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No Contest When Hue, Cry is Over Trees, Law School Courts Defeat

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Herald Times

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No contest

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When hue, cry is over trees, Law School courts defeat

If, as Joyce Kilmer wrote — *I think that I shall never see/a poem lovely as a tree* — then what chance did a law school addition have in the court of poetic injustice?

ANY PLAN TO MAKE room for lawyers by removing trees was bound for the kind of reception usually reserved for grown men who steal lunch money from orphans. It is our civic duty to protect trees and orphans from lawyers and lunch-money stealers.

Thus, it isn't surprising that a plan to remove some 25 trees in order to make room for a 57,000-square-foot addition to the Indiana University School of Law was greeted by well-honed outrage.

"I want nothing less than total preservation of the woods," said David Parkhurst, a botanist and associate professor in the School of Public and Environmental Affairs at IU. "I thought those woods were sacrosanct."

"Those woods" comprise 20 acres and seven

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H-T columnist



classroom buildings plus the Kirkwood Observatory at the heart of what is called the "old campus." The area, also known as the "Old Crescent," is listed in the National Historic Register. The IU Law School abuts the southwest corner of the Old Crescent.

"WE DON'T LIKE IT (removal of trees), but there really is no other way to add to the law library that we've been able to figure out," said Craig Bradley, professor of law and chairman of the law school's building committee. "Our

library already is undersized in terms of books and square footage. If we're going to do anything about it we have to have a larger space."

No one seems to disagree with that. The question is whether the additional space must come at the expense of trees in the Old Crescent. Law School Dean Sheldon Plager insists the \$11 million addition will "skirt" the woods and leave them unharmed. Parkhurst and others disagree.

"It's like city planning and zoning," said IU biologist David Frey. "Any encroachment should be resisted because it becomes easier to make the next exception."

AS THE WEIGHING of library space against natural space goes on, however, this much becomes clear: The only parties to the dispute not inconvenienced to date are the trees. So far the orphans are winning.

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Law school library vs. trees

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The trouble started two years ago when IU received bonding authority for the project and Plager began searching for a site. He came up with a plan to expand directly east into the Old Crescent, near the Observatory. A consensus including Chancellor Herman B Wells decided that plan "A," as Plager now calls it, took too big a bite out of the woods.

Plans B, C and D also were rejected. Plager thought he had the solution with plan E, which called for building the addition directly south of the law

building on the property occupied by the Phi Gamma Delta (Fiji) fraternity house.

"I spent six hard months of my life negotiating with the Fijis," Plager said. Both parties thought a deal had been struck last summer — the selling price about \$1.5 million, said Ted Dickman, president of the Fiji house.

So certain were the Fijis of the university's verbal commitment, they hired architects, engineers and contractors. Floor plans for the new Fiji house on North Jordan were completed and

soil borings conducted to test the ground for a foundation. The Fijis were ready to break ground about Nov. 1, then were stunned when the IU Board of Trustees rejected the agreements worked out between the Fijis and the IU negotiating team headed by President John Ryan.

"We were totally and completely shocked," said Rick Williams, a 1956 graduate and president of the Fiji's house corporation.

Richard Stoner, president of the IU Board of Trustees, simply says there was no

such money available for that purpose. Plager won't discuss specific figures but says the Fiji negotiators negotiated themselves out of the deal.

"They were trying to get every dollar they could and went too far," Plager said. "By the time they got through adding a little of this and a little of that, when the final package hit the board there was a general feeling it was too big a package."

So it was back to the corner of Third and Indiana for the Fijis and back to drawing board for Plager, who came up with plan F. "It

filled up the space between the law school and Bryan Hall — a huge two-block long facade from Third Street to Fifth Street," he said, recalling it with some awe. "The exterior would have looked like the Berlin Wall or a penitentiary."

Which brings us to his last best hope, plan G, "which doesn't go into the woods," he said. "It skirts the edge of it along the back side of the building."

The irony is that before coming to IU, Plager was an environmental lawyer in Illinois (though not of the James Watt persuasion, he hastens to add). He says the needs of institutions and nature need not be antagonistic, can indeed be complementary, as he believes they are in the case of the law school and the Old Crescent.

"I'm satisfied this solution does no damage to the natural process of the woods," he said. What it did to the human nerves involved is another matter.