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Chronology of Litigation, Overton Park Expressway Case

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*Am sending the copy
of this to Anova Stone:
(original to her. This is
the carbon.) June 21,*

OPE-02-01

CHRONOLOGY OF LITIGATION, OVERTON PARK EXPRESSWAY CASE
(Subject to correction! June 20, 1971, IOS)

Preliminary actions: (prior to actual suits)

PS, Sept. 30, 1969: news reaches Memphis of construction on I-40 halted by protests to Volpe. "Loew said the protestors by-passed the State Highway Department. . . ."

CA, Oct. 4, 1969: rumored 'freeze' on construction resulting from error in information given out by Volpe's office while Volpe was in Rome.

First action?

PS, Dec. 2, 1969: Article headlined "Memphians Sue to Stop Overton X-Way Funds", "Volpe named defendant. Suit filed in Washington by Citizens to Preserve Overton Park /Inc./, "and by two individuals, . . . William W. Deupree, Sr, . . . and Mrs. Sunshine Snyder. . . ." "The suit seeks a declaratory judgment and a preliminary injunction to block construction.

"The suit seeks to prevent Volpe from making any federal funds available for the project."

What happened in interim? between Dec. 2 and Feb 21? I have nothing.

CA, Feb. 21, 1970: Feb. 20, 1970 Judge Bailey Brown, Federal District Court in Memphis, dismissed the case.
(Newspaper says "In a hearing Feb. 20, etc! ??)

When, where was appeal filed? Cincinnati?/

CA, March 13, 1970: March 12, Judge Brown "took under advisement a motion for a temporary injunction that would delay release of federal funds" for I-40.

CA, Oct. 31, 1970: Oct. 30, Sixth Circuit Court of Appeals/in Cincinnati/ "turned down requests for a rehearing by the entire 12-member court and for an order to stop construction while the hearing was pending." "The three-judge ~~maxxing~~ panel . . . included Judges John W. Peck, Paul C. Weick and Anthony Celebrezze. Judges Peck and Weick upheld the lower court decision in both cases/i. e. original appeal and petition for rehearing/, and Judge Celebrezze dissented in both."

PS, Nov. 24, 1970: (News item does not indicate day: 24th or 23rd?) Briefs filed in Washington for (preliminary?) hearing before U.S. Supreme Court Dec. 7.

PS, Dec. 7, 1970: Dec. 7, Washington: "one-hour hearing before the full U.S. Supreme Court. . . ."

PS, Dec. 8, 1970: ". . . late yesterday/Dec. 7/ agreed to consider the Overton Park freeway route controversy." Also "The court released a stay order against construction, agreed to a writ of certiorari, agreeing to rule on the case, and set a hearing for final arguments on Jan. 11."

(continued: from PS, Dec. 8) An unusual move by the Court, apparently, since lawyers had argued only for a stay order and "normally, when a stay order is granted, further hearings would have been held on the request for certiorari court acceptance of the case for a decision."

"The court ignored a request by the state to assess the petitioners damages for any further delays in constructing the freeway."

William O. Douglas, "took no part"

Court official said "the case was being heard on 'an accelerated schedule.'"

Jan. 11, 1971. Washington. Full hearing before U. S. Supreme Court.

March 2, 1971. Decision rendered. Unanimous: reverse and remand.