

# **Dreams of Fields: Soccer, Community, and Equal Justice**

Report on Sports in Urban Parks to the  
California Department of Parks and Recreation

Robert García  
Erica S. Flores  
Elizabeth Pine  
Center for Law in the Public Interest



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**Erica S. Flores**  
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## **I. Executive Summary**

One of the broadest and most diverse alliances ever assembled behind any issue in Los Angeles joined together to support the creation of balanced parks in the Cornfield and Taylor Yard with large multi-use fields for soccer and other sports that fit harmoniously with the natural settings and the cultural and historical values at stake. Governor Gray Davis stood on the Cornfield with the children of the Anahuak Youth Soccer Association to celebrate the purchase of the land for the two state parks. State and local elected leaders support playing fields in the park. Advocates for peace and justice, including Guatemalan Nobel Peace Laureate Rigoberta Menchú and Cardinal Roger Mahony, support playing fields in the parks. Editorials in the Los Angeles Times, planning reports from the State, and academic reports from UCLA have consistently highlighted the need for the state parks in the Cornfield and Taylor Yard to alleviate the desperate need for soccer fields in a City and a neighborhood that are park-poor. Community, civil rights, environmental justice, and environmental leaders support multi-use playing fields for soccer and other organized team sports.

Fields for soccer squarely fulfill the State Parks mission. Soccer improves human health, inspires players and fans, and educates players through life-long lessons in teamwork, leadership, and self-esteem. Soccer is played on flat open space in harmony with natural settings. Soccer is among the most valued cultural and historical resources for Latino and other immigrant communities. Soccer provides an alternative to gangs, crimes, drugs, violence, prostitution, and unwanted pregnancies. Soccer is a central part of the social meaning diverse communities give to parks.

State Parks provides fields for soccer, polo, baseball, softball, and other organized sports in harmony with natural settings in the Malibu Bluffs, Will Rogers and Pfeiffer State parks. Simple justice requires soccer fields in the Cornfield and Taylor Yard.

The history of the Cornfield and Taylor Yard is the history of struggle, hope and triumph for the community. Children who dream of soccer fields and their families and friends are entitled to equal access to playing fields in the parks they struggled to create. State Parks has stated its commitment to serve that need. This Report outlines the public policy and legal grounds to create balanced state parks in the Cornfield and Taylor Yard with large multi-use fields for soccer and other sports.

Our specific recommendations appear on pages 27-28.

## **II. The Vision**

### **A. The State Parks in the Cornfield and Taylor Yard**

The California Department of Parks and Recreation (“State Parks”) needs to create balanced parks in the Cornfield and Taylor Yard that include multi-use fields for soccer and other sports that are harmonious with the natural setting and the cultural and historical values at stake, in order to serve the needs of the community as defined by the community.<sup>2</sup>

The Cornfield offers a once-in-a-century opportunity to create a world-class park, playing fields and other compatible uses in one of the City’s most diverse and park-poor communities. In addition to creating playing fields and open space in neighborhoods that

have none, a park in the Cornfield will preserve invaluable cultural and historic resources at the birthplace of Los Angeles, create quality jobs, increase tourism, increase property values and promote economic revitalization of the community.<sup>3</sup>

The Anahuak Youth Soccer Association (“Anahuak”) has consistently sought a balanced 103 acre river park at Taylor Yard, with playing fields on the 40 acre Parcel D and habitat restoration on other parcels in the park.

We support a balanced river park to serve the needs of the community with passive as well as active recreation and soccer fields. We are trying to be sensitive to all of our neighbors’ needs, as well as our own. We do not want to ignore especially the older folks who have been longing for a beautiful place to walk with their children and grandchildren. The cool breezes and oxygen that could be produced by true habitat restoration could bring health benefits to our children that play in this smog laden environment.

This prospect of a balanced park can serve as a model of cooperation and coalition building for areas throughout L.A. to make both passive and active recreation possible. We just pray we will be able to get playing space on the fields that are created for soccer.<sup>4</sup>

In 1930, the sons of the great landscape architect Frederick Law Olmsted presented a plan for a wealth of parks, playing fields and recreation that would have made Los Angeles one of the most beautiful and livable regions in the world. According to the Olmsted Report in words that remain true today:

Continued prosperity [in Los Angeles] will depend on providing needed parks, because, with the growth of a great metropolis here, the absence of parks will make living conditions less and less attractive, less and less wholesome. . . . In so far, therefore, as the people fail to show the understanding, courage, and organizing ability necessary at this crisis, the growth of the Region will tend to strangle itself.<sup>5</sup>

Civic leaders and private interests failed to implement that vision in 1930. The Cornfield and Taylor Yard offer the opportunity to restore part of that vision and the lost beauty of Los Angeles.

### **B. The Demographics of the Cornfield and Taylor Yard**

Los Angeles is park poor. Los Angeles has fewer acres of parks per 1,000 residents than any major city in the country. Los Angeles has less than one acre of park per thousand residents, compared to the ten acres that is the National Recreation and Park Association standard.

There are also unfair disparities in access to parks and recreation. The children of the Cornfield and Taylor Yard do not have enough parks in their neighborhoods, and do not have adequate access to cars or a decent public transit system to reach the neighborhoods where the parks are. The Cornfield and Taylor Yard are in City Council District 1. District 1 has .9 acres of parks per thousand residents, compared to 1.7 acres in disproportionately white and relatively wealthy parts of Los Angeles. Taylor Yard borders District 13, which has .3 acres of parks per thousand residents.<sup>6</sup>

The children of the Cornfield and Taylor Yard are disproportionately low income children of color. The community within a five mile radius of the Cornfield is 68% Latino, 14% Asian, 11% non-Hispanic white, and 4% black. Thirty percent of the population lives in

poverty, compared to 14% for the State of California as a whole. The median household income is \$28,908 – just 60% of the \$47,493 median household income for the State. The population of California is 32% Latino, 10% Asian, 47% non-Hispanic white, and 6% black.<sup>7</sup>

The community within a five mile radius of Taylor Yard is 56% Latino, 17% Asian, 20% non-Hispanic white, and 4% black. Twenty-seven percent lives in poverty. The median household income is \$32,863, just 69% of that for the State.<sup>8</sup>

There are 282,967 children within five miles of the Cornfield. There are 235,000 children within five miles of Taylor Yard.<sup>9</sup>

### C. State-wide Access to Parks and Recreation

Equal access to parks and recreation is a state-wide concern. According to a recent survey on Californians and the environment, sixty-four percent of Californians say that poorer communities have less than their fair share of the environmental benefits of well-maintained parks and recreational facilities. Latinos are far more likely than non-Hispanic whites (72% to 60%) to say that poorer communities do not receive their fair share of parks and recreational facilities. A majority of residents (58%) agree that compared to wealthier neighborhoods, lower-income and minority neighborhoods bear more than their fair share of the environmental burdens of toxic waste and polluting facilities.<sup>10</sup>

Although – or because – communities of color and low income communities are disproportionately denied the benefits of parks and recreation, these communities were the biggest supporters of California’s recent Proposition 40 – the largest resource bond in United States history, with \$2.6 billion for parks, clean water and clean air. Prop 40 passed with the support of 77% of black, 74% of Latino voters, 60% of Asian, and 56% of non-Hispanic white voters. Seventy-five percent of voters with an annual family income below \$20,000 and 61% with a high school diploma or less supported Prop 40 – the highest among any income or education levels.<sup>11</sup>

### D. Soccer and the State Parks Mission

Fields for soccer squarely fulfill the State Parks mission. The primary State Parks mission is to provide for the “**health, inspiration and education** of the People of California,” and to do this by “creating opportunities for high-quality outdoor **recreation**” and “protecting its most valued **natural and cultural resources.**”<sup>12</sup> Soccer fulfills these five elements for individuals and the community. Soccer improves human health, inspires players and fans, and educates players through life-long lessons in teamwork, leadership, and self-esteem. Soccer is played on flat open space in harmony with natural settings. Soccer is among the most valued cultural and historical resources for Latino and other immigrant communities.<sup>13</sup>

The State Parks mission needs to be interpreted in light of California law defining environmental justice as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies,” as discussed below.<sup>14</sup>

### III. There Is Overwhelming Support for Soccer in the Cornfield and Taylor Yard

#### A. Governor Gray Davis and State Leaders Support Playing Fields

The soccer playing children of the Cornfield and Taylor Yard have a friend in California Governor Gray Davis. Governor Davis stood on the Chinatown Cornfield with the children of the Anahuak Youth Soccer Association in December 2001 to celebrate the purchase of the Cornfield and Taylor Yard for the first open space and recreation complex ever developed by State Parks in the heart of Los Angeles. The Governor's press release proclaims that the recreation complex will include "multi-use recreational fields" through a "groundbreaking arrangement" in which Mayor James Hahn committed \$800,000 a year from the City of Los Angeles.<sup>15</sup> Mayor Hahn told the crowd he was proud that the City would be responsible for maintaining and preserving the green areas.<sup>16</sup>



*Governor Gray Davis celebrating the purchase of the Cornfield and Taylor Yard with the children of the Anahuak Youth Soccer Association.*<sup>17</sup>

The audience rose to its feet in a standing ovation as Governor Davis arrived at the celebration, and dozens of soccer players chanted his name. One woman held a sign reading, "Gracias Santa Davis." "Now, instead of playing in the street, the children will have a place to play," said Santo Palacios, a soccer coach with Anahuak who brought a gaggle of young soccer players to the event, according to the *Los Angeles Times*.<sup>18</sup> "We do not have a place to play soccer, and when we go to nearby parks to practice they kick us out," Coach Palacios told *La Opinion*. "Today our children's dreams of having their own place to play soccer have come true, and the struggle is over after so many years."<sup>19</sup>

Antonio Villaraigosa was instrumental in creating the parks in the Cornfield and Taylor Yard as Speaker of the California Assembly and as the principal author of the Proposition 12 park bond. Then-Speaker Villaraigosa made money available in the State

budget and worked with Governor Davis and State Parks to buy the land at the Cornfield and Taylor Yard for an urban park with fields for soccer and other sports.<sup>20</sup> Speaker Villaraigosa recently reiterated his support for organized soccer in the Cornfield and Taylor Yard at the Tournament for Liberty and Peace sponsored by Anahuak on November 16, 2002.

State Parks Director Rusty Areis also played a key role in creating the parks at the Cornfield and Taylor Yard. He emphasized that State Parks understands the need for soccer and other active sports in urban parks, including the Cornfield and Taylor Yard. “We’ ve planted our flag in the Cornfield [and] Taylor Yard. We’ re very interested in working with activists who have been in the forefront.” Mr. Areis rejected the view of some advocates for the Los Angeles River parkway that the role of State Parks is solely to preserve natural areas.<sup>21</sup>

### **B. Urban Park Leaders Emphatically Support Fields for Soccer**

The parks at the Cornfield and Taylor Yard reflect years of struggle, hope, and triumph by the community to create urban parks with fields for soccer and other sports. The parks are “the culmination of a broad-based partnership with community groups spanning many years,” as the Governor recognized in his press release.

The key community partners who led the successful struggle for the parks, including the Chinatown Yard Alliance and the Coalition for a State Park at Taylor Yard, made playing fields for soccer and other sports a central element in their mission and organizing campaign to build support for the parks.

#### ***Chinatown Yard Alliance.***

Playing fields were a central goal for the Chinatown Yard Alliance. The Alliance clearly and consistently emphasized the need for fields for soccer in, for example, its mission statement, the conceptual plan featuring a giant meadow and soccer fields, and advocacy before the Governor, the Legislature, California Resource Secretary Mary Nichols and State Parks Director Rusty Areis.<sup>22</sup> The Alliance marshaled supporters to public hearings and organized presentations with the conceptual plan featuring a giant meadow including soccer fields, as reported in the Los Angeles Times.<sup>23</sup> The Chinatown Yard Alliance included over 35 community, civil rights, environmental justice, faith-based, and environmental organizations.<sup>24</sup> Neighborhood residents supported the park alternative over the lure of warehouse jobs. But for the struggle of the Alliance to stop federal funding for the warehouse project and to settle the related state litigation, there would be no park in the Cornfield.

#### ***Coalition for a State Park at Taylor Yard.***

Fields for soccer and other sports were a central goal for the Coalition for a State Park at Taylor Yard. The Coalition clearly and consistently emphasized that Taylor Yard is an ideal site for soccer and other sports, and that the communities of Cypress Park and Glassell Park are in dire need of recreational facilities. The Coalition’s written materials and the conceptual plan for a vast park with playing fields were used to marshal supporters to public hearings and to organize presentations.<sup>25</sup> The Coalition even organized a soccer tournament to build support for the park in Taylor Yard in April of 2001. The Coalition included community, civil rights, environmental justice, faith-based, and environmental organizations.<sup>26</sup> Neighborhood residents supported the park alternative over the lure of retail

and industrial jobs. But for the efforts of Coalition members to settle the state litigation to stop the proposed commercial/retail project, there would be no park in Taylor Yard.

***Anahuak Youth Soccer Association.***

Anahuak represents 1,500 children ages 5-17 and their families who live and play soccer in the Cornfield and Taylor Yard communities. They have soccer teams, coaches, leagues, uniforms, balls, and shoes, but not enough places to play. Anahuak, a non-profit organization, was the only community-based organization in the successful litigation that resulted in the State purchasing the first 30-acre parcel of land for a park in Taylor Yard. During the campaign they were offered a significant cash payment to support their own program in exchange for dropping out of the coalition. Anahuak turned down the offer in favor of the recreational needs of the whole community and playing fields in the park.

Rigoberta Menchú, a Mayan woman, was awarded the Nobel Peace Prize in 1992 for her struggle for peace in Guatemala and for human rights around the world. Ms. Menchú was honored at the Tournament of Liberty and Peace sponsored by Anahuak and the Center for Law in the Public Interest on November 16, 2002. She presented trophies to the children and spoke of the value of parks and soccer to the community. Applauding the struggle by Anahuak and the Center to find places for children to play soccer, Ms. Menchú celebrated the role of soccer in “building values that will guide children for a lifetime,” and she urged the authorities to create “a park for peace” with playing fields. Ms. Menchú applauded the activism that resulted in the creation of the parks at Taylor Yard and the Chinatown Cornfield as “a form of saying no to war, no to violence.”



*Nobel Laureate Rigoberta Menchú at the Tournament of Liberty and Peace with the children of the Anahuak Youth Soccer Association.<sup>27</sup>*

***Concerned Citizens of South Central Los Angeles.***

Concerned Citizens of South Central Los Angeles is a leader of the Chinatown Yard Alliance, and served as one of the petitioners in the successful effort to cut off federal funding for the warehouses and related state litigation. Concerned Citizens organized the

Antes Columbus Football Club with Los Angeles Metropolitan Churches to bring diverse communities together. Concerned Citizens emphasized the value of soccer in a letter to Governor Davis. “Our common passion for soccer offers a means to fashion a greater community across racial, cultural, ethnic, religious, political, economic and social boundaries.”<sup>28</sup> Concerned Citizens and civil rights advocate Constance L. Rice organized support for playing fields in the Cornfield among the Legislative Black Caucus.<sup>29</sup>

#### ***United Nations Soccer League.***

The United Nations Soccer League joined the Coalition for a State Park at Taylor Yard in actively supporting fields for soccer. United Nations has 5,000 children, making it the largest independent youth soccer league in Los Angeles.<sup>30</sup>

#### ***Parks for Los Angeles Youth Soccer (PLAYS).***

The PLAYS Project supports fields for soccer in the Chinatown Cornfield and Taylor Yard. The mission of PLAYS (Parks for L.A. Youth Soccer) is to build athletics, academics and leadership in inner city children through soccer teams and green fields. PLAYS is a joint venture of CLIPI and People for Parks that works with Concerned Citizens and other soccer coalitions.

### **C. Local Elected Officials**

Los Angeles County Supervisor Gloria Molina wrote to Resource Secretary Mary Nichols at length about the need for soccer fields and active recreation at Taylor Yard:

I am writing to reiterate my support for the creation of a State Park at the Taylor Yard on the 40 acre Parcel D for soccer fields and active recreation. . . .

As you know, the State has a history of utilizing parkland for soccer fields. For example, the Pacific Palisades American Youth Soccer Organization runs a soccer program at Will Rogers State Park every weekend during soccer season. Community-generated conceptual plans for Baldwin Hills, the “Cornfield,” and Taylor Yards all include soccer fields. These urban state parks are quickly becoming examples of how diverse communities can come together to decide how balanced recreational needs can be achieved.

I have witnessed the success of such programs as the Anahuak Youth Soccer League, which involves 1,400 inner city youth who would otherwise not be able to afford to participate in such a commendable after school recreation program. The nearby soccer fields envisioned at the Taylor Yard would be a vital part of their ability to serve these demonstrated needs.<sup>31</sup>

Assemblymember Gil Cedillo supports state funding for “the first major park, open space and recreational complex ever developed in downtown Los Angeles” at the Cornfield.<sup>32</sup> City Councilmember Ed Reyes supports “active park space” at Taylor Yard.<sup>33</sup> Assemblymember Jackie Goldberg, Senator Richard Polanco, and City Councilmember Eric Garcetti have written similar letters of support (“accessible, active recreation space”).<sup>34</sup>

### **D. The Press**

The Los Angeles Times has repeatedly stressed the need for fields for soccer in the Cornfield and Taylor Yard.

The Times urged Governor Davis to provide state funds to buy the Cornfield on its editorial page because “[t]he simple fact is that in this neighborhood so long ignored by City

Hall, residents need both jobs and amenities like soccer fields, landscaped park space and a cultural center.”<sup>35</sup> Urban parks like the Cornfield and Taylor Yard are part of a “Green Explosion” in Los Angeles “[t]hat means more places to play soccer” according to a second editorial.<sup>36</sup> The triumph of the Chinatown Yard Alliance in creating a park in the Cornfield “deserves to be looked upon as a heroic monument, and maybe even a symbol of hope” according to the Los Angeles Times Magazine.<sup>37</sup>

“Neighborhood kids just as badly need soccer fields and other recreation facilities” in Taylor Yard according to a third editorial.<sup>38</sup> The park in Taylor Yard “would give people in Cypress Park and surrounding communities much needed soccer fields, riverfront picnic grounds and hiking and biking trails” according to a fourth.<sup>39</sup>

“What cities need are visionary leaders who look at trashy and tumbleweed-strewn wasteland and see children sprinting over lawns and families picnicking under trees. . . . [W]hen they envision the future of ruined urban property they should take into account the needs of the people who live near it” according to the Times.<sup>40</sup> Multi-use playing fields in the Cornfield and Taylor Yard will fulfill the needs and dreams of the community.

### **E. The Religious Community**

The Justice and Peace Commission of the Catholic Archdiocese of Los Angeles supports fields for soccer and other sports in the Cornfield and Taylor Yard. The Commission is comprised of lay and religious leaders who represent the widely varied ethnic, economic and professional experience of the 5 million Catholics who live in 287 parishes here in the largest Archdiocese in the country. The Commission urged Housing and Urban Development (HUD) Secretary Andrew Cuomo to require full environmental review of the proposed Cornfield warehouse project, and has focused on the needs of Anahuak for places to play in Taylor Yard.<sup>41</sup> Cardinal Roger Mahony personally wrote to Governor Davis to ask for state funds to create a park in the Cornfield.<sup>42</sup>

### **F. The Civil Rights Community**

Civil rights leaders, including the Center for Law in the Public Interest Constance L. Rice, the William C. Velazquez Institute, Latino Urban Forum and the Mexican American Legal Defense, support fields for soccer in the Cornfield and Taylor Yard. The Center organized the successful civil rights challenge claiming the warehouse project was the result of discriminatory land use policies that had long deprived communities of color and low income communities of parks.<sup>43</sup> The civil rights and environmental justice communities support equal access to parks and recreation, as discussed below.

The civil rights community also recognizes the impact of sports on achieving a just society. Athletes have positively and permanently influenced the movement toward human dignity and a just society through sports. The United States won the first World Cup in women’s soccer in 2000 in the most successful women’s sporting event in history. The success of the women’s team is the product of equal access to athletic opportunities under Title IX of the federal Civil Rights Act, which prohibits discrimination based on sex or gender.

Courageous and pioneering figures like Jackie Robinson and Hank Aaron, who initially had to play segregated baseball and stay in segregated hotels, have acted as champions and role models in the drive for social change. The United States Supreme Court

in *Brown v. Board of Education* struck down the “separate but equal” doctrine, ending legalized segregation in education and leading to the desegregation of American society. *Brown* had an impact on sports and society through the desegregation of parks, school sports programs, Little Leagues, and other sports programs and facilities. Today, the NAACP Legal Defense Fund recognizes the significance of sports in the struggle for equal justice and the vital need for an equitable distribution of parks and other public resources through the Hank Aaron Humanitarian Award in Sports.

### **G. Traditional Environmentalists**

Traditional environmental organizations, including Natural Resources Defense Council, Planning and Conservation League, and Environmental Defense, support fields for soccer and other sports on the Cornfield and Taylor Yard.<sup>44</sup>

### **IV. Soccer and Organized Sports in State Parks**

State Parks provides five fields for soccer and a polo ground at Will Rogers State Park in harmony with the natural setting of the Santa Monica Mountains.<sup>45</sup>



Soccer draws children and their families and friends to the park not only for games but also for other park purposes. They picnic and socialize, hike the trails, or visit the park museum.<sup>46</sup>



AYSO volunteers manage the soccer program and quickly set up and remove portable goals before and after games.<sup>47</sup>



Moments after games, the playing fields lie pristine and abandoned.<sup>48</sup> Asked whether there are ever any problems between State Parks and AYSO, an AYSO official quickly responds, “Never!”<sup>49</sup>



Simple justice requires fields for soccer in the Cornfield and Taylor Yard, not just at Will Rogers. Families from nearby communities can afford to pay \$60 per child to play soccer with AYSO at Will Rogers. The community within a five mile radius of Will Rogers State Park is an overwhelming 70% non-Hispanic white, and just 12% Latino, 11% Asian, and 3% black. Only twelve percent of the population lives in poverty. The median household income is \$70,333, nearly one and a half times (148%) the Statewide median.<sup>50</sup>

Malibu Bluffs State Park provides fields for soccer dedicated baseball diamonds in harmony with the natural setting. Malibu is 89% non-Hispanic white. Twenty-five percent of the households in Malibu have median annual incomes of \$200,000 or more, compared to

1% of households within a five mile radius of the Cornfield and 2% of households within a five mile radius of Taylor Yard.<sup>51</sup>



*Fields for soccer and baseball fields at Malibu Bluffs State Park.<sup>52</sup>*

State Parks also provides a softball field at Pfeiffer State Park in Big Sur.<sup>53</sup>

The State Parks and Recreation Commission recently approved a general plan for the Eastshore State Park that will stretch from Richmond to Oakland in Northern California. The plan calls for a wide range of uses, including badly needed formal ball fields for soccer and baseball, grassy fields for informal sports, picnic areas, a seashore promenade, boat launches, and a youth hostel in addition to environmental preserves in various parcels.<sup>54</sup> Officials said they tried to create a “recreational facility harmonious with its natural setting.”<sup>55</sup>

The urban areas adjoining the Cornfield and Taylor Yard generate high demand for playing fields and facilities to accommodate organized sports programs. Supporters of organized sports and other park supporters have made it clear throughout the planning process that there is a shortage of adequate sports fields and facilities in the region and in particular in the low income communities of color surrounding the Cornfield and Taylor Yard. The Cornfield and Taylor Yard will contribute to the solution of the existing shortages.

## **V. Developing the Child, Building Community, and Diversifying Democracy: The Value of Soccer and Other Sports**

Soccer inspires and educates and provides public health, anticrime, cultural, and historical benefits for individuals and the community. Soccer is also an organizing tool to build community and diversify democracy, as demonstrated by the struggle to create parks in the Cornfield and Taylor Yard.

### ***Fun.***

Bringing the simple joys of playing soccer in the park to the children of Los Angeles would be reason enough to accommodate the community demand for fields. Playing soccer is fun, first and foremost. Play is the work of children.

Play is not frivolous. The United Nations established the right to play in the 1959 *Declaration of the Rights of the Child*. A child's right to engage in play and recreational activities is also recognized in Article 31 of the 1989 *United Nations Convention on the Right of the Child*.<sup>56</sup>

### ***Athletics, Academics, and Leadership.***

There is more to soccer, however, than having fun. Soccer builds character, pride, self esteem, teamwork, leadership, concentration, dedication, fair play, mutual respect, social skills, and healthier bodies for children; helps keep children in school; and helps develop academic skills to do better in school and in life.<sup>57</sup>

Guatemalan superstar Carlos Ruiz is a role model for the low-income Latino children of the Cornfield and Taylor Yard and others who live, breathe and eat soccer. Ruiz led the Los Angeles Galaxy to its first Major League Soccer championship in 2002, and led Major League Soccer in goals in the 2002 season.

### ***Human Health.***

Nearly 40% of California children are not physically fit and more than 25% are overweight. The problem is most pronounced in Los Angeles County, according to a recent comprehensive study of fifth-, seventh-, and ninth-graders. Los Angeles County is home to eight of the nine state Assembly districts with the worst findings. The districts in the County with the highest proportion of overweight children in the state also had the highest concentration of people of color.<sup>58</sup> The obesity problem is especially acute for children in minority communities – Mexican-American and African-American children are twice as likely as non-Hispanic white children to have a body mass index of more than 25, the definition of overweight.<sup>59</sup> “Almost all of [the results are] pretty appalling,” according to Dr. Francine Kaufman, a professor and president of the American Diabetes Association, but she called the County numbers particularly striking.<sup>60</sup> According to Marlene Canter, a member of the Los Angeles Unified School District, “If we don't have healthy kids, we won't have good instruction.”<sup>61</sup>

The County and State wide situation reflects an epidemic of obesity for children and others in the United States today. This serious public health problem is the result of urban areas with insufficient parks and disparities in access to active recreation, as in the Cornfield and Taylor Yard communities, as well as marketing by fast-food chains and individual eating habits. In the last three decades, the number of overweight young Americans has tripled, with no sign the trend is abating.<sup>62</sup> Public health experts say overweight and unfit children face a greater risk of developing lung disease, diabetes, asthma and cancer.<sup>63</sup> For the first time, children are being diagnosed with weight-related chronic ailments that usually strike much later in life, including hypertension and Type 2 diabetes. Diseased children, like adults, are at risk for heart and kidney troubles, blindness and limb amputation, but at an earlier age. As they age, these children will strain the health care system.<sup>64</sup>

At the National Institutes of Health, sixteen studies are being financed to study how to change environments to encourage a healthier lifestyle for young people — from day care and after-school activities to educating children about food. Young people in the United States today eat, move, and live quite differently than generations before them. Their lives have become sedentary, with more hours spent in front of a television or computer than at play or doing physical work. Neighborhoods in minority communities often lack adequate safe public places to play and exercise — an essential part of any weight-management equation. Regular exercise and activity can delay or prevent the onset of health complications for an overweight child.<sup>65</sup>

A national survey of more than 14,000 teenagers has found that those who took part in team sports were less likely to have unhealthy eating habits, smoke, have premarital sex, use drugs, or carry weapons.<sup>66</sup>

National surveys by the Centers for Disease Control and Prevention show inequitable disparities in physical activity based on income, race and education. African-Americans and Latinos are more likely than whites to report that they do not participate in any leisure-time physical activity. People with low levels of income and education are also more likely than others to say they participate in no leisure-time physical activity. Black students are more likely than whites to say they did not engage in any recreational exercise in the past week. White students are more likely than black or Latino students to report engaging in vigorous exercise at least three times per week.<sup>67</sup>

### ***Stopping Crime.***

Active recreation programs prevent gang violence, crime, prostitution, drug abuse, teen sex, and unwanted teen pregnancies. A 1992 study by the Los Angeles County District Attorney concluded that young people join gangs for the expected reasons, including the fact that they “have been excluded by distance and discrimination from adult-supervised park programs.”<sup>68</sup> The study recommends that “alternative activities like recreation” should be part of every gang prevention strategy. Organized sports like youth soccer leagues “fill those idle hours that seduce adolescent boys into trouble . . . . At the least, they can keep older gang members busy during prime-time-crime hours . . . . At the most, they can keep marginal boys too busy for gangs, or give them an excuse not to join.”<sup>69</sup>

In the aftermath of the riots and rebellion following the acquittals of the police defendants in the state trial involving the Rodney King beating, gang members issued a manifesto calling for peace and listing the shortage of parks and open spaces as one of their major concerns.<sup>70</sup>

Today Los Angeles is the murder capital of the nation. Headlines proclaim a war on gangs – which translates into a war on low-income children and children of color. Soccer and other organized sports are a better investment in our youth than criminalizing yet another generation of children of color.

### ***Equal Justice for All.***

Athletes have influenced the movement toward human dignity and a just society through sports, as discussed above. Playing fields in the Cornfield and Taylor Yard are a critical step toward equal access to parks and recreation – a dream that is yet to be fulfilled in Los Angeles.

## VI. The Cultural Significance of Urban Parks and Soccer

It is necessary to understand the cultural, social and historical significance of urban parks and soccer in designing the parks in the Cornfield and Taylor Yard. Jacques Barzun once wrote that whoever wishes to understand mainstream America had better learn baseball. Whoever wishes to understand Latino Los Angeles – and immigrant L.A., for that matter – had better understand soccer.

### A. Cultural Differences in Park Use

People from different racial and ethnic groups use parks differently, constructing meaning for public open space based on their own values, cultures, histories and traditions, according to a UCLA study of cultural differences in the use of urban parks.<sup>71</sup>

Hispanics actively appropriate park space, changing it and adding to it to serve their needs. When no soccer fields are present, players adjust the park to their needs, bringing their own portable goals into open spaces. The discrimination against soccer as an “immigrant sport,” manifested in the lack of soccer fields compared to fields for baseball and other sports, often forces players to invade spaces such as picnic areas to create space to play.<sup>72</sup>

Hispanics more than other groups find the park’s social qualities to be its most valued asset. For Hispanics, the park is primarily a social place. The importance of public space over private space – exemplified by the plaza that is the focal point of the built environment in Central America – leads to a very intensive use of the park by Hispanic groups. Young men bring their dates to the park, families celebrate on its grounds, men fix and wax their cars, men and women dance. Hispanic merchants sell colorful merchandise and fruit in the park.<sup>73</sup> The “Latinization of park culture” analyzed in a case study on the Whittier Narrows Recreation Area reinforces the observations in the UCLA study.<sup>74</sup>

Sports facilities and equipment are the most valued elements of the park by African Americans. African Americans, more than any other racial group, engage in sports. The park is a space for organized group sports for African Americans, in addition to being a place for socializing with friends.<sup>75</sup>

Dramatically more than other groups, non-Hispanic whites tend to value a park solely for its passive qualities – its greenness, landscaping and natural elements. Non-Hispanic whites mostly engage in reclusive, self-oriented uses. A larger proportion of non-Hispanic whites come to the park alone to pursue passive recreation. Active uses more commonly include walking, jogging, dog walking, baseball, and tennis. Most studies on leisure and urban recreation have delineated the activity patterns of the non-Hispanic white population, rather than non-white park users or the population as a whole.<sup>76</sup> The failure to understand the cultural significance of parks and soccer in communities of color and low income communities may account for the tendency of some to favor passive recreation in the Cornfield and Taylor Yard and to oppose soccer and other sports.<sup>77</sup>

The UCLA study found that Asian (Chinese) families were rare in parks studied. This may reflect the mismatch between the needs of the Asian community and the design and programs for the parks.<sup>78</sup>

## **B. Soccer and Democracy**

The first type of Latino immigrant organizations in major cities have been soccer leagues.<sup>79</sup> New Latino immigrants do not organize politically, they organize soccer leagues. This is demonstrated by the experience in the Cornfield and Taylor Yard communities today. Raul Macías started Anahuak in 1994 to give children a chance to play. Today Anahuak serves 1,500 children and their families as a true grassroots organization that provides citizenship training for its coaches, families, and friends, registers voters, and delivers votes. Assemblymember Jackie Goldberg and Councilmembers Ed Reyes and Eric Garcetti regularly meet with Mr. Macías, a respected community leader, to reach their constituents. Similarly, Roy García, the founder and director of the United Nations Soccer League, has grown from soccer coach to community leader to candidate for the Los Angeles City Council.<sup>80</sup> Through the struggle for parks in the Cornfield and Taylor Yard, members of Anahuak and United Nations have learned that public officials or wealthy corporations cannot push them around, that they can stand up for their right to equal access to parks and recreation, and that they can go to court and win. Soccer builds democracy.

## **C. Soccer and Community**

The Anahuak and United Nations clubs use soccer as an organizing tool to bring people together. Soccer provides a social network that reduces the financial and social costs of immigrating, eases adjustment to a new culture, language, and life, and serves as a source of valuable information, job contacts, and other resources necessary to survive and to prevail.<sup>81</sup> Immigrants meet regularly at parks to play soccer and share information and resources. Social relationships and organizational ties to soccer teams and leagues intensify social integration, sustain communities, and solidify the settlement process. Youth soccer associations, such as Anahuak and United Nations, offer the added benefit of bringing families together. Parents go to weekly soccer games to watch their children play. At the games, parents talk, learn about employment opportunities, share information with each other, and spend quality time with their children and their neighbors.

Soccer unites other communities as well. For example, the success of Korea in reaching the third place final in the World Cup in 2002 galvanized the community in Los Angeles's Koreatown, as well as in Korea.

Soccer brings diverse communities together. According to Concerned Citizens and the Antes Columbus Football Club, "Our common passion for soccer offers a means to fashion a greater community across racial, cultural, ethnic, religious, political, economic and social boundaries."<sup>82</sup> Indeed, the World Cup brings billions of people all over the world together every four years.

The first women's World Cup in 1999 galvanized support not just for women's sports, but for equal rights for women all over the world. The historic victory of the USA women's team in that game built support for equal rights, for women's sports, and for soccer in the United States.

The men's World Cup held in Los Angeles in 1994, the women's world cup held in Los Angeles in 1999, and the USA national team advancing to the quarter finals in Korea in 2002 have strengthened national pride and reinforced the significance of soccer in the United States.

The cultural and historical significance of soccer for Latinos is reflected in the history of the World Cup. Uruguay hosted and won the first World Cup in 1930 against Argentina. Hispanic nations including Brazil have hosted 7 and won 9 of the 17 World Cups. Soccer bears a special place in Latino culture and history, akin to jazz in African-American culture and history.

#### **D. Soccer Is the Simplest Game and the Beautiful Game**

Fields for soccer are harmonious with the natural setting and the cultural and historical values at stake in creating parks in the Cornfield and Taylor Yard.

According to Pelé, the greatest soccer player of all time, soccer is “the simplest game” and “the beautiful game” and “perhaps that’s the same thing. The simple beauty, the beautiful simplicity that has made soccer the world’s favorite sport.”<sup>83</sup> Soccer is the only organized sport in many countries of the world. Soccer appeals to the masses and is harmonious with any natural setting because soccer requires minimal equipment: a ball, a place to kick it, and enough people to play against each other by putting the ball through a goal. Uniforms are not complicated or expensive – shorts and tee shirts and shoes and shin guards are sufficient, and portable goals can be put up and taken down in minutes. Children around the world play barefoot and shirtless without a ball using a tin can or a bunch of rags or a wad of newspaper.<sup>84</sup> Children in poor communities from Brazil to Korea to Nigeria to France to the inner city of Los Angeles will play soccer on any flat field. Soccer does not require a dedicated field like most other organized sports, or a mound and backstop like baseball, or fixed goal posts like football, or a blacktop or concrete surface like basketball. An open, flat, grassy space provides all the permanent facilities required for Los Angeles children to reinforce their community and cultural ties through their favorite sport.

#### **E. Culture, History and the Tongvas**

The Tongva Indians settled the area near the Cornfield and Taylor Yard before the arrival of the Spaniards. According to Chief Anthony Morales and tribe member Mark Acuna, Tongva families played “shinny,” a game similar to soccer, and enjoyed other field sports along the river. Chief Morales and Mr. Acuna support the importance of positive active recreation for children along the Los Angeles River today.

“California’s native games and toys are a reflection of the natural history of the state—its mountains, rivers, deserts, wetlands, woodlands, and seashore—and California’s first people.”<sup>85</sup> Native Californians had a “passion for football-type games.”<sup>86</sup> They “drove, tossed, or batted balls of mountain mahogany, braided buckskin, or polished stone, stuffed deerhide or seasoned laurel knots.”<sup>87</sup> In most shinny- and soccer-like games, teams tried to score by getting the ball past the other team and through goal posts, or through a hole.<sup>88</sup> Soccer-like games involving balls and goal posts were river games—games played along river beds throughout California.<sup>89</sup>

Other antecedents of soccer today have been traced to China in 1697 B.C., Japan one thousand years later, Roman times, and the first written rules in nineteenth century England.<sup>90</sup>

State Parks is committed to honoring the cultures and histories of the people of the Cornfield and Taylor Yard in designing and operating the new parks. Soccer and other

organized team sports have been and continue to be a rich part of that culture and history and should be a part of those parks.

## **VII. Planning Reports Call for Soccer and Organized Sports**

### **A. State Cornfield Study**

The California Department of Resources and the Department of Parks and Recreation presented two alternatives for the Chinatown Cornfield in Sacramento in March 2001. Both alternatives included playing fields for soccer and other active sports: “Open space/playfields . . . The open space playfield area would also be a multipurpose space able to accommodate active field sports such as soccer, outdoor experience training, picnicking, and storm water retention.”<sup>91</sup>

### **B. Coastal Conservancy Study for Taylor Yard**

The community called for fields for soccer and other active recreation at the Taylor Yard acquisition hearing on November 14, 2001, with testimony in writing from Anahuak, United Nations Soccer League, Center for Law in the Public Interest, and PLAYS.<sup>92</sup>

In March 2002, after Governor Davis stood arm in arm with the children of Anahuak to celebrate the purchase of the recreational complex at Cornfield and Taylor Yard, the California Coastal Conservancy study included an alternative (Alternative IV) with four playing fields in the Taylor Yard Multiple Objectives Feasibility Study. Anahuak, the Center for Law in the Public Interest, PLAYS and others supported Alternative IV because it was a balanced plan that included fields for soccer and active recreation as well as passive recreation.<sup>93</sup>

The California Department of Parks and Recreation again heard widespread demand from the community for recreational activities including fields for soccer at the public hearing on Taylor Yard on June 20, 2002 and November 6, 2002.<sup>94</sup>

### **C. UCLA Cornfield Study**

The UCLA School of Urban Planning report on the Cornfield specifically recommends that the park include fields for soccer: “Due to . . . the lack of adequate playing fields in the vicinity of the Cornfields, a park on the site should certainly integrate use by local soccer and other sports leagues into its program. Providing active recreation opportunities such as soccer to urban youth promotes community development and children’s self esteem and ambition. It also ensures that the park is well used and vibrant on weekends when entire families come out to watch matches.”<sup>95</sup>

The UCLA report emphasizes the cultural significance of soccer and parks in the Latino community:

Public space plays an important role in Mexican and Mexican American culture, and their social activities often involve larger groups. Most park activities involve family members and food. Often park spaces are appropriated to meet their needs, for instance by creating soccer fields where there are none. Parks are used as social spaces, and seem to act much as the plazas do in traditional Mexican towns.<sup>96</sup>

### D. UCLA Taylor Yard Study

The UCLA study on Taylor Yard calls for a balanced park including seven soccer fields, a nature habitat for hikers, bicyclists and equestrians and other amenities. Placing fields for soccer and other active recreation facilities on the 40 acre parcel D is key to the vision of traditional conservationists because it is farther from the river and closer to the neighboring community, while the 62 acre parcel G down by the riverside would provide a more natural riparian habitat.<sup>97</sup>

### E. Olmsted Report

The Olmsted Report recommended that Elysian Park – which borders the Cornfield on the Northwest – be enlarged by acquiring all of Chavez Ravine so that “the entire ravine can be devoted to recreation and made a part of the park.”<sup>98</sup> The Report also stressed that the Cornfield vicinity is ideal for large athletic fields: “The bottom of Chavez Ravine near the easterly end is easily accessible from the city and would make an ideal place for athletic fields of large size to serve large crowds.”<sup>99</sup>

Instead of creating parks and athletic fields in Elysian Park and the Cornfield, public officials betrayed the Latino community in Chavez Ravine by forcibly evicting residents, who were promised a new federally subsidized housing project in place of their existing homes.



*Los Angeles County Sheriff's deputies forcibly evict Mrs. Aurora Vargas, 36, from her home at 1771 Malvina Avenue in Chavez Ravine (May 9, 1959).<sup>100</sup>*

No sooner did public officials get the land than they broke their promises to the people and sold the land to the Dodgers to build a stadium. The Dodgers drowned Chavez Ravine and Elysian Park in a sea of asphalt that provides parking for 50,000 cars but no place to play.<sup>101</sup> Today, *Los Desterrados* – those who lost their land, their homes and their community – still lament the betrayal and destruction of the community at the hands of public officials.



*Chavez Ravine is buried in a sea of asphalt to provide parking for Dodger Stadium<sup>102</sup>*

It would be wrong to relive the duplicity of the past. Public officials cannot betray children who dream of soccer fields. Public officials cannot take the land the people fought for at the Cornfield and Taylor Yard and tell the children to go find some place else to play soccer.

## **VIII. Equal Access to Parks and Recreation**

### **A. Simple Justice**

Simple justice requires playing fields on the Cornfield and Taylor Yard. State Parks must ensure equal justice for people of color and low-income people by providing fields for soccer and other organized sports at the Cornfield and Taylor Yard under state and federal civil rights and environmental justice laws, the common law duty to serve, the public trust doctrine, and the First Amendment. Federal and California state laws prohibit both intentional discrimination and unjustified discriminatory impacts for which there are less discriminatory alternatives by recipients of public funds including State Parks.

HUD Secretary Andrew Cuomo recognized that the principle of equal justice must be implemented in developing the Cornfield. Secretary Cuomo withheld federal funding for the warehouse proposal unless the City of Los Angeles and Majestic Realty conducted a “full-blown” assessment of the impact of the proposed development on communities of color and low-income communities, including the park alternative. Secretary Cuomo acted after members of the Chinatown Yard Alliance filed an administrative complaint claiming the warehouse project was the result of discriminatory land use policies that had long deprived communities of color and low-income communities of parks under federal civil rights, environmental justice, and environmental laws.<sup>103</sup> State Senator Tom Hayden, one of the authors of Proposition 12, emphasized in a letter to Secretary Cuomo that public funds

should not be used to perpetuate and worsen the longstanding practice in Los Angeles of unlawfully depriving inner city residents of equal access to parks and open space.<sup>104</sup> Secretary Cuomo's action is a precedent for implementing the principle of equal access through the planning process in developing the state parks in the Cornfield and Taylor Yard.

The California Coastal Commission has implemented the principle of equal access to public land in Los Angeles under state environmental justice laws. The Commission approved a land use plan providing that Malibu must maximize access to public beaches while ensuring the fair treatment of people of all races, cultures, and incomes. The Commission acted in response to the recommendations of a diverse alliance led by the Center for Law in the Public Interest.<sup>105</sup> The action of the Coastal Commission is a precedent for implementing the principle of equal access through the planning process in developing the state parks in the Cornfield and Taylor Yard.

The recently-released Latino Policy Agenda for California endorses equal access to parks and recreation as a major environmental quality and environmental justice issue. This is part of a larger vision for distributing environmental benefits and burdens in ways that are equitable, protect human health and the environment, promote economic vitality, and engage full and fair public participation in the decision making process. The Latino Policy Agenda calls on public officials to enforce state and federal civil rights and environmental protections through the planning and administrative process (rather than responding to litigation); to gather, analyze and publish the information necessary for the public to understand the impact of decisions on all communities; and to enable full and fair public participation in the decisions that affect people's lives.<sup>106</sup> These principles apply to developing the state parks in the Cornfield and Taylor Yard.

The fact that low-income people of color disproportionately live in areas without adequate access to parks and recreation is not an accident of unplanned growth, but rather the result of a continuing history and pattern of discriminatory land use planning, restrictive housing covenants, federal mortgage subsidies restricted to racially homogenous neighborhoods, and discriminatory park funding policies and practices in Los Angeles.<sup>107</sup> Furthermore, Southern California historically has not received a reasonable share of the state's parks.<sup>108</sup>

## **B. Civil Rights Standards under Federal and State Laws**

State and federal civil rights laws require State Parks to implement equal justice both in the design of and programs for the Cornfield and Taylor Yard. Title VI of the Civil Rights Act of 1964 and its implementing regulations prohibit (1) intentional discrimination based on race, color or national origin, and (2) unjustified discriminatory impacts for which there are less discriminatory alternatives, by applicants for or recipients of federal funds such as State Parks. Title VI provides: "No person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."<sup>109</sup> The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution further prohibits intentional discrimination. Section 1983 of the Civil Rights Act of 1871 prohibits intentional discrimination and discriminatory impacts.

The regulations that every federal agency has enacted pursuant to Title VI bar criteria or methods of administration by recipients of federal funds that have the effect of subjecting

persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of a program with respect to individuals of a particular race, color, or national origin.

California law prohibits both intentional discrimination and unjustified discriminatory impacts by recipients of state funds, including State Parks, under Government Code Section 11135. In addition, California law defines environmental justice as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies,” under Government Code § 65040.12.<sup>110</sup> The mission of State Parks needs to be interpreted in light of these laws and principles.

To receive federal funds, a recipient such as State Parks must certify that its programs and activities comply with Title VI and its regulations.<sup>111</sup> In furtherance of this obligation, recipients must collect, maintain and provide upon request timely, complete, and accurate compliance information.<sup>112</sup>

An important purpose of the laws is to assure that recipients of public funds not maintain policies or practices that result in racial discrimination.

### ***1. Unjustified Discriminatory Impacts***

It is necessary to examine three components under the discriminatory impact standard under Title VI regulations, and by analogy, under state law: (1) Whether an action by State Parks would have a discriminatory impact based on race, ethnicity or national origin. (2) If so, State Parks would bear the burden of proving that any such action is justified by business necessity. (3) Even if the action would otherwise be justified, the action is prohibited if there are less discriminatory alternatives to accomplish the same objective.<sup>113</sup>

#### **a. Discriminatory Impacts.**

State Parks provides fields for soccer, polo, baseball and other organized sports in Will Rogers and Malibu Bluffs State Parks that disproportionately benefit wealthy and white communities. People of color and low-income people in the Cornfield and Taylor Yard communities are equally entitled to the benefits of soccer and other sports: fun; athletics, academics and leadership; better health; an alternative to gangs, crimes, drugs, violence, prostitution, and unwanted pregnancies; cultural identity and a sense of history. Failure to provide playing fields in the Cornfield and Taylor Yard state parks would disproportionately deny them these benefits.<sup>114</sup>

State parks in the Cornfield and Taylor Yard with passive recreation without playing fields would disproportionately benefit non-Hispanic white people who value parks for passive uses. Failure to provide playing fields would disproportionately deny the benefits of soccer and other sports to Latino and African-American people who value parks for organized sports. There is a genuine need for balanced parks with both active and passive recreation that provide equal access for all.

#### **b. No Business Necessity.**

No business necessity would justify denying the benefits of soccer and other sports to communities of color and low income communities in the state parks in the Cornfield and Taylor Yard.

The following is a discussion of various concerns that have recently been raised about playing fields.

*Playing fields are inconsistent with the State Parks mission to preserve natural resources.* Playing fields squarely fulfill the State Parks mission. Soccer improves human health, inspires players and fans, and educates players through life-long lessons in teamwork, leadership, and self-esteem. Soccer is played on flat open space in harmony with natural settings. Soccer is among the most valued cultural and historical resources for Latino and other immigrant communities. Soccer provides an alternative to gangs, crimes, drugs, violence, prostitution, and unwanted pregnancies. The fields for soccer at Will Rogers and Malibu Bluffs State Parks, for example, are harmonious with the natural settings, the portable goals are put up and taken down in minutes, and the fields are available for other purposes before and after games.

*There can be no organized sports on land owned and maintained by State Parks.* This is simply wrong. There are fields for soccer, polo, baseball and softball at Will Rogers, Malibu Bluffs and Pfeiffer Big Sur State Parks, and other organized sports at other state parks.

*Funds used to purchase state parks cannot be used for organized sports.* This claim is not supported by the statutory provisions governing state parks generally or the Cornfield and Taylor Yard specifically, particularly when those provisions are read together with the environmental justice and civil rights provisions cited above.

*Park rangers are best suited for stewardship of natural resources and have no expertise in managing a soccer program.* Volunteers from Anahuak and other groups can run the program, just as AYSO volunteers do at Will Rogers. The City of Los Angeles has also agreed to operate and maintain the multi-use recreational fields.<sup>115</sup>

*Playing fields exclude others from using the park.* A balanced park accommodates different uses by different people at different times. For example, at Will Rogers, children play soccer, their families and friends watch and socialize on the sidelines, and everyone picnics or hikes on neighboring trails or visits the park museum after games. After games, fields are deserted and soccer does not exclude anyone from anything.<sup>116</sup> Playing fields will enhance – not prevent – broad, public access to and use of the parks.

*The Cornfield should be dedicated to culture and history.* A balanced park with playing fields will provide a living testimonial to the culture and history of the people who have played at the Cornfield and Taylor Yard in the past, and who will play there into the future for seven generations and more. It would be a mistake to create a monument to the cultural resources of the past while simultaneously excluding the cultural resources of the present by not including playing fields.

*There should be grassy fields for informal sports and occasional pick up games.* That is not enough. A balanced park will provide multi-use fields for organized team sports as well.

*Organized sports will cause too much wear and tear on grass fields.* Professor George Hargreaves from the Harvard University School of Design testified before the Cornfield Advisory Committee that playing fields can be designed and maintained to withstand organized sports.

*There should be no flat grassy fields at all, but only groves of trees, native plants, trails and riparian habitat for birding, hiking, jogging and passive recreation.* This is precisely the issue. Such a park will serve only the interests of the community that disproportionately values passive recreation. A balanced park will equitably serve the interests of diverse communities.

*State Parks should close the playing fields at Will Rogers, Malibu Bluffs and Pfeiffer Big Sur State Parks and not provide playing fields at the Cornfield and Taylor Yard.* This would be analogous to cities in the south closing segregated municipal swimming pools rather than providing equal access to the pools.

*There is a need for creative solutions to create playing fields. (a) State Parks can provide land swaps for playing fields at the Cornfield and Taylor Yard. The City of Los Angeles can oversee and maintain playing fields in the Cornfield and Taylor Yard. (b) State Parks can provide local assistance for playing fields some place else. The City can provide soccer fields some place else.* There is a fine line here. The Cornfield and Taylor Yard are creative solutions for balanced parks with playing fields. Both sites would be warehouses and industrial developments *but for* the urban park movement. The Center for Law in the Public Interest and others remain committed to working creatively with state and local authorities to create parks and playing fields at the Cornfield and Taylor Yard, as well as elsewhere.

Future prospects for playing fields elsewhere are no substitute for playing fields here and now, however. There is no commitment by State Parks or the City or any one else to buy land any place else to play soccer. The City was the main opponent of parks at the Cornfield and Taylor Yard in the first place. Local authorities have not resolved the discriminatory “soccer gap” documented since at least 1987.<sup>117</sup> Separate playing fields elsewhere are not equal.

The community triumphed in the struggle for balanced parks with playing fields at Cornfield and Taylor Yard. They cannot now be expected to launch a whole new effort to find some place else for their children to play. The children have waited long enough.

### **c. Less Discriminatory Alternatives.**

Preserving natural and cultural resources, and providing passive recreation, are clearly desirable objectives for state parks in the Cornfield and Taylor Yard. There are less discriminatory alternatives to accomplish these objectives than excluding playing fields. Communities all over the world provide children the basic right to play soccer on fields that are harmonious with natural settings. State Parks does so in Will Rogers, Malibu, and Pfeiffer State Parks. State Parks can do so in the Cornfield and Taylor Yard.

## ***2. Intentional Discrimination***

To evaluate an intentional discrimination claim, courts consider the following types of evidence: (1) the impact of the action –whether it bears more heavily on one racial or ethnic group than another; (2) the historical background of the action, particularly if a series of official actions was taken for invidious purposes; (3) any departures from substantive norms, particularly if the factors usually considered important by the decision maker strongly favor a decision contrary to the one reached; (4) any departures from procedural norms; (5)

the decision maker's knowledge of the harm its decision caused and would continue to cause; (6) a pattern or practice of discrimination.<sup>118</sup>

(1) The discriminatory impacts of excluding playing fields from the Cornfield and Taylor Yard are discussed above.

(2) and (6) There is a continuing history and pattern of intentional discrimination against communities of color and low income communities that has denied them equal access to parks and recreation in Los Angeles, as documented in the administrative complaint submitted to HUD Secretary Andrew Cuomo. In addition, Southern California historically has received less than its share of state park resources.

(3) The substantive factors usually considered important strongly favor balanced parks in the Cornfield and Taylor Yard with large multi-use fields for soccer and other sports that fit harmoniously with the natural settings and the cultural and historical values at stake. One of the broadest and most diverse alliances ever assembled behind any issue in Los Angeles support balanced parks with playing fields including Governor Davis, Speaker Emeritus Antonio Villaraigosa, former State Parks Director Rusty Areis, County Supervisor Gloria Molina, Assemblymember Jackie Goldberg, Assemblymember Gil Cedillo, Senator Richard Polanco, Los Angeles City Councilmembers Ed Reyes and Eric Garcetti, the Catholic Archdiocese of Los Angeles, Nobel Peace Laureate Rigoberta Menchú, the Los Angeles Times, planning reports from State Parks, the Coastal Conservancy, and UCLA, the Olmsted Report, the Chinatown Yard Alliance, the Coalition for a State Park in Taylor Yard, and other community, civil rights, environmental justice, and environmental leaders.

Balanced parks with playing fields in the Cornfield and Taylor Yard will alleviate the desperate need for soccer fields in a region and in neighborhoods that are park-poor. Playing fields in harmony with natural settings squarely fulfill the State Parks mission. Soccer improves human health, inspires players and fans, and educates players. Soccer is among the most valued cultural and historical resources for Latino and other immigrant communities. Soccer provides an alternative to gangs, crimes, drugs, violence, prostitution, and unwanted pregnancies. Soccer is a central part of the social meaning diverse communities give to parks.

(4) Leaving out playing fields would violate procedural norms. Community, elected and civic leaders for years have clearly and consistently highlighted the desperate need for playing fields in the Cornfield and Taylor Yard through the planning process. Not until the November 6, 2002, Interim Use Workshop at Taylor Yard and the November 16, 2002, meeting of the Cornfield Advisory Committee did state officials publicly suggest there would be no playing fields in the state parks.

(5) State Parks officials know the harm that would be caused to low income children of color in the Cornfield and Taylor Yard communities if there are no playing fields – they have had actual notice through years of hearings, letters, community organizing, and through this Report.

### **C. Equal Access under the Duty to Serve and Public Trust Doctrines**

The Department of Parks and Recreation owns and operates parks in the public trust and has a duty to serve all members of the public fairly. The public trust and duty to serve doctrines, dating back to English common law and Roman law, require equal access to playing fields in the Cornfield and Taylor Yard. State Parks provides playing fields in Malibu Bluffs, Will Rogers, and Pfeiffer State Parks and elsewhere. Diverse communities

value and use parks differently. Members of each community are entitled to equal access to the parks.<sup>119</sup>

#### **D. First Amendment Interests in Parks and Recreation**

There is a constitutionally protected First Amendment interest in access to the park, freedom of association, and freedom of expression to play soccer and other organized team sports in the state parks in the Cornfield and Taylor Yard. Refusing to provide playing fields would have an impermissible chilling effect on those First Amendment interests.<sup>120</sup>

### **IX. Recommendations**

State Parks will change the community in the Cornfield and Taylor Yard. The community will also change State Parks. Urban parks are different from wilderness parks. People will not use an urban park just because it is there or because park officials wish they would. Different people use parks differently. A diversity of users will populate and enliven the parks through the day. The parks should attract as many different kinds of people with as many different schedules, interests, and purposes as possible. Even the same person will come for different reasons at different times, sometimes to play soccer, sometimes to picnic, sometimes to walk along a nature trail, sometimes to lie under a tree.<sup>121</sup> There is a demand for playing fields in the Cornfield and Taylor Yard. Playing fields will draw people to the park. Without people, the parks will lie deserted and dangerous. Fields for soccer and other sports will bring the simple joys of playing in the park to the children of the Los Angeles region.

Simple justice mandates the following goals in the Cornfield and Taylor Yard:

- Balanced parks with large multi-use fields that will accommodate soccer and other organized team sports.
- The playing fields will be harmonious with the natural setting and the cultural and historical values at stake at each site.
- State Parks will design and operate balanced parks in ways that are sensitive to and ensure the fair treatment of people of all races, cultures, and incomes.
- State Parks will design and operate balanced parks in ways that are sensitive to the cultural and social meanings of soccer and other sports to the people of diverse races, cultures, and incomes.
- The interim use plans for both Cornfield and Taylor Yard will include large multi-use fields that will accommodate soccer and other organized team sports.
- State Parks will provide local assistance to the City of Los Angeles, other local authorities, and community organizations to find creative solutions to provide fields for soccer and other organized team sports in underserved communities.
- State Parks should express its commitment to achieve these objectives.

Four of the central lessons of the environmental justice movement are that communities of color and low income communities are disproportionately denied the benefits of parks and other public work projects, disproportionately bear the burdens of environmental degradation, do not have the information necessary to understand the impact

of environmental policy decisions on their lives, and are excluded from full and fair participation in the decision making process.

The Cornfield and Taylor Yard offer the opportunity to learn from those lessons in creating state parks. Just as important, the Cornfield and Taylor Yard offer the opportunity to bring people together to define the kind of community where they want to live and raise children.

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<sup>1</sup> This Report is submitted by the Center for Law in the Public Interest on behalf of Robert García as a member of the Chinatown Cornfield Advisory Committee, and on behalf of the Anahuak Youth Soccer Association (“Anahuak”) in response to the November 6, 2002, Workshop on the Interim Public Use Project in Taylor Yard. A report on the history of the people of the Cornfield is forthcoming. This Report is made possible in part by the generous support of the Ford Foundation and the Resources Legacy Fund Foundation.

<sup>2</sup> This Report uses the terms “multi-use fields,” “playing fields,” and “fields for soccer and other organized team sports” interchangeably. “Active recreation” includes soccer and other organized team sports. Informal open spaces for casual “pick-up” games are not enough.

<sup>3</sup> Chinatown Yard Alliance mission statement and member organizations, May 22, 2001, Exhibit (“Ex.”) 3; Letter from Chinatown Yard Alliance to Governor Gray Davis Re: Funding to Acquire the Chinatown Cornfield, Apr. 12, 2001, Exhibit 4. Exhibits are on file at the Center for Law in the Public Interest.

<sup>4</sup> Letter from Center for Law in the Public Interest to California State Coastal Conservancy Re: Create a 101 Acre State Park in Taylor Yard with Active Recreation and Soccer Fields, Mar. 8, 2002, Ex. 41. *Accord*, Letter from Anahuak Youth Soccer Association to California Department of Recreation and Parks Re: Support for Acquisition of Taylor Yard, Nov. 14, 2001, Ex. 39; Letter from Anahuak Youth Soccer Association to Governor Gray Davis, Nov. 26, 2001, Ex. 52; Letter from Anahuak Youth Soccer Association to Resources Secretary Mary Nichols, Nov. 26, 2001, Ex. 53; Letter from Anahuak Youth Soccer Association to California State Coastal Conservancy, Mar. 8, 2002, Ex. 42.

<sup>5</sup> Olmsted Brothers & Bartholomew and Associates, *Parks, Playgrounds and Beaches for the Los Angeles Region* (1930) (the Olmsted Report).

<sup>6</sup> Jocelyn Stewart, *Officials Resort to Creativity to Meet Need for Parks*, L.A. Times, June 15, 1998 (based on 1990 census data).

<sup>7</sup> Source: 2000 United States Census Data, Ex. 55.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Mark Baldasare, Public Policy Institute of California Statewide Survey: Special Survey on Californians and the Environment vi (June 2002).

<sup>11</sup> *L.A. Times state wide exit poll, March 7, 2002.*

<sup>12</sup> *The Seventh Generation: The Strategic Vision of California State Parks* (2001) (emphasis added).

<sup>13</sup> To fulfill its mission, State Parks is committed to strategic initiatives to provide additional outdoor recreation opportunities that keep pace with the needs of California's growing, diverse population and changing lifestyles, to become more relevant in the major population centers of the State, and to increase its relevancy for a large portion of the public. *Id.* at 19. Playing fields advance each of these goals.

<sup>14</sup> Cal. Gov. Code § 65040.12.

<sup>15</sup> Press Release, Governor Davis Announces Acquisition of Parklands in Downtown Los Angeles (Dec. 21, 2001), Ex. 2.

<sup>16</sup> Marilu Meza, *Anuncian Compra de Terrenos para Parques*, La Opinion, Dec. 22, 2002.

<sup>17</sup> Ex. 1.

<sup>18</sup> Matea Gold, *State Plans 2 Parks by L.A. River*, L.A. Times, Dec. 22, 2001, Ex. 18.

<sup>19</sup> Marilu Meza, *Anuncian Compra de Terrenos para Parques*, La Opinion, Dec. 22, 2002.

<sup>20</sup> Letter from Assembly Speaker Antonio Villaraigosa to Governor Gray Davis, Apr. 12, 2000, Ex. 20; Letter from Antonio Villaraigosa to the Coalition for a State Park at Taylor Yard, Apr. 14, 2001, Ex. 21.

<sup>21</sup> Rasa Gustaitis, *Los Angeles River Revival*, California Coast & Ocean, Autumn 2001, Ex. 10.

<sup>22</sup> *E.g.*, Chinatown Yard Alliance mission statement and member organizations, May 22, 2001, Ex. 3; Letter from Chinatown Yard Alliance to Governor Gray Davis Re: Funding to Acquire the Chinatown Cornfield, Apr. 12, 2001, Ex. 4; Chinatown Yard Conceptual Plan, Mar., 2001, Ex. 5.

<sup>23</sup> Jesus Sanchez, *L.A.'s Cornfield Row: How Activists Prevailed*, L.A. Times, Apr. 17, 2001, Ex. 13.

<sup>24</sup> Chinatown Yard Alliance mission statement and member organizations, May 22, 2001, Ex. 3.

<sup>25</sup> Coalition for a State Park at Taylor Yard, Taylor Yard Overview, Ex. 6; Taylor Yard State Park Conceptual Plan, Ex. 7.

<sup>26</sup> Coalition for a State Park at Taylor Yard, Taylor Yard Overview, Ex. 6.

<sup>27</sup> Ex. 9.

<sup>28</sup> Letter from Environmental Defense to Governor Gray Davis, Apr. 21, 2000, Ex. 33.

<sup>29</sup> Letter from Concerned Citizens of South Central Los Angeles, The Advancement Project, and Center for Law in the Public Interest to Assemblyman Rod Wright and the California Legislative Black Caucus RE: Funding for Acquisition of the Chinatown Cornfield, May 11, 2001, Ex. 32.

<sup>30</sup> Letter from United Nations Soccer League to State Parks Office of Acquisition and Real Property Services RE: United Nations Soccer League Support for Acquisition of Taylor Yard, Nov. 14, 2001, Ex. 40.

<sup>31</sup> Letter from L.A. County Supervisor Gloria Molina to Resources Secretary Mary Nichols, Dec. 18, 2001, Ex. 27.

<sup>32</sup> Letter from Assemblymember Gil Cedillo to Assembly Speaker Robert Hertzberg Re: Cornfields Urban Park – Member Request, May 7, 2001, Ex. 23.

<sup>33</sup> Press Release, City Councilmember Ed Reyes, *Reyes Announces Major Step Towards Creation of Park Land in Taylor Tard*, Sep. 13, 2001, Ex. 26.

<sup>34</sup> Letter from Assemblymember Jackie Goldberg to Lennar Corp, May 2, 2001, Ex. 22; Letter from State Senate Majority Leader Richard G. Polanco to Lennar Corp., May 18, 2001, Ex. 25; Letter from City Councilmember Eric Garcetti to Lennar Corp., May 23, 2001, Ex. 28.

<sup>35</sup> Editorial, *Davis Can Make 'Cornfield' Bloom*, L.A. Times, May 19, 2001, Ex. 12.

<sup>36</sup> Editorial, *A Green Explosion*, L.A. Times, July 7, 2001, Ex. 15.

<sup>37</sup> James Ricci, *A Park With No Name (Yet) but Plenty of History*, L.A. Times Magazine, July 15, 2001, Ex. 16.

<sup>38</sup> Editorial, *No Big Boxes in This Yard*, L.A. Times, June 30, 2001, Ex. 14.

<sup>39</sup> Editorial, *A Vision of City Parks*, L.A. Times, Sep. 22, 2001, Ex. 17.

<sup>40</sup> *Id.*

<sup>41</sup> Letter from Justice and Peace Commission to Secretary Andrew Cuomo, United States Department of Housing and Urban Development, Aug. 28, 2000, Ex. 43; Letter from Justice and Peace Commission Chair Pam Rector to Lennar Corp., July 13, 2001, Ex. 45.

<sup>42</sup> Letter from Cardinal Roger Mahony to Governor Gray Davis RE: Funding for Acquisition of the Chinatown Cornfield, Apr. 30, 2001, Ex. 44.

<sup>43</sup> Robert García, *The Legacy of Rodney King and a Testament of Hope*, 8 American Bar Association Goal IX 6 (2001); Jesus Sanchez, *L.A.'s Cornfield Row: How Activists Prevailed*, L.A. Times, Apr. 17, 2001, Ex. 13. Letter from Chinatown Yard Alliance to Governor Gray Davis Re: Funding to Acquire the Chinatown Cornfield, Apr. 12, 2001, Ex. 4; Letter from Planning and Conservation League to Governor Gray Davis Re: Funding for a State Park in the Chinatown Cornfield, June 19, 2001, Ex. 48; Letter from Planning and Conservation League to Mayor Kenneth Hahn [sic] Re: State Park at Taylor Yard, Sept. 26, 2001, Ex. 49; Letter from Environmental Defense to Governor Gray Davis, Apr. 21, 2000, Ex. 33.

<sup>45</sup> AYSO Region 69 Referee Schedule showing soccer games on five soccer fields at Will Rogers State Park, Nov. 23, 2002, Ex. 35; Ex. 57A.

<sup>46</sup> Ex. 57D.

<sup>47</sup> Ex. 57B.

<sup>48</sup> Ex. 57C.

<sup>49</sup> Interview December 7, 2002.

<sup>50</sup> 2000 United States Census Data.

<sup>51</sup> 2000 United States Census Data.

<sup>52</sup> Ex. 34.

<sup>53</sup> California State Parks, *Pfeiffer Big Sur State Park General Plan*, Oct. 1999. See, e.g., p. 8, 24, 26, 51, and Fig. 3 and Fig. 7.

<sup>54</sup> Charles Burress, *State OKs Eastshore Park Blueprint*, San Francisco Chronicle, Dec. 7, 2002.

Research into organized sports at other state parks is currently underway.

<sup>55</sup> Jose A. Lopez, *Eastshore State Park Blueprint OK'd*, Contra Costa Times, Dec. 7, 2002.

<sup>56</sup> *Declaration of the Rights of the Child*, Proclaimed by General Assembly resolution 1386(XIV) of 20 November 1959, Principle 7 states:

The child is entitled to receive education... which will promote his general culture and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgement, and his sense of moral and social responsibility, and to become a useful member of society. . . .

The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right.

*United Nations' Convention on the Right of the Child*, General Assembly resolution 44/25 of 20 November 1989, Article 31 states:

1. States/Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States/Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

<sup>57</sup> See Anastasia Loukaitou-Sederis and Orit Stieglitz, *Children in Los Angeles Parks: A Study of Equity, Quality, and Children Satisfaction with Neighborhood Parks* 1-6 (forthcoming 2002).

<sup>58</sup> Charles Ornstein and Erika Hayasaki, *26% of Kids Overweight, Study Finds*, L.A. Times, Dec. 12, 2002.

<sup>59</sup> Editorial, *The Youth Obesity Epidemic*, N.Y. Times, Nov. 29, 2002.

<sup>60</sup> Quoted in Charles Ornstein and Erika Hayasaki, *26% of Kids Overweight, Study Finds*, L.A. Times, Dec. 12, 2002.

<sup>61</sup> *Id.*

<sup>62</sup> Editorial, *The Youth Obesity Epidemic*, N.Y. Times, Nov. 29, 2002.

<sup>63</sup> Charles Ornstein and Erika Hayasaki, *26% of Kids Overweight, Study Finds*, L.A. Times, Dec. 12, 2002.

<sup>64</sup> Editorial, *The Youth Obesity Epidemic*, N.Y. Times, Nov. 29, 2002.

<sup>65</sup> *Id.*

<sup>66</sup> Archives of Pediatrics and Adolescent Medicine, published by the American Medical Association, cited in *Study Links Team Sports and Healthful Behavior*, N.Y. Times, Sept. 15, 2000.

- <sup>67</sup> Rebecca Flournoy, *Regional Development and Physical Activity: Issues and Strategies for Promoting Health Equity*, A Policylink Report, Nov. 2002, Ex. 56.
- <sup>68</sup> *Gangs, Crime and Violence in Los Angeles: Findings and Proposals from the District Attorney's Office* (1992).
- <sup>69</sup> *Id.*
- <sup>70</sup> Anastasia Loukaitou-Sideris and Orit Stieglitz, *Children in Los Angeles Parks: A Study of Equity, Quality, and Children Satisfaction with Neighborhood Parks 1-6* (forthcoming 2002).
- <sup>71</sup> Anastasia Loukaitou-Sideris, *Urban Form and Social Context: Cultural Differentiation in the Uses of Urban Parks*, 14 *Journal of Planning Education and Research*, 89-102 (1995).
- <sup>72</sup> *Id.*
- <sup>73</sup> *Id.*
- <sup>74</sup> Victor M. Valle & Rodolfo D. Torres, *Latino Metropolis* 158 (2000); accord, Pierrette Hondagneu-Sotelo, *Gendered Transitions: Mexican Experiences of Immigration*, 36 (1994).
- <sup>75</sup> Loukaitou-Sideris, *supra*.
- <sup>76</sup> *Id.*
- <sup>77</sup> See David Johnston, *The Soccer Gap*, L.A. Times, Oct. 11, 1987.
- <sup>78</sup> Loukaitou-Sideris, *supra*.
- <sup>79</sup> Juan Gonzalez, *Harvest of Empire: A History of Latinos in America* 142, 145 (2000).
- <sup>80</sup> Jose Roy García filed *Declaration of Intent to Receive and Solicit Contributions* as a candidate for the Mar. 4, 2003 Primary for L.A. City Council District 6 on Nov. 7, 2002. See Los Angeles City Ethics Commission website at <http://ethics.lacity.org/Index.htm>. See also José Fuentes-Salinas, *El ángel de los niños*, La Opinión, April 29, 2001.
- <sup>81</sup> Hondagneu-Sotelo, *supra*, at 55.
- <sup>82</sup> Letter from Environmental Defense to Governor Gray Davis, Apr. 21, 2000, Ex. 33.
- <sup>83</sup> Pelé, Foreword, in Paul Gardner, *The Simplest Game* xi (1994).
- <sup>84</sup> Pelé, *My Life and the Beautiful Game* 343-44 (1977).
- <sup>85</sup> Jeannine Gendar, *Grass Games & Moon Races: California Indian Games and Toys* 15 (1995).
- <sup>86</sup> *Id.* at 17.
- <sup>87</sup> *Id.*
- <sup>88</sup> *Id.* at 23.
- <sup>89</sup> See *id.* at 20, 23, 25.
- <sup>90</sup> Paul Gardner, *The Simplest Game* 1-2 (1994).
- <sup>91</sup> *Draft Summary Narrative: Cornfields Chinatown Yards Study Area*, prepared for California Department of State Parks by the Dangermond Group, Mar., 2001, Ex. 11.
- <sup>92</sup> Letter from Center for Law in the Public Interest to California Department of Recreation and Parks Re: Create a State Park in Taylor Yard, Nov. 14, 2001, Ex. 36; Letter from PLAYS Project (Parks for Los Angeles Youth Soccer) to California Department of Recreation and Parks Re: PLAYS Support for Acquisition of Taylor Yard, Nov. 14, 2001, Ex. 37; Letter from Center for Law in the Public Interest to Governor Gray Davis and Resources Secretary Mary Nichols Re: Soccer Fields at Taylor Yard, Nov. 26, 2001, Ex. 38; Letter from Anahuak Youth Soccer Association to California Department of Recreation and Parks Re: Support for Acquisition of Taylor Yard, Nov. 14, 2001, Ex. 39; Letter from United Nations Soccer League to California Department of Recreation and Parks Re: United Nations Soccer League Support for Acquisition of Taylor Yard, Nov. 14, 2001, Ex. 40.
- <sup>93</sup> Letter from Center for Law in the Public Interest to California State Coastal Conservancy Re: Create a 101 Acre State Park in Taylor Yard with Active Recreation and Soccer Fields, Mar. 8, 2002, Ex. 41; Letter from Anahuak Youth Soccer Association to California State Coastal Conservancy, Mar. 8, 2002, Ex. 42.
- <sup>94</sup> Taylor Yard Written Comments, June 20, 2002, Ex. 19.
- <sup>95</sup> UCLA Dept. of Urban Planning Student Research Project, *Cornfield of Dreams* 101-02 (2000), Ex. 47.
- <sup>96</sup> *Id.* at 98, Ex. 46.
- <sup>97</sup> Joe Mazingo, *Plan Would Raze Part of L.A. River's Concrete Bank*, L.A. Times, March 31, 2001.
- <sup>98</sup> Olmsted Report at 128-29.
- <sup>99</sup> *Id.*
- <sup>100</sup> Ex. 50.
- <sup>101</sup> See generally Don Normark, *Chavez Ravine, 1949: A Los Angeles Story* 18-21 (1999).

<sup>102</sup> Ex. 59.

Letter from Office of the Secretary, United States Department of Housing and Urban Development, to Los Angeles Deputy Mayor Rocky Delgadillo Re: City of Los Angeles – Section 108 Application – Cornfields B-C-06-0523, Sep. 25, 2000, Ex. 29.

<sup>104</sup> Letter from State Senator Tom Hayden to HUD Secretary Andrew Cuomo, July 18, 2000, Ex. 24.

<sup>105</sup> See The Metro Investment Report, *Civil Rights Attorney García on the Legal Battle to Provide Public Access to California's Beaches* 4 (Nov. 2002); Robert García, *Equal Access to California's Beaches: Strategies from the Urban Park Movement*, Proceedings of the Second National People of Color Environmental Leadership Summit (forthcoming 2002) (available online at [www.clipi.org](http://www.clipi.org)); Seema Mehta, *Land-Use Plan OK'd for Malibu*, L.A. Times, Sept. 14, 2002. The diverse alliance includes the Mexican-American Legal Defense & Education Fund, civil rights attorney Constance L. Rice, Mothers of East L.A. Santa Isabel, the William C. Velazquez Institute, Latino Urban Forum, the Planning and Conservation League, Access for All, and the Sierra Club.

<sup>106</sup> *Latino Policy Agenda for California* (available online at [www.clipi.org](http://www.clipi.org)) 25-27 (2002).

<sup>107</sup> See, e.g., Mike Davis, *City of Quartz* 160-64 (1990); Mike Davis, "How Eden Lost Its Garden," chapter in *Ecology of Fear* (2000).

<sup>108</sup> Letter from Planning and Conservation League to Mayor Kenneth Hahn [sic] Re: State Park at Taylor Yard, Sept. 26, 2001, Ex. 49.

<sup>109</sup> 42 U.S.C. § 2000d.

<sup>110</sup> Cal. Gov. Code § 65040.12.

AB 857, signed by Governor Davis on September 29, 2002, establishes planning priorities for State Parks and other agencies to promote equity, strengthen the economy, protect the environment and promote human health. The priorities include in relevant part to promote infill development and equity particularly in underserved areas and to preserve cultural and historical resources, to protect environmental resources including recreation lands such as parks, and to encourage efficient development patterns. A balanced park with playing fields squarely meets these statutory priorities.

<sup>111</sup> *Guardians Ass'n v. Civil Service Commission*, 463 U.S. 582, 629 (1983) (Justice Marshall, concurring in part and dissenting in part).

<sup>112</sup> Cf. Executive Order 12,898 on Environmental Justice (Feb. 11, 1994).

<sup>113</sup> *Larry P. v. Riles*, 793 F.2d 969, 983 (9th Cir. 1984).

<sup>114</sup> While state officials suggest there may be statutory support for dedicated baseball fields at Malibu Bluffs State Park, that does not relieve the State and State Parks of providing equal justice to the children of the Cornfield and Taylor Yard.

<sup>115</sup> Press Release, Governor Davis Announces Acquisition of Parklands in Downtown Los Angeles (Dec. 21, 2001), Ex. 2.

<sup>116</sup> Ex. 57D (photo of AYSO soccer players and their families picnicking in Will Rogers).

<sup>117</sup> See David Johnston, *The Soccer Gap*, L.A. Times, Oct. 11, 1987.

<sup>118</sup> See *Village of Arlington Heights v. Metropolitan Housing Dev. Corp.*, 429 U.S. 252, 265 (1977); United States Department of Justice, Civil Rights Division, Title VI Legal Manual (Sept. 1998) at 49-53 and authorities cited.

<sup>119</sup> See generally Charles M. Haar & Daniel Wm. Fessler, *The Wrong Side of the Tracks* (1986) (common law duty to serve provides separate and independent state law basis for equal justice).

<sup>120</sup> Cf. *Leydon v. Town of Greenwich*, 257 Conn. 318 (2001) (First Amendment right to public park).

<sup>121</sup> See Anastasia Loukaitou-Sideris, *Urban Form and Social Context: Cultural Differentiation in the Uses of Urban Parks*, 14 Journal of Planning Education and Research, 89-102 (1995); See also Jane Jacobs, *The Death and Life of Great American Cities* 89-11 (1992).

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**CENTER FOR LAW  
IN THE PUBLIC INTEREST**  
3250 Ocean Park Boulevard, Suite 300  
Santa Monica, California 90405-3219  
Ph: (310) 314-1947; Fax: (310) 314-1957  
www.clipi.org

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STAFF

Lew Hollman,  
*Executive Director*  
Robert García,  
*Director, The City Project*

Laura Diamond  
Lin Min Kong  
Katrina D. McIntosh  
Erica S. Flores, *Fellow*

Elizabeth Pine,  
*Policy Analyst*  
Sharon McDowell,  
*Administrative Assistant*

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