway."

Robert James said there may have been "undertones" by Mr. Bridwell that the park route was "our only choice." But, "I'm in favor of it now and I was convinced then. I only wish I had voted to route it through the park in the first place."

Mr. James said the secret profile prepared by Mr. Cobb "sounds like real Mickey Mouse tactics. I'm amazed. I hope most of our government's decisions are not based on that kind of survey."

In support of the park route, Mr. James said: "If it is the beauty of the virgin forest that is at stake, only the people that ride the bus on that (MTA) bus route see it now." The I-40 route is aligned along the MTA bus route south of the zoo.

"If the highway goes through the park, at least 50,000 people will be able to see a cross section of the forest every 24 hours," he said.

Jerred Blanchard said that Mr. Cobb's survey is "the Russian method. That's the kind of thing Hitler did." He said he had second thoughts after he voted to oppose the park route on March 5, 1968.

"The next morning I was shaving, and I thought about all the routes that had been considered already and all the land that had been bulldozed. And, it struck me then that it was unfair to all those people who had been displaced to route the highway somewhere else."

James L. Netters mentioned Mr. Cobb's survey: "I think any decisions that should be made should be based on actual, legitimate legislation and not just on opinion polls." But, he said, "We (the council) didn't take it through Overton Park just at the snap of the finger. And, I don't specifically recall anyone ever saying that if the route through the park were not approved there would be no highway at all."

Among the other portions of the administrative record was a letter dated Feb. 17, 1967, from Edgar H. Swick, deputy director of the Bureau of Public Roads, to F. C. Turner, director of the bureau. Mr. Turner had requested that the bureau "look into the possibility" of an elevated roadway across Overton Park.

But, Mr. Swick told him: "Discussions aren't too conclusive, but apparently that structure concept was rejected by the park people themselves . . . It is important as I see it not to rock the boat right now."

"The new governor and the new (state) highway commission both have reaffirmed the location, the design is well along, and if we call now for a re-examination, Mrs. (Anona) Stoner (secretary of Citizens to Preserve Overton Park) and Company will soon be in full cry . . ."

Mr. Turner replied with a hand-written note across the bottom of Mr. Swick's letter. "OK, but let's word letters about this (existing) location to say a route '(along one edge of this—acre park, rather than 'through the park . . .'"