

HIGH COURT PLEA IS LOST BY FOES OF TRADE CENTER

**Suit Brought by Opponents
of Downtown Project Is
Dismissed by Tribunal**

WORK WILL BE STARTED

**Rehabilitation of Tubes Is
Part of 470 Million Plan
for West Side Area**

By MARTIN ARNOLD

The United States Supreme Court dismissed yesterday an attempt to block the World Trade Center on the lower West Side. The Port of New York Authority announced that it would move ahead with the project immediately.

The authority said it could not say when plans would be completed. Those who brought the suit to block the center—merchants whose businesses are on the trade center's site—have 25 days to apply for a rehearing.

They argued that the state law authorizing the project violated the Federal Constitution because it allowed the taking of private property for non-public uses.

State Courts Split

New York courts split sharply on the question, but the State Court of Appeals by a 6-to-1 vote upheld the authority on April 4.

In its action yesterday, the Supreme Court dismissed an appeal against that ruling on the ground that the argument against the project did not present "a substantial Federal question."

The opponents of the center had also contended that because the authority was created by an interstate compact, a major project like the trade center required Congressional approval.

The project of which the trade center is a part includes rehabilitation of the Hudson Tubes. The total cost of the project originally was estimated at \$420 million, but now is subject to change.

Designed to Aid Port

The trade center is designed to stimulate business in the Port of New York by bringing into a single area customs brokers, freight forwarders, marine insurance agencies, Government customs facilities, foreign trade buying offices and offices for steamship, truck, rail and air carriers.

It will be in a 13-block area bounded by Liberty, Church, West and Barclay Streets, one of the city's oldest and most colorful commercial centers.

The area abounds with flower shops and nurseries, hardware stores, book stalls, food and fish markets and restaurants.

But it is mainly known as the East Coast's electronics center, and its economic heart is the 400 shops that specialize in high fidelity, stereo and ham radio equipment. All these shops will be displaced by the trade center.

The Port Authority would not say yesterday when it would start condemnation proceedings or when it expected to start construction.

The project will be financed by the sale of revenue bonds, which has not yet started. In

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the original estimates, the trade center's cost was put at \$270 million, with the rest to rehabilitate the tubes.

Because of the delay as a result of the litigation, this figure will probably change, but no estimate of a new figure was given by the Port Authority.

Minoru Yamasaki, who designed the highly acclaimed United States Science Pavilion at the Seattle World's Fair, is the architect for the center. He is known for his use of decorative lace patterns in reinforced concrete buildings. Emery Roth & Sons are associated architects.

The idea for a World Trade Center in Manhattan—on the East Side—was proposed on Jan. 27, 1960, by the Downtown-Lower Manhattan Association.

The Port Authority, a joint agency of New York and New Jersey, supported the recommendation in a March, 1961, report to Governor Rockefeller, Mayor Wagner and Robert B. Meyner, then Governor of New Jersey.

Jersey Balked

But New Jersey refused to go along with the proposal, and the authority proposed moving the center to its present site and combining with it a new terminal for the Hudson Tubes, which now has a terminal at 30 and 50 Church Street. The authority purchased the Tubes.

The Legislatures of both states approved the project early last year.

S. Sloan Colt, chairman of the authority, said yesterday "we are moving at once to try to make up some of the time lost" by the law suit.

The litigation "has impeded our attempt to provide proper and adequate service" to the commuters who use the Hudson Tubes, he said.

The authority plans to buy 150 to 260 new cars for the Tubes, but because of the suit

it could not sell bonds to raise the money for them.

In August, the authority had to borrow \$1,750,000 from the Jersey Highway Department, a spokesman said, so that it could begin the work of rehabilitating Tube cars, the electrical system, the signal system, the Tube's repair yards and other Tube property.

The authority contended yesterday that because of the suit all "work and investments on this project were halted on Feb. 20."

The Commerce and Industry Association hailed the Supreme Court decision yesterday, while the Downtown West Businessmen's Association, composed of the small merchants who will be relocated by the project, denounced the decision.

The latter vowed, at a hastily called news conference, "to consult our attorneys and announce our next move within a week."

"Public opinion and the little guy have yet to be heard from," Oscar Nadel, chairman of the Downtown Businessmen's Association, said. "This is far from over."

Mr. Nadel has estimated that the area has 1,600 businesses with an annual volume of \$300 million and with 30,000 employees.

The group says it does not believe the merchants will be paid anywhere near the value for their businesses.

The authority, under the law, will have to relocate all the businessmen who want to be relocated.

But many businessmen contend that relocation will mean the end of their businesses anyhow, because many of the businesses depend to a large extent on the drawing power of the area's reputation.