

THE QUEST FOR ENVIRONMENTAL JUSTICE

HUMAN RIGHTS AND THE POLITICS OF POLLUTION

EDITED BY ROBERT D. BULLARD

FOREWORD BY CONGRESSWOMAN MAXINE WATERS

Parks can address a multitude of urban challenges: they can spur economic development, address environmental issues, and offer educational and youth development services. A park and its surrounding area can be not only a place to understand and relate to nature but also a place for social and cultural exchange.

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Anatomy of the Urban Parks Movement

Equal Justice, Democracy, and Livability in Los Angeles

The urban parks movement is building community and diversifying democracy from the ground up by giving people a sense of their own power in deciding the future of their city, their lives, and their children's lives. People who have not participated in government before are fighting city hall and wealthy developers—and winning.

The movement is making Los Angeles, for example, a greener, more just, and more sustainable community for all.¹ Case studies from grassroots struggles there, in which people of color and low-income communities have partnered with public interest lawyers, show how people have gained access to parks, other green space, beaches, school playgrounds, and ultimately, the good life.

WHY PARKS MATTER: THE VALUES AT STAKE

The United Nations recognizes a child's right to play as a fundamental human right.² The simple joys of playing in the park go hand in hand with health, recreation, and other values discussed below.

Access to parks and recreation is about community health. The human need for parks, school yards, and active recreation, and its implications for human health, are profound.³ If current trends in obesity,

inactivity, and disease continue, today's youth will be the first generation in this nation's history to face a life expectancy shorter than that of their parents.⁴ The health crisis costs the United States over \$100 billion each year.⁵ The epidemic of obesity, inactivity, and related diseases like diabetes is shortening children's lives and destroying the quality of their lives.

In California, 27 percent of children are overweight and 40 percent are unfit.⁶ Only 24 percent of the state's fifth, seventh, and ninth graders met minimal physical fitness standards in 2003.⁷ The numbers are even lower within the Los Angeles Unified School District, where just 17 percent of fifth graders, 16 percent of seventh graders, and less than 11 percent of ninth graders met all six of the minimum fitness standards in 2003.⁸ State assembly districts with the highest proportion of overweight children also have the highest concentrations of people of color.⁹

Overweight and unfit children face a greater risk of developing lung disease, diabetes, asthma, and cancer.¹⁰ Type 2 diabetes, formerly known as adult-onset diabetes, now affects millions of overweight and inactive children at younger and younger ages.¹¹ As a result, children are more likely to suffer long-range effects from diabetes, including loss of limbs, blindness, and death. As a result of shrinking budgets and demands for improved standardized academic test scores, physical education is being squeezed out of the school day.¹²

Time spent outdoors promotes physical activity, good health, and the full development of the child. The Center for Health Policy Research at the University of California, Los Angeles, recommends increased funding for physical activity programs offered before, during, and after school in order to reduce rates of diabetes among young people.¹³ Recreation programs provide alternatives to gangs, drugs, violence, crime, and teen sex.¹⁴ In the aftermath of the riots and rebellion that followed the acquittal of the police officers 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.¹⁵

Parks and green space cool the city, clean the air and ground, and help reduce polluted storm water runoff.¹⁶ Parks can raise property values, increase tourism, promote the economic revitalization of neighboring communities, create jobs, and reduce health care costs. When cities create greenways in or near downtown areas, property values rise and the number of businesses and jobs grows.¹⁷

Parks are democratic commons that bring people together as equals, as the first landscape architect, Frederick Law Olmsted, recognized when

designing Central Park in New York City.¹⁸ 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 study by the University of California, Los Angeles, that examined cultural differences in the use of urban parks.¹⁹ New Latino immigrants do not organize politically. Rather, they first organize soccer leagues and then use those same organizing skills to go on to organize politically.²⁰ For Hispanics, the park is primarily a social gathering place. African Americans, more than any other racial group, engage in sports. Sports and recreation programs help bring society together. Jackie Robinson broke down color barriers seven years before *Brown v. Board of Education* declared "separate but equal" to be unconstitutional.²¹ Spiritual and social justice values inspire faith-based support for parks and natural lands. Articulating the values at stake to appeal to different stakeholders in the urban park movement is consistent with Professor George Lakoff's call for a progressive movement built around the shared values that define who progressives are, and that encompasses the efforts by groups working on many different issue areas and programs.²²

RACE, ETHNICITY, AND UNEQUAL ACCESS TO PARKS

Los Angeles, with a population of 3.7 million people in 2000, is the second-largest city in the United States. About 69 percent of its population is made up of people of color, and only 31 percent is non-Hispanic white; 45 percent of the city's population is Hispanic.²³ The sprawling city covers more than 469.3 square miles and has 15,600 acres of parkland, including the 4,217 acres of Griffith Park, the largest municipal park in the United States. According to the *Los Angeles Almanac*, the city has 382 public parks, 123 recreation centers, 52 pools, 28 senior citizen centers, 13 golf courses, 18 child care centers, and 7 camps.²⁴ Los Angeles is park poor, however, with fewer acres of park per resident than any other major city in the United States. When a city lacks enough parks and recreation facilities, all communities within the city suffer, but low-income people of color suffer first and worst. In Los Angeles, there are unfair disparities in access to parklands, playgrounds, beaches, and recreation based on race, ethnicity, and class.²⁵

The lack of parks in communities of color in Los Angeles is not an accident of unplanned growth, but the result of a history and pattern of discriminatory land use planning, racially restrictive housing covenants, discriminatory funding formulas, and other practices. People of color did

not simply choose to live in ethnic enclaves in Los Angeles—Latinos in East L.A., Chinese in Old and New Chinatown, Japanese in Little Tokyo, and African Americans in South Central—they were forbidden from living in other places.²⁶

Though the practice was not codified in law, public space in Los Angeles was “tacitly racialized.”²⁷ For example, blacks were not allowed in the pool in many municipal parks, and in other parks they were allowed to swim only on the day before the pool was cleaned. Public pools continued to be segregated into the 1940s. Lincoln Park in East Los Angeles was a popular destination for black youth from South Central and Latino youth from East Los Angeles, who could take the Pacific Electric railroad to reach the park where they were not feared and despised.²⁸

The city of Los Angeles virtually abandoned parks, school construction, and public recreation in the wake of Proposition 13 in 1978, the taxpayers’ revolt that cut funding for local services, including parks and schools. Poorer communities in the inner city have been historically shortchanged by city funding formulas for parks and recreation programs, according to former Los Angeles mayor Richard Riordan, a wealthy Republican businessman, in an interview in the *Wall Street Journal*. Money for parks and recreation, for example, is not invested throughout the city based on need, but is distributed equally among the fifteen city council districts regardless of need.²⁹ Many urban parks are more heavily used than suburban parks and require more staff.

The city’s Department of Recreation and Parks has long recognized the inequities in park funding. According to the department’s director of planning and development in 1998, “It’s a pattern we all understand. The urban areas of Los Angeles have fewer park facilities than the new areas or outlying areas, where ordinances require that parks be developed when housing developments go in.”³⁰ Because there has been little new construction in poorer neighborhoods, those areas benefit little from the state’s Quimby Act, which requires developers to set aside money to create parks near their new projects. New projects are disproportionately built in disproportionately wealthy white communities, which benefit from the Quimby funds.

The city of Los Angeles also encourages parks to operate like businesses and collect user fees. People pay to play. Since the wealthier and whiter areas of the city have more park space and fee-generating facilities and programs, such as tennis courts, racquetball courts, golf courses, Little League, and other organized team sports, this has created a regres-

sive distribution of park resources. Inner-city communities do not have fee-generating amenities, and residents could not afford to pay for them even if they did.

Local park bond funds are distributed in ways that exacerbate rather than alleviate the inequities in access to parks and recreation.³¹ Each of the criteria and methods of administration discussed above fail to account for the needs of the poorest neighborhoods, which are disproportionately inhabited by people of color.

The lack of parks in inner-city communities is exacerbated by the disappearance of school yards where children could play and join recreation programs. Due to the epic overcrowding at public schools in Los Angeles and the concomitant use of portable classrooms that devour playground space, school yards at existing schools are disappearing. Already ill-served by an overburdened school system, low-income youth fare even worse after school, in the absence of school yards and parks.

According to a survey on Californians and the environment by the influential California Public Policy Institute, 64 percent of Californians say that poorer communities have less than their fair share of well-maintained parks and recreational facilities. Latinos are far more likely than non-Hispanic whites (72 percent compared to 60 percent) to say that poorer communities do not receive their fair share of these environmental benefits. A majority of residents (58 percent) 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.³²

Los Angeles has less than an acre of park per thousand residents, compared to the six to ten acres per thousand residents that is the National Recreation and Park Association standard. And, as noted earlier, there are unfair disparities in access to the parks and recreation facilities that do exist in Los Angeles as a whole. In the inner city, there are .3 acre of park per thousand residents, compared to 1.7 acres in the disproportionately white and relatively wealthy parts of Los Angeles.³³

The paucity of parkland is matched by the lack of recreational facilities. For example, within Baldwin Hills State Park (or within a five-mile radius of it), which lies at the historical heart of African American Los Angeles, there is one picnic table for every 10,000 people, one playground for every 23,000 children, one soccer field for every 30,000 people, and one basketball court for every 36,000 people.³⁴

These figures do not take into account the privatization of public space. Los Angeles’ population has increased dramatically since 1990—

with little change in public park space. Families in more affluent white communities have backyards, swimming pools, basketball hoops over the driveway, access to country clubs and private beaches, and vacation resorts. Families in low-income communities of color do not. The children in these neighborhoods lack adequate access to cars or to a decent transit system to reach parks in other neighborhoods and in wilderness areas.

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 Proposition 40, which was the largest resource bond in United States history. This state proposition provided \$2.6 billion for parks, clean water, and clean air. Proposition 40 passed in March 2002 with the support of 77 percent of black voters, 74 percent of Latino voters, 60 percent of Asian voters, and 56 percent of non-Hispanic white voters. Seventy-five percent of voters with an annual family income below \$20,000 and 61 percent with a high school diploma or less supported Proposition 40—the highest among any income or education levels.³⁵

Proposition 40 demolished the myth that the environment is a luxury that communities of color and low-income communities cannot afford or are not willing to pay for. The steering committee of the organization Yes on Prop 40 engaged in strategic outreach to diverse communities. The campaign targeted half a million voters with direct mail in English and Spanish, the Web site of the group Yes on Prop 40 included materials in English and Spanish, and a get-out-the-vote drive targeted diverse communities. African American ministers called on their congregations to support Proposition 40 from the pulpit the Sunday before the election, and Cardinal Roger Mahony endorsed Proposition 40.³⁶

OLMSTED'S VISION YESTERDAY AND TODAY

In 1930, the firm started by the sons of Central Park's designer, Frederick Law Olmsted, proposed a network of parks, playgrounds, schools, beaches, forests, and transportation to promote the social, economic, and environmental vitality of Los Angeles and the health of its people. According to the Olmsted Report:

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.³⁷

These words remain true today. The Olmsted Report proposed the joint use of parks, playgrounds, and schools to make optimal use of land and public resources, and it called for doubling the public beach frontage. The report recommended a massive program that would create 71,000 acres of parkland, with another 91,000 acres in outlying areas. The heart of the program was 21.4 miles of interconnecting parkways, including a parkway along the Los Angeles River. Implementing the recommendations would have cost \$233 million in 1930 dollars, taken forty to fifty years to complete, and required the creation of a regional park authority that could have levied fees to pay for parks and open space.³⁸

Implementing the Olmsted vision would have made Los Angeles one of the most beautiful and livable regions in the world. Powerful private interests and civic leaders demonstrated a tragic lack of vision and judgment when they killed the Olmsted Report. Just two hundred copies were printed, only enough for the members of the blue ribbon commission that oversaw the report. Civic leaders killed the report because of politics, bureaucracy, and greed in a triumph of private power over public space and social democracy.³⁹ The recommendations have yet to be implemented.

THE BATTLE FOR THE CORNFIELD

The Cornfield lies just south of the confluence of the fifty-one-mile Los Angeles River and the twenty-two-mile Arroyo Seco (dry canyon), in one of Los Angeles' most culturally, historically, and ethnically diverse communities. The reason the site is called the Cornfield is not clear. In the first written description of the area that later became El Pueblo de Los Angeles, Father Juan Crespí, a member of the 1769 Spanish expedition led by Captain Gaspar de Portolá, described the trees and green bottomlands that spread out along the banks of the Los Angeles River as "looking from afar like nothing so much as cornfields."⁴⁰ The area has been used to grow different crops including grapes, vegetables, fruits, nuts, and corn. According to State Park officials, railroad workers first nicknamed the site the Cornfield in the mid-1900s. Now a rail yard that has been abandoned since about 1992, the Cornfield is located downtown, between Chinatown on the west and the river on the east, within walking distance of city hall, just down the hill from Dodger Stadium. As this

book goes to press, the California Department of Parks and Recreation has recommended that the new park on the site be called the Los Angeles State Historic Park.

The site presents a once-in-a-century opportunity to create a world-class park in one of the region's most diverse and park-poor communities. Most of the people who live near the site today are people of color who live in poverty, have no access to a car, and have limited education. The community within a five-mile radius is 68 percent Latino, 14 percent Asian, 11 percent non-Hispanic white, and 4 percent African American. Thirty percent of the population lives in poverty, compared to 14 percent for the state of California as a whole, and compared to 18 percent for Los Angeles County.⁴¹

The median household income in this community is \$28,908—just 60 percent of the \$47,493 median household income in the state. Fully 29 percent of households have no access to a car—an astonishing figure in Los Angeles, the car capital of the world. Only 9 percent of households in California and 13 percent of households in Los Angeles County are without cars. Fewer than half the people over age twenty-five who live nearby (49 percent) have completed high school, and just 15 percent have a bachelor's degree. In contrast, 77 percent of Californians and 70 percent of County residents over age twenty-five have high school diplomas; 27 percent of Californians and 25 percent of county residents have bachelor's degrees. There are 993,047 people, including 282,967 children (representing 28 percent of the total population), within five miles of the site.⁴² A park built on the site would not only create playing fields and open space in a neighborhood that has none, it would also help improve the quality of life, create quality jobs, increase tourism, increase property values, promote economic revitalization of the community, and preserve invaluable cultural and historic resources in the birthplace of Los Angeles.

“On a deserted railroad yard north of Chinatown, one of Los Angeles's most powerful and tenacious real estate developers, Ed Roski, Jr., of Majestic Realty Co., met his match,” according to a front-page article in the *Los Angeles Times*.⁴³ In 2001, members of the citizens group Chinatown Yard Alliance stopped payment of federal subsidies earmarked for an \$80 million warehouse project that had been planned by Majestic and the city of Los Angeles without a full environmental review. The group then secured state funding to create the park in the Cornfield. Advocates obtained the support of the community, a cardinal of the

Catholic Church, Nobel peace laureate Rigoberta Menchú of Guatemala, a cabinet member in the Clinton administration, Governor Gray Davis, and the state legislative leadership to make the dream of a park come true.

Many experts advised the alliance that their fight against city hall and Majestic was hopeless. But the alliance pressed ahead with a “sophisticated political, legal and media blitz” that put legal and political obstacles in the path of the warehouses and secured support for a park.⁴⁴ “They tried to present it as a done deal from the beginning,” said Lewis MacAdams, founder of Friends of the Los Angeles River, a key organizer of the Chinatown Yard Alliance, and a poet. “We said, ‘No, it’s not a done deal.’ We were good at presenting options.”⁴⁵

Previously, Chinatown has had no park, and it still has no middle school or high school with playgrounds, playing fields, or green space of any kind. The only elementary school in the neighborhood does not have a single blade of grass. William Mead Homes, one of the earliest and largest public housing projects in Los Angeles, is located directly east of the Cornfield.

The Cornfield area is the Ellis Island of Los Angeles. The original Native American village of Yangna is nearby, marked today by nothing more than a center divider on the Hollywood Freeway. The Cornfield was a part of the original Pueblo de Los Angeles. The first settlers were Spaniards, including Catholic missionaries; Native Americans; and blacks. Mexicans and Californios further established the city before statehood. Today El Pueblo Historic Park, lined with historic buildings, is a few blocks south of the Cornfield. Chinese began arriving in 1850 in search of gold and ended up working on the railroad and in domestic jobs. The site of the Chinatown massacre of 1871, which first brought Los Angeles to international attention, is now a traffic light. The city forcibly evicted the Chinese and razed Old Chinatown in order to build Union Station in the 1930s. During World War II, the Japanese of Little Tokyo a few blocks further south were forced into concentration camps. Biddy Mason, a former slave freed in the 1850s, became a major landowner downtown and a founder of First AME, a major black church in Los Angeles. Blacks in the twentieth century were forced into South Central by discriminatory land use policies. Italian and French immigrants, some of whom planted vineyards that graced the area, assimilated into the broader culture.⁴⁶

Remnants of the historic Zanja Madre, the “mother trench,” the lifeline that first brought water from the Los Angeles River to El Pueblo in

1781, have been found on the Cornfield. Los Angeles became the most important city in Southern California in large part because of its water supply. The Zanja Madre provided water for residential, agricultural, and industrial use from 1781 until 1904. The *zanja* system permitted early Los Angeles to develop an agricultural economy with vineyards, citrus groves, vegetable gardens, and later, fields of flowers.⁴⁷

The Juan Bautista de Anza National Historic Trail, which marks the trail that Spaniards and Catholic missionaries used to reach northern California, runs near the Cornfield. The nearby communities are also crisscrossed by Native American trails, railroads, trolley lines, and freeways. The Native American Tongva, or Gabrieleño, village of Yangna was located near the confluence of several Native American trails. Today four freeways slice through the surrounding communities, while almost a third of the people have no access to a car. With the opening of the Los Angeles Metropolitan Transit Authority's Gold Line light rail and connecting bus service, the Cornfield is more accessible to surrounding communities and visitors.

The new state parks in the Cornfield and Taylor Yard, another former Union Pacific rail yard, are essential components in revitalizing the Los Angeles River. Many public leaders see the river corridor as a key to the economic and environmental enhancement of Los Angeles, and its enhancement as a means to provide Los Angeles with a greater sense of community. As one writer put it:

The Los Angeles River has always been at the heart of whichever human community is in the basin: Gabrielino village, Spanish outpost, Mexican pueblo, American city. The river has been asked to play many roles. It has supplied the residents of the city and basin with water to drink and spread amidst their grapes, oranges, and other crops. It has been an instrument by which people could locate themselves on the landscape. It has been a critical dividing line, not only between east and west, north and south, but between races, classes, neighborhoods. . . . The river has also been a place where ideas and beliefs about the past, present, and future of Los Angeles have been raised and contested.⁴⁸

THE CHINATOWN YARD ALLIANCE

One of the central lessons of the struggle for the Cornfield is the importance of building a diverse coalition that appeals to a variety of interests while staying focused on unifying goals: here, to create the park and stop the warehouse project. The Chinatown Yard Alliance offered a

vision for a positive alternative use of the land, in addition to opposing the warehouse project, and it secured the resources to make that dream a reality. The alliance brought together an unprecedented group of over thirty-five community, civil rights, traditional environmental, environmental justice, religious, business, and civic organizations and leaders. The alliance met regularly over dim sum at a restaurant in Chinatown to plan strategy and maintained an e-mail network to keep the community posted on developments in the Cornfield project.

Different stakeholders had different but overlapping motivations, and they kept their eyes on the prize: the creation of a park. The desperate need for parks was a primary motivation for the people in the community. Equal access to parks inspired social and racial justice advocates. The Center for Law in the Public Interest organized a civil rights challenge on the grounds that the warehouse project was the result of discriminatory land use policies that had long deprived minority neighborhoods of parks. Protecting open space, clean air, and clean water, and cleaning up a brownfield, appealed to traditional environmentalists. The intersection of civil rights and environmental issues attracted environmental justice advocates, including Concerned Citizens of South Central Los Angeles. Moral, spiritual, and social justice facets of the project engaged the religious community, including the Catholic Archdiocese of Los Angeles and the politically active African American religious community. An awareness of how parks and active recreation influence wellness motivated the health community. The National Park Service called for a full environmental review to protect cultural and historical resources. A number of elected officials provided leadership, while others responded to the demands of their constituents.

Lewis MacAdams of Friends of the Los Angeles River was instrumental in helping to achieve inclusiveness and consensus within the alliance. Architect Arthur Golding drew up the conceptual plan for a park that the alliance used to marshal supporters to attend public hearings and organize presentations. Chinatown activist Chi Mui worked with MacAdams and Golding to build the alliance. Robert García from the Center for Law in the Public Interest, Joel Reynolds, and a private attorney led the legal and advocacy team.

The alliance waged the battle for the Cornfield on multiple fronts for almost a year, from November 1999 through September 2000, trying to persuade then mayor Richard Riordan, city planners, the city council, Majestic, and federal authorities to adopt the park alternative or, at a

minimum, to prepare a full environmental impact report for the warehouse proposal that would enable the community to decide between a park and the warehouses.

Attorneys for the alliance submitted to local and federal officials the first letters challenging the warehouse project in November 1999, about thirty days before Majestic was scheduled to close escrow on the purchase of the Cornfield from the Union Pacific Railroad. The alliance challenged the warehouse proposal on the grounds that the city and Majestic had failed to prepare a full environmental impact report or statement, failed to consider the park alternative, failed to analyze the effects of the project on low-income people of color, and failed to adequately consider the air pollution, traffic congestion, noise, land use conflicts, and flood hazards that would result, as well as the project's effects on water quality, historic resources, and aesthetics. The initial result was to delay the closing. The alliance used the time to organize community support for the park; refine legal strategies; develop additional evidence through public record requests, historical research, demographic analyses, and other factual investigations; meet privately and publicly with city officials; engage in a strategic media campaign; and build a record at each successive hearing to prepare for the possibility of litigation.

Majestic countered by donating money to Chinatown organizations and publishing a glossy color brochure in English and Chinese. Majestic extended invitations to local leaders to watch basketball and hockey games from its luxury suite at Staples Center. "They did a good job getting the business community to support them," noted Chi Mui. "They tried to fracture the coalition."⁴⁹

Despite the opposition by the alliance, the city and Majestic moved the warehouse project through the planning process without a full environmental impact report or statement. The city approved the project based instead on a mitigated negative declaration. The city's planning department approved the warehouses in May 2000. The Central Area Planning Commission approved the warehouses in July 2000. The city council approved the warehouses after just a ten-minute hearing on August 15, 2000.

In the meantime, in March of 2000, the voters of California had passed Proposition 12, a \$2.4-billion statewide park bond that could provide the funds to buy the Cornfield for a park, but only if there were a willing seller. Majestic was not yet a willing seller. The alliance's strategy was to make Majestic into a willing seller.

At public forums on or about September 14, 2000, the alliance persuaded every major candidate for mayor to endorse a park in the Cornfield. "Candidates did not want to be seen as favoring a rich developer over park-deprived central city residents," reported the *Los Angeles Times*.⁵⁰ This was a significant turning point in the battle for the Cornfield. If full environmental review were required, that would delay any final action until after June 2001, when the new mayor could still pull the plug on the warehouse project.

Attorneys for alliance members filed a petition in state court seeking a full environmental impact report under California law on September 6, 2000. The California attorney general filed an amicus brief supporting their position. The alliance also used a combination of formal administrative proceedings and a network of connections to persuade the U.S. Department of Housing and Urban Development to reconsider its financial subsidies for the project. The alliance submitted to federal officials the first letter challenging the warehouses in November 1999, supplementing it with additional submissions as evidence developed.

Strategic telephone calls and letters from such figures as then state senator Tom Hayden and the Justice and Peace Commission of the Catholic Archdiocese of Los Angeles attracted the attention of Secretary Andrew Cuomo of the Department of Housing and Urban Development. On July 7, 2000, a delegation of the agency's top officials traveled from Washington to Los Angeles, where the alliance briefed them on the park alternative and the opposition to the warehouse project.

Attorneys filed an administrative complaint with the Departments of Housing and Urban Development, Commerce, and Justice on September 21, 2000, challenging the federal subsidies to Majestic on grounds of federal civil rights, environmental, and historic preservation. During a visit to Los Angeles on September 25, 2000, Cuomo "dropped a bombshell."⁵¹ He announced that he would not release \$12 million in federal subsidies earmarked for urban development without a "full-blown" environmental impact statement that analyzed the likely effect of the warehouse proposal on communities of color and on the environment, considered the park alternative, and enabled full and fair public participation in deciding the future of the Cornfield.⁵²

While the community was elated, the reaction at city hall was very different. They were "shocked and disappointed," according to Deputy Mayor Rocky Delgadillo.⁵³ Attorneys for Majestic sat down at the settlement table with attorneys for the alliance on September 28, 2000. The federal administrative complaint and the state litigation were stayed;

both were ultimately dismissed when the parties reached a settlement after six months of negotiations.

SETTLEMENT

The park in the Cornfield is not the result of any court order but of a creative solution agreed upon between the parties. On March 12, 2001, the parties announced a settlement: If the alliance could persuade Governor Davis and the state legislature to buy the site for a state park during that budget year, using proceeds from Proposition 12, Majestic would abandon the warehouse proposal. Majestic would even support the purchase of the site for a state park. If the state did not buy the site within that time frame, the alliance would withdraw its opposition to the warehouse proposal.

The alliance organized support for the state's purchase of the Cornfield. Cardinal Roger Mahony personally wrote to Governor Davis and state legislative leaders urging the purchase of the Cornfield for a state park. The Los Angeles City Council reversed its earlier position and unanimously passed a resolution supporting construction of a park in the Cornfield.

In the summer of 2001, Governor Davis and the state legislature allocated \$35 million to create the park, despite the claimed energy crisis and the softening of the economy. On December 21, 2001, Davis stood arm in arm with children from the community to celebrate the purchase of the Cornfield and Taylor Yard as the first state parks in the heart of Los Angeles. The audience rose to its feet in a standing ovation as Davis arrived at the celebration, and dozens of soccer players from the Anahuak Youth Soccer Association 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 coach who brought a gaggle of young players to the event.⁵⁴ "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."⁵⁵

It was a victory for the community. "Nothing like this has ever happened in Chinatown before," stated Chi Mui. "We've never had such a victory. And now, every time people walk with their children down to that park, they'll see that great things can happen when folks come together and speak up. We can renew our community one dream at a time."⁵⁶

The day after the governor's reelection in November 2002, state parks officials announced for the first time that there would be no playing fields in the Cornfield or Taylor Yard, but rather, only passive recreation or a park with only historical elements.⁵⁷ In response, the Center for Law in the Public Interest published *Dreams of Fields*, a report outlining the policy and legal justifications for sports in urban parks and organized a campaign to support active recreation. The report notes that the state parks agency provides fields for soccer, polo, baseball, softball, and other organized sports in wealthy white areas like the Malibu Bluffs, Will Rogers, and Pfeiffer State Parks, as well as golf courses in Lake Tahoe and Moro Bay. Simple justice, it points out, requires balanced parks with playing fields in the Cornfield and Taylor Yard.⁵⁸ The Cornfield Advisory Committee, a citizens group created by state legislation, also published a report recommending that the park in the Cornfield incorporate four central themes: connectivity, cultural-historical, recreation, and transportation.⁵⁹

The struggle continues. As this book goes to press, the state parks department has responded to the community and unveiled the conceptual plan for the Cornfield that includes historical elements and playing fields.

GROWING A DIVERSE MOVEMENT

The *Los Angeles Times* called the Cornfield victory "a heroic monument" and "a symbol of hope."⁶⁰ But it is not the only major victory by environmental justice and urban parks advocates in the Los Angeles area. Drawing on the lessons of the Cornfield, a community alliance stopped a commercial project slated for Taylor Yard, a former Union Pacific rail yard, mentioned earlier, in favor of a forty-acre park, one portion of a planned 103-acre park. This project is part of the greening of the fifty-one-mile Los Angeles River. Another community alliance helped thwart a power plant and a city dump in the Baldwin Hills, located in the historic heart of African American Los Angeles, so that a two-square-mile park can be built instead. It will be the largest urban park constructed in the United States in over a century—bigger than Central Park in New York City or Golden Gate Park in San Francisco.

The urban parks movement extends beyond Los Angeles. With an unprecedented level of support among communities of color and low-income communities, urban parks advocates have helped pass statewide park, air, and water bonds that target funds to underserved communities.

The California Coastal Commission has required the wealthy enclave of Malibu to maximize public access to the beach while ensuring the fair treatment of people of all races, cultures, and incomes, helping to keep California's public beaches free for all—thereby setting a precedent for other communities around the world. State and local school construction bonds provide incentives for the joint use of schools, playgrounds, and parks to make optimal use of scarce land and public resources.

Support is growing to create a Heritage Parkscape—like the Freedom Trail in Boston—that will link the Cornfield, Taylor Yard, and the Los Angeles River with one hundred other cultural, historical, recreational, and environmental resources in the heart of Los Angeles.⁶¹ Public art projects—including murals, photography exhibitions, school art projects, oral histories, and theater—will be part of this living legacy.

The Heritage Parkscape will serve as a “family album” to commemorate the struggles, hopes, and triumphs of the natives, settlers, and later immigrants who came to Los Angeles and settled in this area. The parkscape project illustrates the power of place: “the power of ordinary urban landscapes to nurture citizens’ public memory, to encompass shared time in the form of shared territory. . . . And even bitter experiences and fights [that] communities have lost need to be remembered—so as not to diminish their importance.”⁶² The park space within the Heritage Parkscape coincides closely with the Olmsted vision for downtown. Through their many different efforts, advocates are taking the opportunity today to restore a part of the Olmsted vision and the lost beauty of Los Angeles.

Public transit will take children and their families and friends from the Heritage Parkscape to the beach, mountains, forest, and other recreation areas. The people who live in neighborhoods without parks and playgrounds also lack cars and a decent transit system to take them to the neighborhoods where the parks and playgrounds are. It is necessary to bring open space to the people, and take people to the open space.⁶³

The Center for Law in the Public Interest is also working to diversify access to and support for the four national forests in Southern California, inspired in part by the Olmsted vision for incorporating the national forests into the park and recreation system for the region.⁶⁴ The Southern California forests are among the most urban-influenced forests in the National Park Service system, serving over 20 million people who live within an hour's drive of the four forests.⁶⁵ Nevertheless, between 77 and 83 percent of visitors to the Angeles, Cleveland, and Los Padres National Forests are non-Hispanic whites,⁶⁶ in a region that is disproportionately composed of people of color and in a state in which non-Hispanic whites

are in the minority. Fully 93 percent of visitors to wilderness areas in Los Padres are non-Hispanic whites.⁶⁷

BALDWIN HILLS

A diverse coalition worked together to prevent the construction of a power plant and a garbage dump to save the community by saving the state park proposed for the Baldwin Hills, a two-square-mile area that is now slated to become the nation's biggest natural urban park designed in over a hundred years. Within a three-mile radius of the Baldwin Hills, the population is 36 percent African American, 29 percent Latino, 8 percent Asian, and 23 percent non-Hispanic white.⁶⁸

Easily accessible to millions of people, and with stunning views of the Los Angeles basin, the Pacific Ocean, and surrounding mountains, the Baldwin Hills offer an extraordinary opportunity to create a world-class park and green space. A remarkable variety of native plants and wildlife persist in this natural island in the Los Angeles sea of humanity. More than 160 bird species have been found in the hills, and foxes, raccoons, and other wildlife thrive within sight of downtown Los Angeles.

The Baldwin Hills have a long history of abuse. For decades the hills have been the site of an oilfield, and miles of pipeline and pumping stations litter the landscape. But the oil development has also been the area's salvation, because it has precluded other urban development. During the claimed energy crisis in 2000, a developer proposed building a new power plant in the heart of the Baldwin Hills under state emergency orders allowing fast-tracking of new power plants, which meant there would be limited environmental review and public input. The plant would have exacerbated the serious air pollution in the area and would have deprived the people of the park.

Given less than thirty days to fight the plant, advocates organized the community and mobilized legal resources. Hundreds of people attended the first hearing on the plant; an overflow crowd of hundreds more was turned away. In a truly remarkable outpouring of support, more than a thousand people turned out to protest the plant when the California Energy Commission held an unprecedented second hearing two weeks later. A professor from the University of Southern California testified that the power plant was too little, too late, too expensive, and not necessary to help solve the claimed energy crisis. The head of the South Coast Air Quality Management District testified that the agency could not expedite issuance of the air permit for the plant.

Over sixty organizations and community leaders opposed the plant, including every major African American church and the Catholic Archdiocese of Los Angeles, homeowners associations, and civil rights activists. The *Los Angeles Times* twice editorialized against the plant and in support of the Baldwin Hills park. Less than twenty-four hours before the final hearing in Sacramento, and at the strong urging of every local elected African American official, the energy company proposing the plant withdrew its application.

Although no lawsuit was ever filed to stop the power plant, at the press conference announcing the victory a county supervisor told an attorney from the Center for Law in the Public Interest, "You have no idea how scared you had state officials with the legal team you put together." The legal team included the Center for Law in the Public Interest, Johnnie Cochran, the Natural Resources Defense Council, and a private law firm. In the summer of 2003, an alliance once again saved the community and the park in the Baldwin Hills when they persuaded the city of Los Angeles to abandon plans for a garbage dump there.

The Baldwin Hills area has played a unique role in the history of African Americans in Los Angeles, across the state, and across the nation. The Baldwin Hills area became a center of excellence and affluence for African Americans in the 1950s and 1960s, a position it still holds today. African Americans in this community were generally much better educated than in other parts of Los Angeles, which translated into greater job opportunities for them. Perhaps the greatest advantage of living here was the superior quality of the public schools. In 1971, the Los Angeles Department of City Planning described Baldwin Hills public schools as "the best schools of any city area inhabited primarily by black people" and "on par with those in West Los Angeles and the San Fernando Valley."⁶⁹ Public schools in Baldwin Hills were also more racially integrated. In addition to superior jobs, education, and housing, residents of the Baldwin Hills and the nearby Leimert Park and Crenshaw areas also enjoyed more conveniences as consumers. The Crenshaw Shopping Center opened in 1947, one of the first planned suburban malls in the United States. The Baldwin Hills Center and the Ladera Center opened during the 1960s, offering greater selection and convenience. Baldwin Hills households had greater access to cars than other black residents had in other areas, such as Watts.⁷⁰

Yet, the struggle never ends. As this book goes to press, Governor Arnold Schwarzenegger's California Performance Review Commission has proposed eliminating the Baldwin Hills Conservancy to save money.

At the same time, the governor has signed legislation to create a new conservancy for the Sierra Nevada that could cost the state \$10 million per year to benefit nonurban, disproportionately wealthy and white counties. According to the governor's press release, the new conservancy will promote resource conservation and economic benefits in those counties. The secretary of the California Resources Agency says that people living within those counties will be able to protect the environment in which they live while influencing the prosperity of their communities. State officials cannot justifiably provide those benefits to some communities, while taking them away from the diverse Baldwin Hills communities. The solution is not to pit one conservancy against another, but to fairly distribute the benefits for all. The Center for Law in the Public Interest has submitted comments opposing the abolition of the Baldwin Hills Conservancy on behalf of a diverse alliance.⁷¹

TAYLOR YARD

About two miles up the Los Angeles River from the Cornfield lies Taylor Yard, a former Union Pacific rail yard that opened in the 1920s. A Florida developer wanted to turn a forty-acre parcel there into an industrial park without filing a full environmental impact report. The Coalition for a State Park at Taylor Yard, drawing on the lessons of the campaign for the Cornfield, exhausted the city planning process, and members then filed a lawsuit demanding a full environmental impact report under state law. The superior court ruled that a full environmental impact report was required, which would determine the likely effects of the industrial and retail development on air and water and on a nearby bicycle path. The ruling led to a settlement, resulting in the state's purchase of the site for a park. Purchase of the 40-acre parcel is the first step toward the development of an anticipated 103-acre state park at Taylor Yard. The state and the city of Los Angeles have announced plans to jointly develop a balanced park, one with playing fields as well as passive recreation. The Los Angeles Unified School District is also considering building a school there to make joint use of the green space.

The community within a five-mile radius of Taylor Yard is 56 percent Latino, 17 percent Asian, 20 percent non-Hispanic white, and 4 percent black. Twenty-seven percent of the population lives in poverty. The median household income is \$32,863, just 69 percent of that for the state. There are 235,000 children within five miles of Taylor Yard.⁷²

The state parks at the Cornfield and Taylor Yard are not even finished

yet, and they are already threatened by state and federal proposals for a high-speed train from San Francisco to San Diego that could run through twenty to forty state parks throughout the state. On behalf of a diverse alliance, the Center for Law in the Public Interest has filed comments against having the proposed high-speed train run through the state parks, on civil rights, environmental justice, and environmental grounds.⁷³

EQUAL ACCESS TO THE BEACH

The eleven-hundred-mile California coast belongs to all the people. The city of Malibu and media mogul David Geffen nevertheless have filed suit to cut off public access in a case that could affect the entire California coast. Malibu is 89 percent white, and 25 percent of the households have incomes of \$200,000 or more per year. Locked gates and barbed wire keep people off the beach, as “Blacks Prohibited” signs did throughout Southern California during much of the twentieth century. In the 1920s and 1930s, the city of Manhattan Beach forcibly evicted the black residents around Bruces’ Beach, the only black beach resort in the Los Angeles region.

A diverse alliance organized by the Center for Law in the Public Interest influenced the California Coastal Commission to adopt a plan requiring Malibu to maximize access to the beach while ensuring the fair treatment of people of all cultures, races, and incomes. This is the first time an agency has implemented the state definition of environmental justice. This action sets a precedent for other communities and government agencies. The alliance raised claims concerning discrimination, environmental justice, and environmental quality, as well as the First Amendment right to public access to the beach.⁷⁴ This work has drawn international attention and has even been featured in the comic strip *Doonesbury*, by Garry Trudeau. Maximizing access to the beach evokes the Olmsted Report’s recommendation that public beach frontage be doubled.

JOINT USE OF SCHOOLS, PLAYGROUNDS, AND PARKS

Los Angeles is building schools and playgrounds for virtually the first time in over thirty years, since Proposition 13—the taxpayers’ revolt—cut off funds for local services, including schools and parks. The Los Angeles Unified School District is investing over \$14 billion in school

construction, modernization, and repair. The district has over eight hundred schools for students attending kindergarten through twelfth grade, with about 2,000 acres of playgrounds. According to the district, 240 acres of open space will be added in the first phase of construction.

An anticipated \$45 to \$55 billion will be available statewide for school construction and repair, including some incentives for the joint use of schools, playgrounds, parks, and green space for active recreation to make optimal use of scarce land and public resources.⁷⁵ Schools will serve as centers of their communities, with playgrounds and playing fields remaining open after school and on weekends. New construction and modernization will create local jobs for local workers and stimulate the Los Angeles economy: the school construction program will create 174,000 jobs, \$9 billion in wages, and \$900 million in local and state taxes. The school district is focusing on small businesses and local workers to ensure they receive a fair share of these benefits. The school yards of Los Angeles could finally begin to reflect the vision of the Olmsted Report.⁷⁶

EQUAL JUSTICE AFTER *SANDOVAL*

Equal access to public resources, including parks, playgrounds, schools, and beaches, remains as important today as ever. In *Alexander v. Sandoval*, a conservative five-to-four majority in the U.S. Supreme Court took a step toward closing the courthouse door to individuals and community organizations challenging practices that adversely and unjustifiably affect people of color,⁷⁷ such as unequal access to parks and recreation, transportation inequities, police abuse, and racial profiling of drivers on the highway. The majority, led by Justice Antonin Scalia, held that the Title VI regulations create no right for private individuals like José Citizen and groups like the Chinatown Yard Alliance to enforce the discriminatory-impact regulations issued by federal agencies under the Title VI statute.

Although the *Sandoval* ruling is a serious blow to civil rights enforcement, it is more important to keep in mind that intentional discrimination and unjustified discriminatory effects are just as unlawful after *Sandoval* as before. Recipients of federal funds, like the city of Los Angeles, remain obligated to prohibit both. Even now, after *Sandoval*, individuals still can sue a recipient of federal funds under Title VI to challenge intentionally discriminatory practices. Known discriminatory

impact—whether known in advance or after the fact—continues to be among the most important evidence leading to a finding of discriminatory intent.

Private lawsuits are not the only way to enforce discriminatory-impact regulations. Recipients of federal funds, bound by Title VI regulations, sign a contract to enforce these regulations as a condition of receiving federal funds. This provides an important opportunity to use the planning and administrative processes to resolve discriminatory-impact issues, as the Chinatown Yard Alliance did in the Cornfield case.

There are important strategic considerations in the quest for equal justice after *Sandoval*. Elected officials should be increasingly sensitive to and held accountable for the effects of their actions on communities of color, especially now that people of color constitute the majority in forty-eight of the one hundred largest cities in the United States.⁷⁸ Increasingly, people of color are being elected to positions of power or otherwise holding positions of authority. Additionally, Congress should pass legislation to reinstate the right of private individuals and groups to file lawsuits to enforce the discriminatory-impact standard under Title VI regulations.

Ballot items like Propositions 12 and 40 and school bond measures can be crafted to provide resources for underserved communities. State civil rights protections can be enforced and strengthened, as the California Coastal Commission did in applying the definition of environmental justice in Malibu. Claims demonstrating civil rights and environmental injustices can be combined in future cases in the wake of the Cornfield effort and *Sandoval*. Similar kinds of evidence are relevant in proving both discriminatory intent and discriminatory impact. The same kinds of evidence can be as persuasive in the planning process, administrative arena, and court of public opinion as in a court of law, as illustrated by the Baldwin Hills victories, which shut out the power plant and the garbage dump.

The complexities of achieving equal justice after *Sandoval* require far-reaching strategies that include—in addition to litigation—building multicultural alliances; pursuing legislative and political advocacy and strategic media campaigns; undertaking multidisciplinary research and analyses of financial, demographic, and historical data; and strengthening democratic involvement in the public decision-making process. Societal structures and patterns and practices of discrimination are significant causes of racial injustice and should be principal targets of reform.

Issues of racial and ethnic justice continue to be among the most intractable problems in our society. Among the lessons of the urban parks movement is the message that we must revive the forgotten history of Los Angeles—we must not be confrontational and divisive but, on the contrary, must overcome interracial differences. As the victories represented by Proposition 40, the Cornfield, Taylor Yard, and the Baldwin Hills park demonstrate, understanding and championing equal justice, like creating great urban parks, is a greater win for all of Los Angeles.⁷⁹