

Phyllis wrote:

*Your opposition to seals taking over the Children's Pool has lots of supporters, including me. I'm a technical writer by profession, so I'm doing the only thing I know how to do -- write. Below is my first effort but by no means my last. I'm trying for publicity on a national level with a focus on animal rights terrorists who the c**ity and state government are supporting instead of the taxpayers. If you agree, I'm adding this e-mail address to my contact list. If you'd like to contribute, your comments are welcome. If you don't want to hear any more, just say so. Thanks./ Phyllis Minick/*

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* BIG INJUSTICE AT A VERY SMALL POOL*

*At a pretty cove on the Southern California shoreline, a turf war is under way. For more than 60 years, families gathered on this sandy beach in the La Jolla neighborhood of San Diego that was nothing but rocks until a philanthropist had a sea wall built there. Because the wall blocks swift currents that have drowned swimmers, the cove is called the Children's Pool. Now, this cove has been usurped by animal rights activists whose objective is to frighten beachgoers away, leaving the pool exclusively for harbor seals. *

On August 7, the/ Wall Street Journal/ documented the work of animal rights extremists who claimed responsibility for burning buildings, destroying cars, spray painting graffiti and assaulting residents in Britain, Germany and Holland.

*This international network of animal rights militants is mirrored by the local rabble rousers at the Children's Pool who attempt to prevent onlookers from walking to the water on a stairway that bears this sign: "Public access on the beach is allowed at all times. (signed) The City of San Diego." The beach is open, because these seals are not an endangered species. In fact, since they were placed there artificially by a City order, their population has tripled.** *

*Families and swimmers who still attempt to use the Children's Pool have personally experienced the activists' abuse. An animal activist lawyer in battle fatigues shouts threats at families on the beach and recently used a stun gun to wound a beachgoer. Protesters labeling themselves as "Save the Seals" volunteers parade with placards, hand out professionally printed brochures, and display costly signs to publicize their cause. *This affiliate of The Animal Protection and Rescue League (*APRL*)*** **formed in **San Diego in 2002 with the stated purpose of influencing policymakers and politicians about animal rights, as they are now doing!** APRL's 2008 tax returns show that they collected **\$308,000 *in grants and profits ***from their donation boxes and souvenir sales**. Obviously, this is not simply a set of citizens who love animals.*

/What is going on here? Why should the world at large care?/

*San Diego City, California State and even national taxpayers should care, because millions of their dollars are spent in fighting radical animal activists _throughout the US._ They target ranching, dairy, poultry and meat packing industries that supply the world's food and medicines. Yet the City of San Diego bolsters their exploitation of these animals as a tourist attraction. *

/Why should American citizens and taxpayers care? /

NOAA, National Oceanographic and Atmospheric Administration, a Federal agency supported by tax dollars has approved the dispersal of seals from the Children's Pool, yet a rogue element proposes closing the beach entirely from November through May, at the City's expense for surveillance. Anyone who then wishes to walk and swim amidst the pollution is free to use the beach but must, NOAA contends, remain 50 feet away from the seals. The entire beach isn't much bigger than that at high tide. Is the attempt to implement such unenforceable rules worth Federal dollars with the country's economy in its present state?

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Furthermore, this tideland area was accepted by the City and State when they agreed to a legal trust from a private donation in 1931. If that trust is violated in the settlement of lawsuits pending here, why would any citizen of this country EVER feel safe in donating money for public use?

/Why should San Diegans who rarely or never visit the Children's Pool care?/

*This City is close to bankruptcy, yet its officers continue to waste millions of tax dollars on legal battles to prevent them from complying with 5 court orders to disperse the seals. Instead, the City chose to broadcast high-decibel dog barking at an estimated cost of \$695,000 – certainly the most annoying and expensive device possible to provoke a public outcry. In fact, simple human use of the beach would disperse the seals. *

The largest local newspaper, the /Union-Tribune/, is similarly biased repeatedly printing statements like “Judge’s order to disperse seals is rash and ill-considered,” although this is the 5th such ruling, and “there will be a strong police presence during dispersal activities.” A headline of 6/24/09 says, “POLL: Most San Diegans say leave the seals alone,” yet “most San Diegans” turned out to be only 316 respondents.

*On the San Diego City Council, only one of the eight members has voted to uphold the existing law and provide the Children’s Pool for children. That single supporter is Sherri Lightner, whose Council District #1 includes the Children’s Pool. Even Mayor Jerry Sanders prefers seals to his human constituents _Why?_ Ms. Lightner raises good questions about the long-term outcome of seals overtaking the shoreline. ***How will the City’s plan for a marine mammal park at the Children’s Pool affect other beaches when the increasing seal population begins to inhabit other beaches? **Will those beaches be closed to people too? Wha*t *is the increased probability of sharks due to the higher *

*resident seal population?*** *She confirms the area’s pollution by saying, “**[T]he City is being sued about Clean Water Act violations caused by the Mayor’s seal dispersal plan, and yet we still have a problem with contamination.”* *She wisely states, “**My position has always been to honor the Tidelands Trust and to allow co-existence of people and seals at Children’s Pool in a way that works for everyone.” However, co-existence of seals and humans is possible only if the seal population is reduced to its natural state of the few animals that previously occupied the area, thereby cutting off funding for the activists. Real animal lovers might consider that the seals are healthier and better off in the wild. *

*On the money trail, City and County budgets flow for cleaning kelp and garbage from beaches here -- \$6.3 million in the City’s 2009 budget -- but seal feces remain untouched at the Children’s Pool. The water is badly polluted and the smell is disgusting. At this moment, restrooms and lifeguard towers are being rebuilt at many beaches, although the one overlooking the Children’s Pool has been on hold for years. On the sea wall that calms the water, rust covers the safety rails where crowds gather daily; concrete crumbles around the steps; the wall’s walkway is rocky, cracked and slippery. *

*A lone attorney, Paul Kennerson, has kept the seal activists at bay in 5 court hearings so far by simply citing the law. Now Bill #428 granting control of the Children’s Pool to the City of San Diego has been signed by Governor Schwarzenegger, but the language does /not/ change its use or give marine mammals precedence. Most importantly, it does /not/ allow the City Council to ignore the other expressly stated uses.** **If Kennerson can stop the City, State and media from the unlawful partisanship favoring seal displays over human access to public land by overturning a long-existing legal trust, the City will want to take it to the State Supreme Court at a cost of more millions. For a fraction of that price, the City can have a world class tourist attraction in a protected sea water wading pool where seals occupy the outlying rocks as they always have. **Central to this issue, though, is justice and the law. When those civil protections fail, our entire society is an endangered species.

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1930: Newswoman Ellen Browning Scripps funds the building of a sea wall atop rocks near her beachfront home to establish a sand beach and block dangerous ocean currents.

* 1931: California Statute #937 grants to the State lands “devoted exclusively to a public park and bathing pool for children [etc.]” thereafter called the “Children’s Pool.”*

1992: The City of San Diego, jointly with an animal activist accepts establishment of a marine mammal reserve off limits to humans at Seal Rock 400 feet North of the Children’s Pool.

1999: Seals released in the area for 7 years wander and occupy the Children’s Pool. Their excrement contaminates the sand and water to a bacterial level that is unsafe for humans. The Seal Rock reserve expires, but seal dumping in La Jolla continues 4 more years.

2005: The Humane Society loses its lawsuit to prevent humans from using the Children’s Pool and beach (Judge Ronald Prager).

*2005, 2006: Judge William Pate issues court orders stating that that the continued presence of harbor seals violates the Children’s Pool’s trust status. Pate notes that **the City took no steps to protect the Pool from such seals or to lower the beach’s bacteria level. The City’s appeal to the State Supreme Court fails. *

*In 2007: Court **leaves in place a unanimous ruling by the State Court of Appeals that the City had failed to comply with the terms of a 1931 trust requiring the City to maintain the Children's Pool and beach as a swimming beach for children. 2008, 2009: Judge Yuri Hofmann denies the City attorney's motion to prevent public access to the Children's Pool beach and orders dispersal of the seals.*

*2009: The California Senate passes Bill #428, which **amends the Statutes of 1931 to include a marine mammal park at the Children's Pool. The** governor signs the bill in a deal to pass his budget. [Takes effect 1/10] Meanwhile, beach cleanup and seal dispersal are on hold pending a temporary stay. Next hearing Oct. 6.**
