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September 24, 1975

PETE WILSON
MAYOR

The Honorable Gerald R. Ford
President of the United States
The White House
Washington, D. C.

Dear Mr. President:

Enclosed for your review is an edited transcript of the public meeting held in San Diego on September 19, to explore community reaction to the proposed construction of the Tierrasanta Federal Youth Correctional Facility.

I believe the situation is both clear and uncomplicated: this community is virtually unanimous in its opposition to the location of the Youth Correctional Facility in a residential setting. Such a land use is clearly inappropriate and undesirable. Additionally, it is evident that the alternative exists to sell the Tierrasanta site and make the federal government and the Bureau of Prisons whole on its investment.

I appreciate very much your concern and your assistance, and I look forward to meeting with your staff on Tuesday. It is my hope that after your review of the absolute opposition to the facility that exists in San Diego that we might proceed with a solution that would be equitable to the citizens of San Diego and the Bureau of Prisons.

Sincerely,

PETE WILSON

PW/eh



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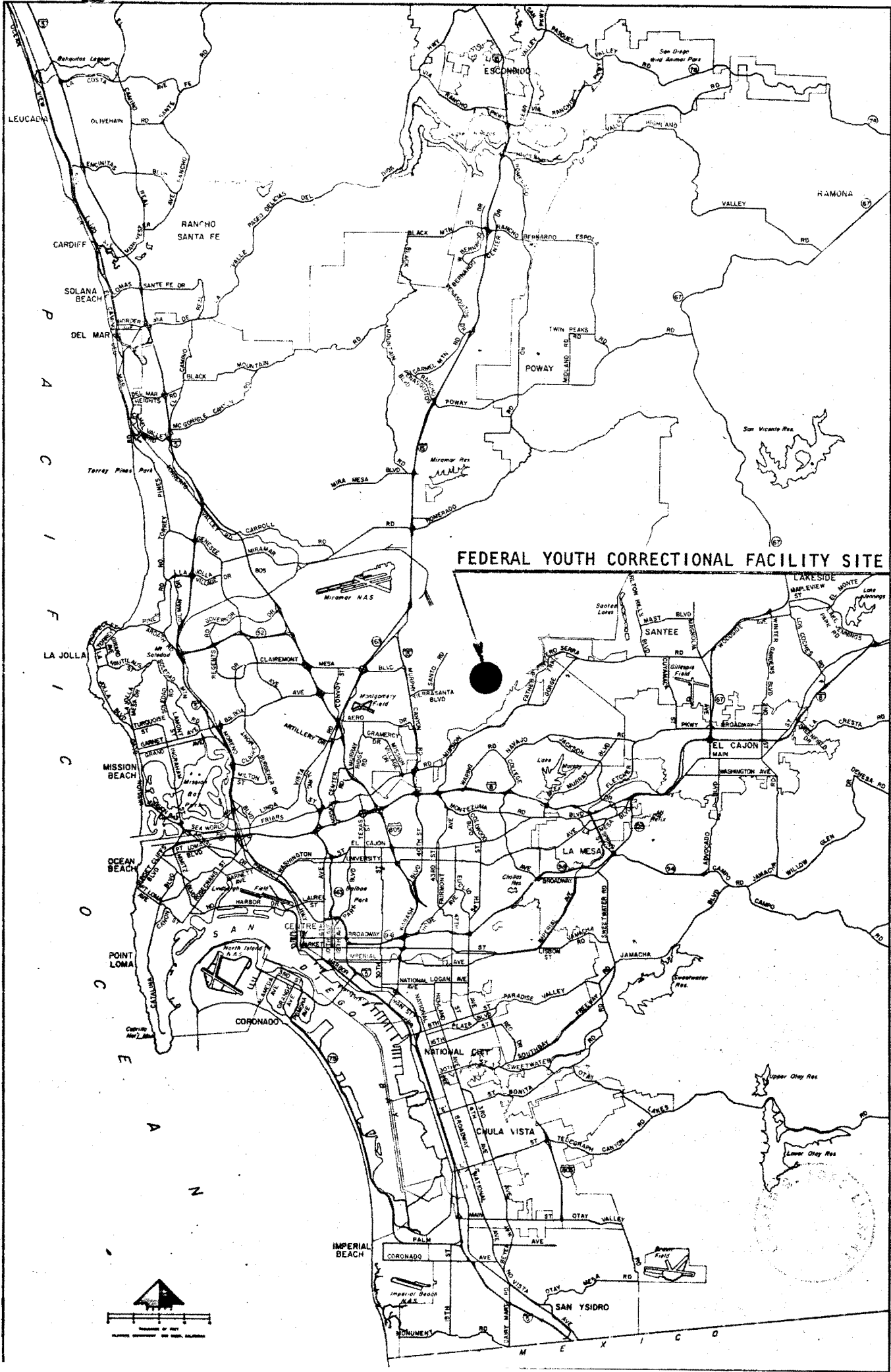
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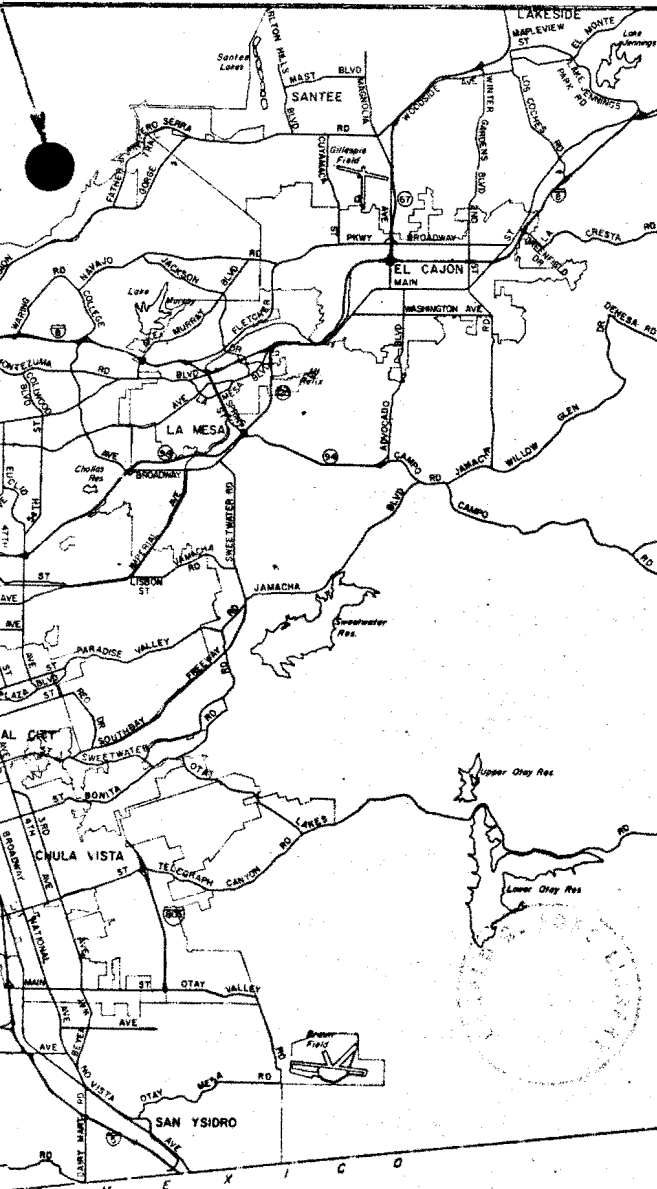
Appendix A - Editorial Opposition

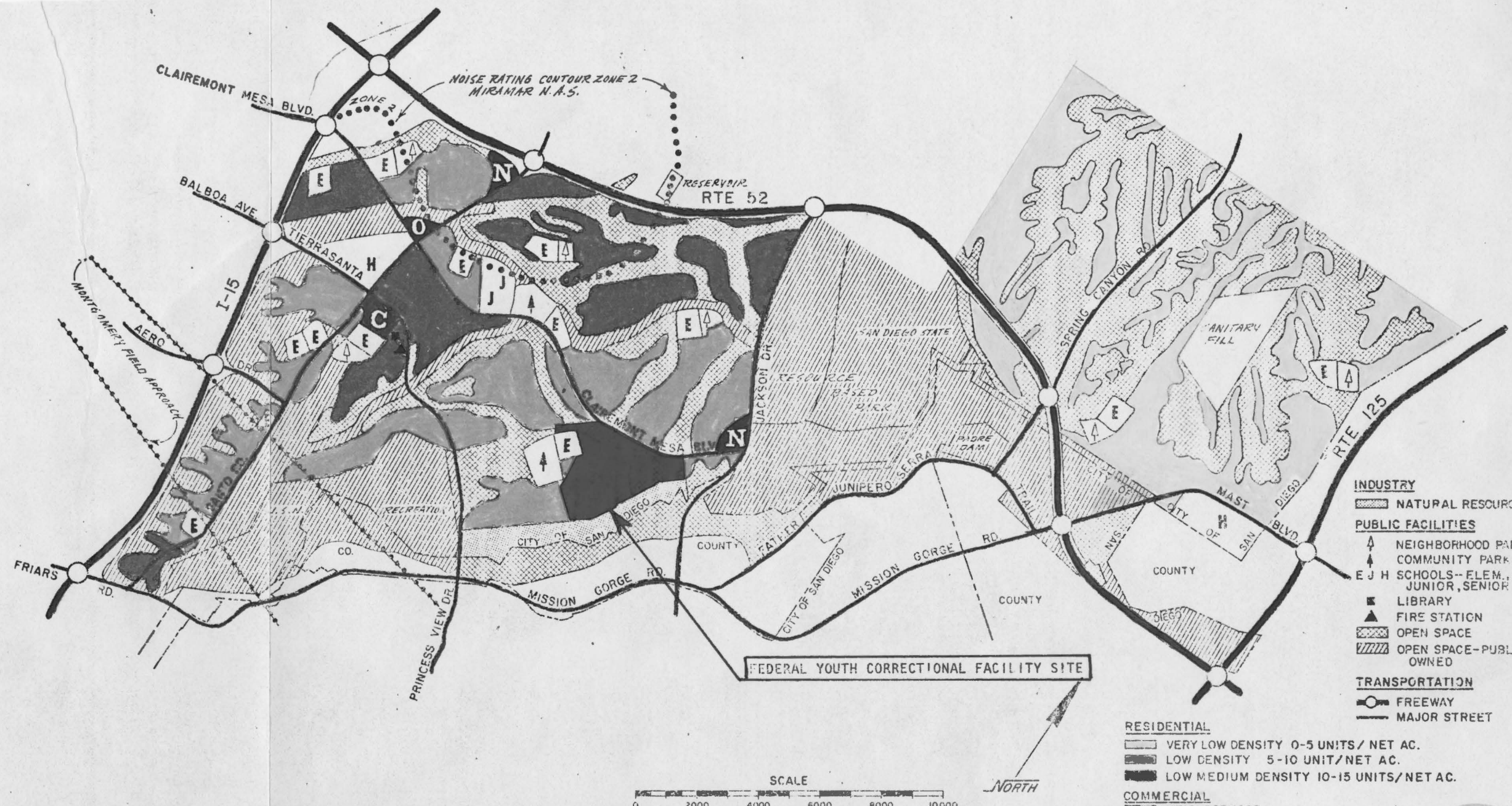
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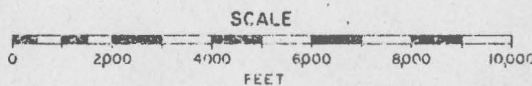


FEDERAL YOUTH CORRECTIONAL FACILITY SITE





ELLIOTT COMMUNITY PLAN CITY PLANNING DEPARTMENT · SAN DIEGO, CALIFORNIA



NORTH

- INDUSTRY**
- NATURAL RESOURCES**
- PUBLIC FACILITIES**
 - ▲ NEIGHBORHOOD PARK
 - ▲ COMMUNITY PARK
 - E J H SCHOOLS--ELEM., JUNIOR, SENIOR
 - L LIBRARY
 - ▲ FIRE STATION
 - OPEN SPACE
 - ▨ OPEN SPACE-PUBLIC OWNED
- TRANSPORTATION**
 - FREEWAY
 - MAJOR STREET
- RESIDENTIAL**
 - VERY LOW DENSITY 0-5 UNITS/NET AC.
 - ▨ LOW DENSITY 5-10 UNIT/NET AC.
 - ▩ LOW MEDIUM DENSITY 10-15 UNITS/NET AC.
- COMMERCIAL**
 - ▨ NEIGHBORHOOD
 - ▩ COMMUNITY
 - ▩ OFFICE



Testimony

TIERRASANTA PRISON FACILITY
SPECIAL MEETING
FRIDAY, SEPTEMBER 19, 1975
7:00 P.M.
SAN DIEGO CITY COUNCIL CHAMBERS

Wilson: Let me start by introducing the members of the panel -- to begin with, I am Mayor Pete Wilson. I have called this public meeting and have done so jointly with Supervisor Jack Walsh, Councilman Jim Ellis, both of whom, as I think you know, have evidenced considerable interest in the subject under discussion this evening, which is the proposed federal youth prison at Tierrasanta. The other members of the panel, starting at my far right, are Councilman Gil Johnson; Mr. Tim Cohalen, representing Senator Alan Cranston; Mr. Jim Skelly, representing Senator John Tunney; Mr. Jim Hobel, Chairman of the Comprehensive Planning Organization and member of the City Council of the City of Chula Vista; Councilman Jim Ellis; Councilman Jess Haro; Supervisor Jack Walsh and Mr. Norman Carlson, the Director of the federal Bureau of Prisons. We were also expecting to have with us Mr. Jim Falk, of the Domestic Council. He has been unable to attend because of duties that require him to be with the President and has sent his regrets. I would like to go through the agenda with you so that you will be able to know what to expect. The invitation was sent to the members of the panel, and incidentally, to a great many more, including members of our Congressional Delegation, the members of the State Legislature, and affected areas. I believe I saw Mr. Buck Rogers, representing Senator Schrade. Is there anyone else in the audience representing either a congressional or state representative office, supervisorial or councilmanic office? We also are

expecting Mr. Halfaker, President of the School Board or another representative of the San Diego Unified School District.

The invitation that was sent to local elected officials indicated that on this evening's agenda would be consideration of whether the proposed Tierrasanta site is an appropriate one for a federal prison considering the surrounding residential setting; what specific problems to the surrounding communities would be generated by a prison at the proposed site plus what alternatives are possible, and what mitigating measures are possible. The agenda will consist of several presentations addressing those questions.

The first will be a presentation of the adopted community plan for the Tierrasanta area and that presentation will be made by Mr. Jack Van Cleave, the Assistant Planning Director for the City of San Diego.

The second presentation will be a history of the city's opposition to the Tierrasanta site, presented by Mr. Don Detisch, Deputy City Attorney for the City of San Diego.

Third will be a history of the CPO opposition to the Tierrasanta site, presented by Mr. Hobel, Chairman of the CPO Board.

We are anticipating Dr. Halfaker to make a presentation on behalf of the Unified School District, citing the history of their opposition.

The fifth will be an alternative site review, which will be conducted by Mr. William MacFarlane, the Property Director for the City of San Diego.

Then next, the sixth presentation will be that of Supervisor Walsh expressing opposition to the Bureau's policy regarding prisons.

Then we will entertain testimony from the public and we have asked that presentation be a coordinated one and we have asked attorney Dan Krinsky to be a coordinator and spokesman.

Then following that, there will be a proposal and hopefully a summation and an opportunity will be afforded for response on behalf of the Bureau.

PRESENTATION REGARDING THE PROPOSED FEDERAL YOUTH
FACILITY - TIERRASANTA

FRIDAY, SEPTEMBER 19, 1975, CITY COUNCIL CHAMBER; JACK VAN CLEAVE

THANK YOU MAYOR WILSON. GOOD EVENING LADIES AND GENTLEMEN. THE PURPOSE OF OUR PRESENTATION IS TO ORIENT THE LOCATION OF THE PROPOSED FACILITY TO THE COMMUNITY AND TO PROVIDE A BRIEF HISTORY OF THE PLANNING PROCESS AS RELATED TO THIS PARTICULAR AREA. MR. JIM FISK OF THE PLANNING DEPARTMENT STAFF WILL ASSIST BY REFERRING TO THE SEVERAL MAPS LOCATED ON THE WALL BEHIND YOU.

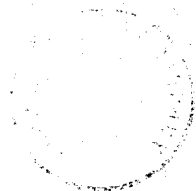
THE CITY OF SAN DIEGO COMPRISING 320 SQUARE MILES IS BOUNDED ON THE WEST BY THE PACIFIC OCEAN. THE CITIES OF NATIONAL CITY, CHULA VISTA AND REPUBLIC OF MEXICO ARE LOCATED TO THE SOUTH. UNINCORPORATED COUNTY TERRITORY AND THE CITIES OF DEL MAR AND ESCONDIDO ARE TO THE NORTH WHILE THE CITIES OF EL CAJON AND LA MESA ARE LOCATED TO THE EAST OF SAN DIEGO. SAN DIEGO IS SERVED BY FOUR INTERSTATE FREEWAYS: INTERSTATE 5 RUNS NORTH-SOUTH THROUGH THE COASTAL REGION. INTERSTATE 15 AND INTERSTATE 805 TRAVERSE THE CENTRAL PORTION OF THE COMMUNITY. INTERSTATE 8 CONNECTS SAN DIEGO TO THE EAST THROUGH MISSION VALLEY - A LARGE VALLEY TRAVERSING THE CENTRAL PORTION OF THE COMMUNITY.

THE FEDERAL YOUTH CORRECTIONAL FACILITY IS PROPOSED TO BE LOCATED IN TIERRASANTA, A COMMUNITY WITH A CURRENT POPULATION OF 14,000 DEVELOPED WITHIN FORMER CAMP ELLIOT LOCATED EASTERLY OF INTERSTATE HIGHWAY 15 NORTHERLY OF INTERSTATE HIGHWAY 8. THE ORIGINAL CAMP ELLIOT CONTAINED 43 SQUARE MILES - 27,700 ACRES. IT WAS ACQUIRED BY THE UNITED STATES GOVERNMENT IN 1941 FOR USE AS A MARINE CORPS TRAINING CAMP. ACQUISITION WAS ACCOMPLISHED BY THE TRANSFER OF DEPARTMENT OF INTERIOR LANDS, PUBLIC DOMAIN AND CONDEMNATION. IT SERVED AS A CAMP OF MAJOR IMPORTANCE DURING WORLD WAR II AND AS A NAVAL TRAINING CENTER DURING THE LATTER YEARS OF THAT WAR.

IN 1960, THE WHOLE OF CAMP ELLIOT WAS ANNEXED INTO THE CITY OF SAN DIEGO. IN 1961, APPROXIMATELY ONE-HALF OF CAMP ELLIOT - 13,277 ACRES - WAS DECLARED SURPLUS BY THE NAVY AND WAS SUBJECTED TO THE PROVISIONS FOR DISPOSAL UNDER THE GENERAL SERVICES ADMINISTRATION (GSA). GSA DIVIDED THE SURPLUS PROPERTY INTO FOUR AREAS TO FACILITATE ITS DISPOSITION AND ENTERED INTO A COOPERATIVE EFFORT WITH THE CITY OF SAN DIEGO TO DEVELOP A PLAN FOR THE LAND.

THE ELLIOTT COMMUNITY PLAN WHICH WAS DEVELOPED IN 1962 WAS A RESULT OF COORDINATION BY THE CITY PLANNING DEPARTMENT BETWEEN VARIOUS FEDERAL AGENCIES, INCLUDING THE GENERAL SERVICES ADMINISTRATION, THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE AND THE NATIONAL PARK SERVICE, AND BETWEEN THE STATE, COUNTY AND CITY ALONG WITH A NUMBER OF PRIVATE AGENCIES. THE 1962 PLAN RECOGNIZED THE AREA AS HAVING OUTSTANDING POTENTIAL FOR RESIDENTIAL DEVELOPMENT, DUE PRIMARILY TO ITS CENTRAL LOCATION WITHIN THE SAN DIEGO METROPOLITAN AREA. THE INDUSTRIAL AREAS OF KEARNY MESA AND SCRIPPS RANCH ARE LOCATED DIRECTLY WEST AND NORTH. REGIONAL SHOPPING FACILITIES ARE LOCATED TO THE SOUTHWEST IN MISSION VALLEY. DOWNTOWN SAN DIEGO IS SEVEN MILES TO THE SOUTH, AND THE PACIFIC OCEAN AND MISSION BAY WITH THEIR RELATED RECREATIONAL FACILITIES ARE LOCATED LESS THAN EIGHT MILES TO THE WEST.

PRIOR TO THE TIME THE PROPERTY WAS RELEASED FOR SALE, PUBLIC AGENCIES INCLUDING THE CITY OF SAN DIEGO AND THE SCHOOL DISTRICT WERE GIVEN AN OPPORTUNITY TO ACQUIRE LAND NEEDED FOR PUBLIC PURPOSES AT A REDUCED PRICE. BASED ON THE ADOPTED 1962 PLAN, THE CITY ACQUIRED SEVERAL PARK SITES, MAJOR STREET RIGHTS-OF-WAY, A FIRE STATION AND A LIBRARY SITE. IN ADDITION THE SAN DIEGO UNIFIED SCHOOL DISTRICT OBTAINED SEVERAL SCHOOL SITES. THE 1962 PLAN WHICH WAS ADOPTED BY THE CITY PLANNING COMMISSION AND CITY COUNCIL AS PART OF THE GENERAL PLAN WAS INTENDED TO SERVE AS A GUIDE FOR DISPOSITION OF THE PROPERTY AS WELL AS A DEVELOPMENT GUIDE.



DURING THE PERIOD BETWEEN 1962 AND 1970 THE FEDERAL GOVERNMENT SOLD MOST OF THE PROPERTY THAT WAS DECLARED SURPLUS. A MAJOR LAND DEVELOPMENT FIRM, THE CHRISTIANA DEVELOPMENT CORPORATION PURCHASED THE WESTERLY 2,000+ ACRES OF LAND WITHIN THE ELLIOT AREA AND DEVELOPMENT OF THE TIERRASANTA COMMUNITY COMMENCED.

BY 1971, CHANGING CONDITIONS INCLUDING FREEWAY AND MAJOR STREET REALIGNMENTS, AND HOUSING MARKET CHANGES NECESSITATED THE NEED FOR REVISIONS TO THE ELLIOT COMMUNITY PLAN. THE 1971 PLAN REEMPHASIZED THE AREA AS HAVING OUTSTANDING POTENTIAL FOR RESIDENTIAL DEVELOPMENT. TO THIS END THE FOLLOWING MAJOR GOALS WERE SET FORTH:

1. TO PROVIDE HOUSING FOR PEOPLE OF ALL INCOME LEVELS AND ASSURE THAT ANY INDIVIDUAL OR FAMILY MAY BE FREE TO CHOOSE ACCOMMODATIONS WITHIN THE COMMUNITY.
2. TO PROMOTE GOOD DESIGN AND THE HIGHEST QUALITY IN ALL PHYSICAL IMPROVEMENTS.
3. TO EMPHASIZE CONSERVATION OF THE NATURAL ENVIRONMENT.
4. TO COORDINATE PRIVATE AND PUBLIC EFFORTS FOR COMMUNITY DEVELOPMENT SO AS TO REALIZE THE GREATEST BENEFITS TO THE COMMUNITY.

ADDITIONALLY, THE PLAN INCLUDES SEVERAL OBJECTIVES AND PLANNING DESIGNATED TO ACHIEVE THESE OBJECTIVES:

- 1.* ADAPT DEVELOPMENTAL PROPOSALS TO ENVIRONMENTAL ASSETS AND CONSTRAINTS INHERENT IN THE ELLIOT COMMUNITY SETTING.
- 2.* REFLECT THE EMERGENCE OF THE ELLIOT COMMUNITY AS AN IMPORTANT HOUSING AND RECREATION CENTER.
- 3.* RELATE HOUSING DEVELOPMENT TO NATURAL AND MANMADE AMENITIES FOR PROVIDING AN AREA FOR THE DEVELOPMENT OF SHOPPING SERVICE AND COMMUNITY FACILITIES, WHICH WILL BE CLOSELY RELATED AND EASILY ACCESSIBLE TO COMMUNITY RESIDENTIAL AREAS.

4. DESIGN THE CIRCULATION SYSTEM TO ACCOMMODATE PEDESTRIAN AND VEHICULAR TRAFFIC AND TO PROVIDE LINKS WITH THE SELECT SYSTEMS OF MAJOR STREETS AND HIGHWAYS.
5. INTEGRATE THE DEVELOPMENT OF SCHOOLS, PARKS AND COMMUNITY FACILITIES WHERE POSSIBLE WITH PLANNED OPEN SPACE SYSTEMS.
6. ENCOURAGE FUTURE RESIDENTS OF THE ELLIOT COMMUNITY TO ORGANIZE AND IMPLEMENT THE DEVELOPMENT OF PLANNED OPEN SPACED SYSTEMS.
- 7.* PROVIDE A RANGE OF HOUSING TYPES AND A VARIETY OF RESIDENTIAL SITE DESIGN, SO AS TO DEVELOP A WELL-DEFINED BALANCED DISTINCT COMMUNITY THAT WILL INCORPORATE PEOPLE WITHIN ALL INCOME CATEGORIES.

THE ADOPTED ELLIOT COMMUNITY PLAN REFLECTS THE EMERGENCE OF THE AREA AS AN IMPORTANT HOUSING CENTER WITHIN SAN DIEGO. THE COMMUNITIES LOCATIONAL ADVANTAGES AND DESIRABLE OPEN SPACE SYSTEM PROVIDES MANY ECONOMIC ADVANTAGES TO PROSPECTIVE HOME BUYERS. AN OUTSTANDING FEATURE OF THE ELLIOT COMMUNITY IS THAT IT INCORPORATES A PLANNED OPEN SPACE SYSTEM WHICH RELATES TO RESIDENTIAL DEVELOPMENT WHICH IS THE PREDOMINANT LAND USE PROPOSED WITHIN THE PLANNING AREA. THE PLAN ENCOURAGES A WIDE VARIETY OF HOUSING TYPES AND DENSITIES RANGING FROM DETACHED SINGLE FAMILY HOMES THROUGH CLUSTER HOUSING AND TOWNHOUSES. FACTORS SUCH AS POPULATION GROWTH, THE RISING COST OF HOME OWNERSHIP, CHANGING LIFESTYLES AND DESIRES FOR GREATER RESIDENTIAL MOBILITY HAVE BEEN CONSIDERED IN DEVELOPING HOUSING PROJECTIONS FOR THE ELLIOT AREA. RESIDENTIAL DENSITY ALLOCATIONS ARE SHOWN ON THE MAP.

THE PRINCIPAL PROPOSALS OF THE PLAN WHICH IS DESIGNED TO ACCOMMODATE A POPULATION OF APPROXIMATELY 53,000 PEOPLE ARE AS FOLLOWS:

RESIDENTIAL ELEMENT: THE TOTAL RESIDENTIAL ELEMENT CONTAINS 3,600 ACRES OF LAND FOR VARIOUS DENSITIES.

OPEN SPACE: A TOTAL OF 5,700 ACRES ARE DESIGNATED FOR OPEN SPACE WITHIN THE PLANNING AREA.

COMMERCIAL ELEMENT: ONE COMMERCIAL COMMUNITY CENTER, TWO NEIGHBORHOOD CENTERS AND ONE OFFICE CENTER ARE PROPOSED TO PROVIDE COMMERCIAL SERVICES TO THE RESIDENTS OF THE ELLIOT COMMUNITY.

NATURAL RESOURCES: ONE HUNDRED THIRTY ACRES OF THE PLANNING AREA ARE ALLOCATED FOR NATURAL RESOURCE EXTRACTION. THE KEARNY MESA INDUSTRIAL AREA IS LOCATED ADJACENT TO THE COMMUNITY THEREBY PROVIDING THE POTENTIAL FOR JOB OPPORTUNITIES.

TRAFFIC CIRCULATION: TWO FREEWAYS, INTERSTATE 15, ROUTE 52 WILL PROVIDE THE MAJOR ACCESS TO THE COMMUNITY.

PARKS: A TOTAL OF TWO COMMUNITY PARKS AND RECREATION CENTERS AND SIX NEIGHBORHOOD PARKS ARE PROPOSED IN THE PLAN.

SCHOOLS: THE PLAN PROPOSES A TOTAL OF 14 ELEMENTARY, TWO JUNIOR HIGH AND TWO SENIOR HIGH SCHOOLS.

LIBRARY AND FIRE STATIONS: A LIBRARY AND FIRE STATION ARE PROPOSED ADJACENT TO THE COMMUNITY SHOPPING CENTER.

UTILITIES: SEWER AND WATER FACILITIES HAVE BEEN DESIGNED BASED ON THE PROPOSALS OF THE PLAN.

THE FEDERAL GOVERNMENT NOW PROPOSES TO CONSTRUCT A YOUTH CORRECTIONAL FACILITY ON APPROXIMATELY 250 ACRES OF LAND OUTLINED ON THE MAP IN THE MIDDLE OF THIS EXISTING RESIDENTIAL COMMUNITY NEXT TO A PROPOSED SCHOOL. IT IS LESS THAN ONE MILE FROM THE RESIDENTIAL COMMUNITIES OF SAN CARLOS, RANCHO SAN CARLOS AND VISTA DEL CERRO. THE PROPOSED COMPLEX IS TO PROVIDE FOR 250 INMATES UNDERGOING REHABILITATION AND RECEIVING VOCATIONAL TRAINING IN AN AREA PROPOSED FOR LOW DENSITY RESIDENTIAL DEVELOPMENT AND OPEN SPACE ON THE ADOPTED ELLIOT COMMUNITY PLAN. A PLAN WHICH HAS THUS FAR GUIDED THE DEVELOPMENT OF THIS AREA AND SERVED

AS THE BASIS FOR SUBSTANTIAL PUBLIC AND PRIVATE INVESTMENT.

THE PLANNING DEPARTMENT BELIEVES THAT THE PROPOSED FACILITY WOULD ADVERSELY AFFECT THE COMMUNITY. IT IS INCONSISTENT WITH THE ADOPTED PLAN, AND WOULD REQUIRE A SUBSTANTIAL REVISION OF THE ADOPTED ELLIOT COMMUNITY PLAN TO THE EXTENT OF WARRANTING A FORMAL AMENDMENT BY THE PLANNING COMMISSION AND CITY COUNCIL. AMENDING THE PLAN, HOWEVER, WILL NOT RESOLVE THE PROBLEMS. IT WILL BE EXTREMELY DIFFICULT TO MITIGATE ADVERSE IMPACTS AND TO RELATE THIS PROPOSED INSTITUTIONAL FACILITY TO THE ADJACENT EXISTING AND PROPOSED RESIDENTIAL DEVELOPMENT BECAUSE OF THE DIFFERENCE IN FUNCTION, SCALE AND CHARACTER OF THE TWO USES. FURTHER, IT WILL BE NECESSARY TO ADJUST SHOPPING CENTER SITES AS WELL AS THE SCHOOL SITES PREVIOUSLY ACQUIRED FROM THE FEDERAL GOVERNMENT. WE BELIEVE THE FACILITY WOULD GENERALLY BE A DISRUPTING ELEMENT TO THE TIERRASANTA AND ADJACENT COMMUNITIES.

THANK YOU.

TESTIMONY OF DON DETISCH
Deputy City Attorney
City of San Diego

Your Honor, I am to speak regarding the history of the city's opposition to the proposed project. Sometimes we jokingly refer to that as the greening of the General Services Administration or the education of GSA in the art of preparing an Environmental Impact Statement. To recap a little bit what went on, and I think this would be beneficial here, I'll necessarily have to touch on dates. I think the process started somewhere in May of 1972, when General Services prepared its first environmental assessment dealing with the initial 140 acre prison site. Based on that environmental assessment, in June of 1972, GSA determined that the project was not a major federal action significantly affecting the quality of the human environment for National Environmental Policy Act purposes. The City of San Diego did, at that point in time, receive what's been called an A-95 letter informing us of the particular project.

On August 11, 1972, the City of San Diego did, by letter from the City Manager, inform the General Services Administration that the proposed facility did, in fact, conflict with our community development plans and we requested additional information at that point in time. In October of 1972, the city, in a staff meeting with Mr. Mote and Mr. Rodriguez of General Services Administration, was informed that there was going to be an Environmental Impact Statement prepared and not simply an environmental assessment. We were advised that the conflict with our community plan would be resolved, however, we were not informed as to how this was going to occur. In November of 1972, we were advised by the General Services

Administration that their proceeding within the City of San Diego for a conditional use permit would be withdrawn as it was a waste of time and that excessive costs were being run up. Later in 1972, there was a decision to relocate the prison site to the present 240 acre site. In December of 1972, a revised environmental assessment declaring no significant affect was prepared by the General Services Administration. Again, the relocation plans still conflicted with our community plan, which GSA was well aware of and, in fact, as Mr. Van Cleave alluded to tonight, helped prepare in 1962 through 1964.

From that point forward, the opposition towards this project commenced. It began to build, and finally culminated in three separate law suits being filed against General Services, Bureau of Prisons and the Attorney General of the United States. These three suits were filed by the Homeowners Association, by the City of San Diego and the San Diego School District. A preliminary injunction was sought to enjoin the construction of the prison based on the National Environmental Policy Act of 1969, and the Intergovernmental Cooperation Act of 1968. On August 3, 1973, a sham public hearing was called by the General Services Administration. It was simply a pro forma compliance attempt at going along with the Cooperation Act and the National Environmental Policy Act. The city, the school, the Homeowners Association registered protests at that time, which was, in fact, the purpose of that particular hearing. As indicated, this meeting was pro forma as there was nothing going to be done with the input received by the public. Transcripts are available of that particular hearing and we would suggest review of them.

On August 27, 1973, our initial application for a preliminary injunction was denied by a judge who was heard to cheerfully remark that the National

Environmental Policy Act of 1969, was nothing more than a bunch of goobledygook. Finally, with a full hearing and significant evidence brought before His Honor, Judge William Enright, November 1, 1973, the city, the homeowners and the school district were awarded a preliminary injunction, as you well know, enjoining the construction of the proposed youth facility until such time as compliance with NEPA, the National Environmental Policy Act. From November, 1973, to January, 1974, the draft Environmental Impact Statement was prepared by the General Services Administration in conjunction with the Bureau of Prisons and on January 30, 1974, the draft Environmental Impact Statement was made available to the public for comment.

The city's comments to that draft Environmental Impact Statement were contained in Resolution No. 210322, which is contained in the final Environmental Impact Statement and contained therein is the city's opposition to the proposed site by the city. At that point in time, the resolution did, in fact, recognize a certain amount of need for this type of facility, but that the proposed site was incorrect. In December of 1974, the final Environmental Impact Statement popped out of the mill. At that point in time the Environmental Impact Statement popped out there was more opposition to the proposed project than there was when the initial law suit was filed against GSA and the Bureau of Prisons. People that before had not taken a stand had come out and were opposed to the project even after obtaining the necessary information from the Bureau of Prisons and GSA.

Again, the City of San Diego with the Homeowners Association and the School District went to court to test the adequacy of that particular Environmental Impact Statement. There it is very interesting to note that the man for GSA who prepared the original environmental assessment, not once, but three times

disagreed under oath on the stand with the original conclusion that there was no significant effect attributable to this project. In fact, he disagreed with the conclusion that he had arrived at in the original environmental assessments. You well know the court did, in fact, using a narrow judicial standard, find that the statement was adequate at that point in time. Still left up in the air was the question of the Intergovernmental Cooperation Act of 1968, which has had perhaps little, or not been touched on too much by the courts at this point in time. That is amplified by A-95, the budget circular, which says that there will be no deviation from the local development plans by a federal agency unless, and except, the exception is clearly justified or the deviation from that plan is clearly justified.

To date, in this particular law suit, or this particular proceeding I should say, I don't think that it has ever been demonstrated, Sir, that this particular deviation from our local plan has been... the need to deviate... the overriding need has been justified. I must say, aside from my experience as an officer in the Navy, this is the first time I ever had any exposure to a federal agency, and I approached it with a Boy Scout's naivete thinking that what I said mattered and that it was a government of, by and for the people. I came away, Sir, with a bad taste in my mouth. I would only conclude Mr. Mayor with my last remark, as a matter of fact I might have felt like George Allen talking to Duwane Thomas or like Cock Robin shooting my arrow into the air and not knowing where it was going to fall. There was absolutely no response to it. This concludes my remarks, and if you have any questions, I would be available.

STATEMENT DELIVERED BY JAMES E. HOBEL
CHAIRMAN OF THE BOARD OF DIRECTORS
OF THE COMPREHENSIVE PLANNING ORGANIZATION

INTRODUCTION BY MAYOR PETE WILSON, PANEL MODERATOR

THANK YOU, MAYOR WILSON. I AM HERE THIS EVENING REPRESENTING THE BOARD OF DIRECTORS OF THE COMPREHENSIVE PLANNING ORGANIZATION. THE COMPREHENSIVE PLANNING ORGANIZATION (CPO) IS THE COUNCIL OF GOVERNMENTS FOR THE SAN DIEGO REGION. THE CPO BOARD OF DIRECTORS INCLUDES 14 LOCALLY ELECTED OFFICIALS REPRESENTING THE REGION'S 13 CITY COUNCILS AND THE COUNTY BOARD OF SUPERVISORS.

I UNDERSTAND THE PURPOSE FOR THIS MEETING TO BE TWOFOLD. FIRST, AND MOST IMMEDIATE, IS TO FIND THE MEANS TO STOP THE CONSTRUCTION OF THE FEDERAL YOUTH CENTER AT THE TIERRASANTA SITE. SECOND, THIS IS OUR LAST OPPORTUNITY TO FIND A REASONABLE AND EQUITABLE ALTERNATIVE SOLUTION THAT CAN MEET THE NEEDS AND REQUIREMENTS OF BOTH THE FEDERAL GOVERNMENT AND THE SAN DIEGO REGION.

LET ME SAY THAT THE CPO BOARD HAS FORMALLY COMMUNICATED THIS REGION'S OPPOSITION TO THE CONSTRUCTION OF THE FEDERAL YOUTH CENTER AT TIERRASANTA ON AT LEAST THREE DIFFERENT OCCASIONS DURING THE PAST THREE YEARS. EACH TIME WE HAVE CARRIED OUT OUR RESPONSIBILITIES UNDER THE OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A-95 BY RESPONDING TO THE FEDERAL GOVERNMENT AS TO THE INCONSISTENCY OF THIS PROJECT WHEN COMPARED TO SPECIFIC PLANS AND PROGRAMS OF OUR

LOCAL GOVERNMENTS. EACH TIME WE HAVE BEEN INVOLVED THERE HAS BEEN AN UNUSUALLY STRONG CONSENSUS OF LOCAL OPINION OPPOSING THE PROJECT--A CONSENSUS SUPPORTED BY A MAJORITY OF EXPERTS FROM BOTH WITHIN AND OUTSIDE OF THE SAN DIEGO REGION. AND YET, EACH TIME THE GENERAL SERVICES ADMINISTRATION AND THE BUREAU OF PRISONS HAVE PRESSED FORWARD WITH THE PROJECT, IN EFFECT IGNORING THESE IMPORTANT LOCAL CONCERNS.

LET ME BE MORE SPECIFIC. THIS EVENING'S DISCUSSION WILL POINT OUT THREE MAJOR PROBLEM AREAS THAT EXISTED IN THIS PROJECT WHEN IT WAS FIRST PROPOSED AND, UNFORTUNATELY, STILL EXIST TODAY. THESE ARE:

ONE: THE PROJECT IS BEING FORMALLY OPPOSED BY THE CITY OF SAN DIEGO, THE COUNTY OF SAN DIEGO, THE CPO BOARD OF DIRECTORS, THE SAN DIEGO UNIFIED SCHOOL DISTRICT AND A HOST OF LOCAL GROUPS REPRESENTING A CROSS SECTION OF THE SAN DIEGO COMMUNITY. IN SPITE OF THIS OPPOSITION, THE FEDERAL GOVERNMENT IS PROCEEDING WITH THE PROJECT WITHOUT HAVING CLEARLY DEMONSTRATED AN OVERRIDING NATIONAL NEED, INTEREST OR OBJECTIVE. WE FIRMLY BELIEVE THAT THIS IS CONTRARY TO THE INTENT OF THE INTERGOVERNMENTAL COOPERATION ACT OF 1968.

TWO: AS WAS POINTED OUT EARLY IN 1972 AND STILL IS CORRECT TODAY, BUILDING THE YOUTH CENTER AT THE TIERRASANTA SITE IS IN CONFLICT WITH THE ADOPTED LAND USE PLANS, POLICIES AND REGULATIONS

OF THE CITY OF SAN DIEGO--THE LOCAL GOVERNMENT RESPONSIBLE FOR LAND USE CONTROL FOR THE TIERRASANTA COMMUNITY.

THREE: SUBSTANTIAL INCONSISTENCIES STILL EXIST BETWEEN THE FEDERAL YOUTH CENTER PROPOSAL AND VARIOUS LOCAL AS WELL AS NATIONAL CRIMINAL JUSTICE POLICIES AND PROGRAMS. THE COUNTY OF SAN DIEGO HAS ADOPTED THE APPROACH OF PHASING OUT LARGE YOUTH CORRECTIONS INSTITUTIONS SUCH AS THE PROPOSED YOUTH CENTER IN FAVOR OF SMALL FACILITIES AND COMMUNITY BASED CORRECTION PROGRAMS. THIS APPROACH IS SUPPORTED BY THE PRESTIGIOUS NATIONAL ADVISORY COMMISSION ON CRIMINAL JUSTICE GOALS AND STANDARDS WHICH IN 1973 RECOMMENDED A 10-YEAR MORATORIUM ON THE CONSTRUCTION OF LARGE INSTITUTIONS FOR YOUTHFUL OFFENDERS DUE TO THE RECORD OF FAILURE OF SUCH INSTITUTIONS.

WE ARE NOW AT THE END OF THE LINE AFTER YEARS OF CONTROVERSY WITHOUT THE BENEFIT OF CLEAR-CUT SOLUTIONS TO THESE PROBLEMS. I RESPECTFULLY SUBMIT TO YOU THAT THE MAJOR JUSTIFICATION FOR PROCEEDING WITH THE YOUTH CENTER AT TIERRASANTA IS THE APPARENTLY UNSTOPPABLE MOMENTUM THE PROJECT ITSELF HAS BUILT UP OVER THE PAST SEVERAL YEARS. THAT IS CLEARLY NOT A VALID REASON FOR BUILDING A FEDERAL FACILITY OVER AND ABOVE THE OPPOSITION YOU HAVE HEARD AND WILL HEAR TONIGHT. COMMON SENSE DICTATES THAT YOU HALT CONSTRUCTION AT THE TIERRASANTA SITE AND WORK WITH OUR LOCAL OFFICIALS TO DEVELOP A REASONABLE AND EQUITABLE ALTERNATIVE.



Statement

of

Philip Halfaker
President, Board of Education

San Diego Unified School District

September 19, 1975

Mr. Mayor, Distinguished ad hoc Panel Members, and Ladies and Gentlemen --

The San Diego Unified School District has opposed the construction of a federal youth correctional facility in Tierrasanta adjacent to an elementary school site owned by the District since it was first learned that the federal government planned to construct such a facility. The site in question was acquired by the school district in the early 1960's at full market value from the United States Government. Acquisition of the site was consistent with the District's policy of acquiring school sites in advance of need so that property can be purchased at raw land prices rather than at the vastly greater price necessary to purchase subdivided land. This policy has saved the taxpayers many millions of dollars. It has also permitted the purchase of the best possible sites, taking into account such factors as accessibility, the amount of costly grading or filling required, and the like. The Tierrasanta school site is an excellent example of this policy: It is the only possible site located within half a mile of 50 percent of the school age children to be served; it was acquired at a fraction of its present value; and, it is comparatively flat and almost totally usable.

The school district is opposed to the construction of the federal youth correctional facility adjacent to the school site primarily because a proper elementary school learning environment cannot be created and maintained in a situation where students would spend their entire school day with a prison facility in plain view. Also, generalized fear or apprehension in the community concerning the correctional facility, whether grounded in fact or not, will, in the opinion of the school district's experts, be transmitted to the students. This anxiety is very likely to interfere with learning. The Bureau of Prisons has maintained that other public schools have operated successfully in situations similar to that which they propose to create in Tierrasanta. This is simply not true. In January, 1975 officials of each of the schools listed in the Environmental Impact Report of December 16, 1974 as being located near a federal correctional facility were contacted. No correctional facility is, in fact, visible from any of the schools. In each instance the school and the prison are separated by between half and 3/4 of a mile of residential housing. At no time has the Bureau of Prisons or the General Services Administration ever contacted any member of the educational staff of the school district with respect to the educational impact of the Tierrasanta facility.

It is also significant to note that the San Diego Unified School District has offered to sell or trade to the General Services Administration alternative sites for the correctional facility. It is, however, evident from the Environmental Impact Report, as well as the refusal of the federal government to discuss the matter with the District, that serious consideration was never given to such a transaction.



The commitment of the Board of Education to prevent the construction of a prison facility adjacent to an elementary school site is evidenced by the fact that the school district in the summer of 1973 joined with the City of San Diego and the Tierrasanta Community Council in filing suit to enjoin construction of the facility pending the preparation of a comprehensive Environmental Impact Report. As you know, this litigation was successful and on September 27, 1973 Judge William B. Enright ordered the preparation of a complete Environmental Impact Report. In December, 1974 a report was finally prepared. Once again the school district joined with the City and the Tierrasanta Community Council in arguing that the report prepared by the General Services Administration was not sufficient. Unfortunately, Judge Enright, who was constrained by what our attorney believes to be unduly restrictive holdings in other cases decided by the Ninth Circuit Court of Appeals, felt that his authority to look at the merits of the Environmental Impact Report was extremely limited. Therefore, on March 28, 1975 the litigation was dismissed. After careful review and considerable reflection, it was concluded by the Schools Attorney that there were no grounds for appeal and that the question was one that would have to be resolved through the political process.

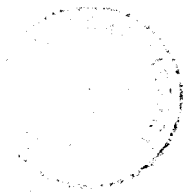
On June 24, 1975 the Board of Education, by unanimous vote, adopted a resolution opposing the construction of the San Diego Federal Youth Center. The education of this city's young

people must, in the opinion of the school district, be given the highest priority. The construction of a prison adjacent to a site to be used for an elementary school is an inversion of that priority.

Thank you very much.

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TESTIMONY OF WILLIAM MACFARLANE
Property Director
City of San Diego

Honorable Mayor, ladies and gentlemen. It wasn't until June 18, 1974, that the City of San Diego was invited to participate in a new site selection process. On this date, June 18, 1974, Mr. T. E. Hannan, the Regional Administrator, GSA, transmitted a letter to Mayor Wilson advising that GSA would conduct a new investigation to select a site in the San Diego area for the Bureau of Prisons federal youth center and requested the Mayor to designate a representative to confer with his staff regarding plans and programs that must be evaluated in the site selection process. On July 8, 1974, City Manager, Kimball Moore, advised Mr. Hannan, the Regional Administrator of GSA, that city's staff representatives had been designated, and that they would be called upon as needed to provide additional resources for site review. These staff representatives were the Planning Department, the Property Department, and at that time the Environmental Quality Department. City-owned property which could be considered as part of the survey on the basis of GSA's site selection criteria for San Diego's federal youth center was reviewed by Property and Planning departments. These sites were exhausted in respect to the site selection criteria, which appeared to staff to be heavily weighted in terms of bench-marked conditions to wit; proximity to sewer facilities, proximity to water facilities, proximity to major roads, paved roads, and strangely enough, proximity to urban development. On January 9, 1975, a city-owned alternative site near Rancho Bernardo was proposed by Acting City Manager, Mike Graham, and the City Planning Director, James Goff, in a report to the Honorable Mayor and City Council. What appeared to

be acceptable to staff at that time was not acceptable to the Rancho Bernardo community. It appeared that maybe this site was a little too close for comfort to those who reside in and around Rancho Bernardo. I suspect that maybe some of these people who live in the City of Escondido might have some strong feelings about that. Within the same month, on January 23, 1975, Council adopted a resolution opposing the proposed federal youth correctional site location in the Tierrasanta community. A report to the Honorable Mayor and City Council relative to the above matter was issued on January 22, 1975, and I would like to read just a little from it: "An additional site investigation survey was conducted by the General Services Administration. On December 6, 1974, the Director of the BOP notified the GSA that: (1) site studies have not identified any site that is more suitable than the proposed site in the Tierrasanta area and (2) construction at an alternative site would add an additional year or more delay and \$1 million or more in added project cost." Staff at this point added in their discussion, "City staff has reviewed the sites previously considered by GSA/BOP. Most recently, the GSA/BOP have given priority consideration to nine alternative sites. All have been rejected." And we did outline the nine sites. I will go through them very quickly. The first was Beeler Canyon area parcels south of Poway. The second site was the Elfin Forest Vacation Ranch in the San Elijo Canyon area southwest of Escondido. Number three was the Galloway Valley area on Harbison Canyon Road west of Alpine. The fourth was the Goodan Ranch area east of Poway. Next one, Poway Valley area at the end of Garden Road. Next one, San Diego School District site north of the proposed State Route 52 extension. Next one, Shaw Valley, Del Mar Mesa, off Carmel Valley Road southeast of Del Mar. Next one, the Tijuana River Basin area off 27th Street west of San Ysidro and Interstate 5. The last

one, the Tootsie-K Ranch off El Camino Real east of Carlsbad. All of these sites, I believe, required site acquisition for which, I believe, the BOP was not funded, or did not have funds available. In spite of continued staff negotiations with GSA and Public Building Services and the BOP with their representatives towards alternate site solutions, work on the Tierrasanta site was being contracted, much to our dismay because we felt that we were involved in good faith negotiations with federal staff representatives towards the end of finding an alternate site.

On April 29, 1975, Gary Mote, federal Bureau of Prisons, did confer with the Comprehensive Planning Organization and city staff representatives in preparation for a meeting with Mayor Wilson on April 30, 1975. It was fairly well concluded at this meeting that the selected site was basically chosen because it was available federal surplus land, which obviated the need for funding site acquisition. It was made clear to us that budget limitations made it extremely difficult to consider alternative sites because the BOP had already expended somewhere between half a million to -- excuse me, \$500,000 to \$800,000 at that particular time, and I believe the figure came even closer to a million dollars. There are still, in the opinion of staff, viable alternatives available. And I will leave that aspect of my report for an item further on into the agenda. That is the end of my report.

TIERRASANTA PRISON

SUPERVISOR JACK WALSH

SEPTEMBER 19, 1975

STATEMENT BY SUPERVISOR JACK WALSH
BEFORE PUBLIC MEETING ON
TIERRASANTA PRISON
SEPTEMBER 19, 1975

AS THE SPEAKERS BEFORE ME HAVE CLEARLY INDICATED, SAN DIEGANS HAVE FACED THE ISSUE OF A FEDERAL YOUTH CENTER FOR NEARLY FOUR YEARS. AT TIMES IT HAS APPEARED AS IF THE STRATEGY OF THE BUREAU OF PRISONS HAS BEEN TO HOLD THE PROJECT IN ABEYANCE AND ALLOW COMMUNITY OPPOSITION TO DIE DOWN BEFORE PROCEEDING FURTHER. I BELIEVE THAT THIS TURNOUT TONIGHT DEMONSTRATES A REMARKABLE DEGREE OF TENACITY ON THE PART OF SAN DIEGANS AND SHOULD GRAPHICALLY ILLUSTRATE TO FEDERAL OFFICIALS THAT THE CHEMISTRY NECESSARY TO FOSTER ACCEPTANCE OF A CORRECTIONAL INSTITUTION JUST DOES NOT EXIST HERE.

MUCH OF THE OPPOSITION TO THE FACILITY HAS REVOLVED AROUND THE SITE. CLEARLY THE INTRUSION OF A PRISON INTO THE TIERRASANTA AREA WOULD CREATE MAJOR PROBLEMS. BUT OPPOSITION TO THE FEDERAL YOUTH CENTER DOES NOT END WITH THE SITE. THE BUREAU OF PRISONS HAS BEEN SOMEWHAT CAVALIER IN ITS TREATMENT OF LOCAL CITIZENS AND GROUPS OPPOSING THE PROJECT. PUBLIC HEARINGS WERE NOT HELD UNTIL AFTER THE DECISION TO BUILD HAD ALREADY BEEN MADE. THAT DOES NOT FIT MY DEFINITION OF A PUBLIC HEARING. AND EVEN NOW AS THIS MEETING IS BEING HELD, BIDS HAVE BEEN LET FOR SEVERAL OF THE STRUCTURES OF THE YOUTH CENTER. SUCH ACTIONS ARE CERTAINLY NOT CONDUCIVE TO AN ATMOSPHERE OF NEGOTIATION AND COOPERATION.

THE BUREAU IS NOT ACCOUNTABLE TO THE PEOPLE IT SERVES. IN A VERY REAL SENSE, THE BUREAU OF PRISONS IS AS MUCH A SERVICE DELIVERY COMPONENT AS THE COUNTY WELFARE DEPARTMENT. AS SUCH, ITS LOCAL TIES AND CONTACTS SHOULD BE JUST AS EXTENSIVE IN THE COMMUNITY AS THOSE OF THE WELFARE DEPARTMENT. I CHALLENGE YOU TO UNEARTH TEN SAN DIEGANS WHO HAVE EVER SEEN A BUREAU OF PRISONS OFFICIAL, MUCH LESS TALKED TO ONE. I SUBMIT TO YOU THAT THE BUREAU OF PRISONS HAS NO INTEREST IN LOCAL POLICIES. IT HAS MADE NO ATTEMPT TO EITHER DISCUSS LOCAL POLICIES OR DESIGN PROGRAMS CONSISTENT WITH THEM. ALL BUREAU ACTIVITIES HERE HAVE BEEN AIMED AT JUSTIFYING PREVIOUSLY ARRIVED AT DECISIONS. I CAN ASSURE YOU THAT THOSE EFFORTS HAVE FAILED MISERABLY.

FURTHER, THE BUREAU OF PRISONS HAS NOT BEEN HELD ACCOUNTABLE TO PROFESSIONAL CHANGES IN THE FIELD OF CORRECTIONS. THE BUREAU'S SO-CALLED "MASTER PLAN" WAS TIMELY ENOUGH BY 1969 STANDARDS WHEN ITS DEVELOPMENT WAS ORDERED BUT IT IS SADLY OUTDATED TODAY. IN 1973 THE PRESTIGIOUS NATIONAL ADVISORY COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS RECOMMENDED THAT A TEN YEAR MORATORIUM BE PLACED ON THE CONSTRUCTION OF ALL NEW CORRECTIONAL INSTITUTIONS, ESPECIALLY THOSE TARGETED FOR YOUNG OFFENDERS. BY THAT TIME THE BUREAU OF PRISONS WAS EIGHT MONTHS INTO A BUILDING PROGRAM CALLING FOR CONSTRUCTION OF SIXTY-SIX INSTITUTIONS OVER A TEN YEAR PERIOD AT A COST TO TAXPAYERS OF OVER A HALF-BILLION DOLLARS. THAT PROGRAM CONTINUES.

THIS PRISON IS NEEDED WE ARE TOLD, TO ALLEVIATE A CONDITION OF OVERCROWDING WITHIN THE FEDERAL PRISON SYSTEM. APPARENTLY THAT OVERCROWDING EXISTS ON PAPER ONLY. IN 1955 THE BUREAU OF PRISONS

LISTED THE "PLANNED CAPACITY" OF ELEVEN OF ITS INSTITUTIONS (LEWISBURG, PETERSBURG, ATLANTA, ASHLAND, TALLAHASSEE, TERMINAL ISLAND, LEAVENWORTH, MILAN, TERRE HAUTE, EL PASO AND ENGLEWOOD) AT 11,151. IN ANNOUNCING THIS YEAR THAT IT WAS OVERCROWDED BY SOME 1,000 BEDS, THE BUREAU LISTED THE "PLANNED CAPACITY" OF THOSE SAME ELEVEN INSTITUTIONS AT 9,505; A PAPER "LOSS" OF 1,646 BEDS IN 20 YEARS. I, FOR ONE, DO NOT UNDERSTAND HOW THE "PLANNED CAPACITY" OF ANY FACILITY CAN CHANGE.

IN ANY CASE, I DO NOT FEEL THAT SAN DIEGO HAS ANY FURTHER OBLIGATION TO HELP DEPOPULATE THE BUREAU OF PRISONS. THE DOWNTOWN METROPOLITAN CORRECTIONAL CENTER WAS ACCEPTED WITHOUT SIGNIFICANT OPPOSITION. WE RECOGNIZE THAT SAN DIEGO'S PROXIMITY TO THE INTERNATIONAL BORDER CREATES UNIQUE ENFORCEMENT PROBLEMS. THOSE PROBLEMS, HOWEVER, DO NOT DIRECTLY RELATE TO SENTENCED PRISONERS. WE ARE TOLD THAT ONLY 90 OF THE YOUTHS TARGETED FOR THE FEDERAL YOUTH CENTER WILL COME FROM THE SAN DIEGO METROPOLITAN AREA. IF THAT IS THE CASE, THEN THE BUREAU OF PRISONS SHOULD COME FORWARD WITH A SAN DIEGO PLAN FOR THE TREATMENT OF THOSE 90 OFFENDERS. IT IS SAN DIEGO'S RESPONSIBILITY TO DEAL WITH ITS OWN SOCIAL FAILURES AND NO ONE ELSE'S. WE HAVE MET OUR REGIONAL RESPONSIBILITY THROUGH ACCEPTANCE OF THE METROPOLITAN CORRECTIONAL CENTER.

ON JULY 17, I MET WITH NORMAN CARLSON. IN THAT MEETING I ATTEMPTED TO EXPLAIN TO HIM THE IMPACT OF OPERATING A LARGE PRISON WITHIN A COMMUNITY COMMITTED TO GROUP HOMES OF NO LARGER THAN 10. I OFFERED HIM A PLAN WHEREBY FEDERAL YOUTHFUL OFFENDERS COULD BE HOUSED IN GROUP HOMES OPERATED BY THE COUNTY ON A CONTRACT ARRANGEMENT WITH THE BUREAU OF PRISONS. HE EXPRESSED NO INTEREST.

I BELIEVE IT IS TIME THAT WE RECOGNIZED THAT NO SYSTEM CAN OPERATE SUCCESSFULLY FROM SEVERAL JURISDICTIONS IN THE SAME AREA. IF A 17 YEAR-OLD SAN DIEGAN STEALS A CAR, HE MIGHT BE TREATED IN A COMMUNITY GROUP HOME WHILE HIS 18 YEAR-OLD BROTHER MIGHT BE SENTENCED TO FEDERAL PRISON CUSTODY FOR DRIVING THAT SAME CAR ACROSS THE STATE LINE. HOW CAN WE JUSTIFY THAT?

I BELIEVE THAT SAN DIEGO'S MESSAGE HAS BEEN CLEARLY STATED TO FEDERAL OFFICIALS. I HAVE DIRECTLY CARRIED IT TO THE WHITE HOUSE, TO MEMBERS OF CONGRESS AND TO BUREAU PRISONS DIRECTOR, NORMAN CARLSON. OPPOSITION TO THE FACILITY HAS ALSO BEEN ELOQUENTLY STATED BY THE SAN DIEGO CITY COUNCIL, MAYOR WILSON, THE COMPREHENSIVE PLANNING ORGANIZATION, THE BOARD OF SUPERVISORS, THE SAN DIEGO UNIFIED SCHOOL DISTRICT, THE SAN DIEGO-IMPERIAL COUNTIES LABOR COUNCIL AND A HOST OF COMMUNITY AND HOMEOWNERS' GROUPS. NO LOCAL SUPPORT FOR THE FACILITY HAS BEEN IN EVIDENCE. IN VIEW OF THAT, FURTHER NEGOTIATION ON THIS ISSUE SHOULD BE CONFINED TO COMPENSATION OF THE GOVERNMENT FOR ITS EXPENDITURES TO THIS POINT.

TESTIMONY OF TOM FOWLER

Field Representative for Assemblyman Bob Wilson
San Diego

Good evening, I am the Field Representative for Assemblyman Bob Wilson. Assemblyman Wilson has asked me to read his statement which he has sent to Mayor Wilson by telegram. "Dear Mayor Wilson: Due to prior commitment, I will be unable to participate on your ad hoc hearing panel considering the matter of the proposed federal youth prison in Tierrasanta. In a previous letter to Norman A. Carlson, Director of the United States Bureau of Prisons, I have expressed my complete and unalterable opposition to a new correctional facility being constructed in such a close proximity to the Tierrasanta community. Families living in Tierrasanta and other nearby housing developments have a right to expect the neighborhoods to maintain its safe and healthy residential atmosphere. This will not be the case if the federal government is permitted to build a youth correctional facility in an area so heavily populated with children. The vast majority of the residents of Tierrasanta have been outspoken in their opposition to this project and as their representative in the State Legislature, I wish to add my voice to those who would strongly urge the Bureau of Prisons to develop an alternative site for the facility. Signed, Bob Wilson, Assemblyman, 77th District." Thank you very much.

TESTIMONY OF DAN KRINSKY
Vice President of the Tierrasanta Community Council
San Diego

Dan Krinsky, attorney and Vice President of the Tierrasanta Community Council and attorney representing Tierrasanta community in court hearings that were concluded in March. I might mention that I am only the last of the attorneys that worked on this case. Some of the predecessors were leading environmentalists. One of them has since died a tragic death on one of our roads, Jim Webb. One of the attorneys that was in right from the beginning is with us tonight, Roger Hedgecock, and will be speaking later. He is, in my humble opinion, one of the leading environmentalists, not only in this city and state, but possibly among the premier people in that field in this country. He is going to say a few words too.

Before I get going Mr. Carlson, and other members of this panel, I have an announcement that I would like to make to the people here... actually two announcements. The first is that I am urging that all of the people here tonight and all of the people that they know, send a telegram tonight or tomorrow morning to the President asking him to be sure and listen to the transcripts, read the transcripts or whatever of this proceedings, and to very closely look at our objections and the problems and concerns we have had and further we would like to ask the President, and I certainly urge all of you even though some sleepy-eyed clerk at Western Union may be jarred by this tonight, I really suggest that we all do it tonight or tomorrow and additionally ask the President to ask Mr. Carlson to halt all work on the prison, at least for the length of time it takes the President to adequately review what we want to say here tonight. I am sure, Sir, that this is going to get back to the President,

but I certainly would hope that good faith on everybody's part here would be a halt to proceedings. We understand the bid and contract process is currently active right now and we certainly want to avoid the possibilities of contract obligations being made in the interim working against us later on by additional damages that might be incurred.

The second announcement to my people before I actually get into my presentation is that quite a few of you have requested that you have an opportunity to speak here tonight. Now it is almost 8:30, and we had many more responses tonight for people who wanted to speak than were previously indicated, and so to all of you in the audience who did ask, I certainly hope that you would understand if your name isn't called. Certainly I also feel that if you feel that what you have to say is unique enough and hasn't been brought up previously by some of the other speakers then certainly come forward and see me, but I hope you will understand that if you are not one of the ones that are to speak tonight that you will understand that and certainly those that are will keep their remarks as short as possible, consistent with the subject that you have to talk about.

Well Mr. Carlson, and other members of the board, Mr. Detisch, the City Attorney, mentioned a problem that existed and that problem is how to keep the interest of the community going in this problem. You know, Bureau of Prisons picked a pretty good time to put that prison in Tierrasanta. They picked a time in the early 1970's when there was very little out there, before Christiana Community Developers, the major developer out there, really got going. Houses and the residents out there, when this plan first started were separated spaciouly by miles and miles, by deep canyon systems and gorges. And you know in the interim... three, four years... some of it I have to blame

the Bureau of Prisons because had they followed through and filed the proper impact reports to begin with we would not have had that two year court delay. Even though the Judge finally said the E. I. R. was adequate, he certainly agreed with us in the first instance that one should have been filed. So all this time passing by we have literally thousands and thousands of more people moving into that area. We took what was an area that was merely a plan, into an area that existed in reality. And now some of the people live within a mile or a mile-and-a-half of your fence that has gone up already. So we have a quite different community. The people here tonight, maybe 350 to 450, represent 14,000 people that live in that area, and Mr. Walsh mentioned that he had not heard a single voice agreeing with the site and agreeing with the concept of putting it in a residential area; indeed, I thought I met one last night and even he changed his mind, and that is no joke. This is a unanimous feeling of thousands and thousands of people that live out there.

Another problem that we have had is sometimes failing to object as quickly as we could way back in the early 70's: I think it was a pretty good whoever you've got writing these Environmental Impact reports and even picking the name of this facility, knew what he was doing. "Federal Youth Correctional Facility." Some of us have a big problem with the meaning of those words. In California, a youth is somebody under 18. We have our CYA in California that our youthful offenders are sentenced to, and these people are generally between 16 and 18, with some exceptions over that. But youth to me, Sir, does not mean somebody 18 to 25. 18 to 25 -- the psychiatrists and psychologists whom we consulted for the court hearing tell us that 18 to 25 -- is the most violence prone and desperate age. These are

the desperate kids, the desperate people when they escape. They are the people who have the physical ability to carry through their desperation. The Environmental Impact Report, or at least the publicity that came out prior to it being disseminated, told us that we really shouldn't worry, that this was a facility for youth which we assumed was not somebody 25 years old, and that these were going to be your soft-core drug problem people--marijuana, (which after January is almost not even a crime in California any more) but your Environmental Impact Report certainly does not state that that is the case. As a matter of fact, as I read the E.I.R., it looks like approximately a third of the people, as you currently have plans constituted, will be drug offenders, and my imagination can only run crazy and think about what the other two-thirds have done to deserve to be in there.

The Environmental Impact Report states...or at least implies that these people are not the hardened type criminals, yet as I read that report it looked like a significant percentage of the inmates would be second and third times sentencees. That certainly doesn't indicate the youth pastoral prison farm setting. It indicates something a little more serious than that.

The Environmental Impact Report talks in terms of "walk-aways," and they cite statistics at Morgantown and some of the other facilities. I have trouble understanding what "walk-aways" means when you have a twelve foot fence topped with barbed wire...I don't think you would walk-away from that. I think you escape..., but the fact you have denominated this as "walk-aways" has lulled a lot of these residents, who up until a few days ago believed this "minimum security youthful marijuana smoker farm" propoganda. Up to this afternoon, residents would call me up and say this is just a prison farm for kids -- why are we protesting? This is a minimum facility pastoral setting,

they would say. Well, the problem "Youth Correctional Facility, " "walk-away, " all this has lulled us, I am afraid, at too many points in our recent history, into believing your prison wasn't a problem.

Indeed, I think you've got a pretty good PR guy who is putting all of this together. Twelve foot barbed wire fence, sensing devices in the road, ala what Mr. McNamara suggested we do in the DMZ in North Vietnam, light towers, 24-hour jeep patrols around there, . . . this may not be maximum security, but this is certainly not a minimum facility prison farm for young kids.

I think we have to ask ourselves and look at our Southern California problems, we have to look at what we are trying to avoid in San Diego. I think if one looks to the north. . . I don't know, Mr. Carlson, whether you have been to Los Angeles or not, I assume you have; the smog-sprawl capitol of the world. We don't, in San Diego, want to end up like that.

We just had a municipal election where Mayor Pete Wilson won about 61% of the vote versus 31% for his opponent. . . a very worthy opponent. The issues in that election -- and I don't mean to embarrass the Mayor -- but the issues in that election were controlled growth, charting our destiny, deciding where we were going and how to get there versus the more uncontrolled kind of growth that I would argue resulted in the ugly monolith of Los Angeles and other areas like it.

We say that this is America's Finest City, Sir. We even have a week to celebrate it, and I think very probably, if we are not the finest, we are darn close to it, and we want to stay that way. We gave a mandate to the Mayor to help us plan our growth so that we wouldn't turn into something we don't want to be. The essence of planning in a situation like a prison or anything

else that upsets people by its close proximity -- the noise of an airport or anything -- would, it seems to me, necessarily include buffer zones in the plan.

If you want to put in a prison in an area that is going to be residential, and you haven't properly seen to it that there are buffer zones, than you shouldn't be there. If, as the E. I. R. states, people can live contentedly next to one of your prisons, fine. Let those people move next to an existing prison. But do not, Sir, plunk your prison in the midst of an existing, thriving, planned residential community next to an elementary school site. We are unanimously against living next to your prison. We all know where your facilities are. If we all of a sudden develop a morbid desire to live next to one, we can always move there. But we don't want to be forced to pick up our families and our lives and move out of Tierrasanta.


Now, I am going to repeat a little bit about what Mr. Detisch talked about... the National Environmental Policy Act (NEPA). I think that the spirit of that act was ignored right from the very beginning. I think the very day the Bureau of Prisons decided that they were going to proceed with this prison without filing an impact report really set the dye, and from that day forward we started watching a process of rationalizing what was already a foregone conclusion; that prison was going to be there. We argued in court that once you decided that you were not going to file that impact report, and once you made us go to court and force you to do it, you had your mind made up right from then on, and it just doesn't look to us, with the hearings that have been held here and the kind of responses you put in your Environmental Impact Report, that the decision-makers in the federal government really had the opportunity to totally review this thing again with the fresh-open-mind that NEPA envisioned.

If they weren't able to do that, then NEPA is not satisfied.

I think we have come down to this one fundamental issue. Why are you here in San Diego and Tierrasanta; why that prison on this particular site? One of the sites was rejected in the Environmental Impact Report because, although it rated very closely to the Tierrasanta site, a geologist's report said that the rock formations were not quite up to the Tierrasanta site. I feel that you ought to place more value on the desires of 14,000 citizens, taxpayers, veterans and just plain people that live up there, rather than what some geologist saying that this site's 10% better than another site.

You know, we've got the Mayor here, we had City Council resolutions, we got the Board of Supervisors here...you know what their position is, the Comprehensive Planning Organization, indeed, every governmental body that functions in this area, all the representatives from our congressional delegations and our state delegations, all say this is the wrong place to put that prison. Now I have to ask myself, why then, in view of all that...in the face of all that, have you decided on Tierrasanta. It must be a pretty darn good reason. But, what do I see in the Environmental Impact Report? I see something that equates...well, Tierrasanta, here we have the easiest sewer hookup! Is that what's really important here? Why here, why in our backyard?

You have grand statements in the Environmental Impact Report about community importance and the importance of interaction with the community and the prison. You know, these are professional people out in this audience tonight. These are the people you are talking about in that Environmental Impact Report, but they are not welcoming your prison with open arms, Sir. I would question the validity of the statements that are in the E. I. R. about interaction with the community.



The Environmental Impact Report talks about sending the prisoners to school. I have to assume from the report that this doesn't mean schools within the prison compound because you could have the prison on top of Mt. Washington, I suppose, and if the schools were self-contained you wouldn't have that problem. There's the implication that they are going to be flowing out through our community to school; hopefully guarded, but nevertheless, through the community to school. And that is one of the justifications, in court, and in the Environmental Impact Report for the Tierrasanta location. I will have to agree with you, Tierrasanta certainly is a central location. As a matter of fact, it is one of the most central, residential areas still left to serve the center of San Diego . . . prime residential area. Your water tower . . . that thing that is going to be up there serving your prison is going to have one of the best vantage points other than Mt. Soledad in the city limits. But to get back to my point, which schools are we talking about that you want your prisoners to go to. San Diego State, or Mesa College, or USIU? It's true, they're all in that area and even if they qualify and even if there is a legitimate rehabilitative purpose sending them, can't you put the prison somewhere else and put the prisoners on buses? I have trouble accepting the proposition, and I am sure that people in Boston or Louisville would find this amusing too, that you can't put federal convicted felons in a bus to send them to school; that they have to be within bicycling distance of San Diego State University. It just doesn't make sense to me.

And then your report tries to justify the location of the prison by telling us . . . appealing to our sense of humanity, and certainly I have a sense of humanity and most of my neighbors do. It has been mentioned before, "well we've got to have some way of either handling prisoners or rehabilitating

kids that commit crimes. . . no doubt about it, we've got to put them somewhere. " Some of us are opening our eyes to various alternatives to traditional prisons. Even assuming that we have got to build a prison, just for the sake of arguing here, your Environmental Impact Report, which I presume you took some part in writing, says that, well, it is not a good idea to put the prisoners way out in the middle of nowhere. You want them to interact in the community. Well, that is maybe a worthy proposition, but I think it is far from being a good answer to our objections. We talked to psychiatrists, psychologists and sociologists again in preparation for our court case and they tell us an interesting story. You know, you take a kid out of Watts or Logan Heights or San Ysidro, a socio-economically deprived young man who commits a crime, very possibly because of that socio-economic status. Then you put him into a federal prison in the midst of expensive upper-middle homes and let him interact. Then release him, and send him back to a deprived area. He may just react very hostilely and bitterly and end up right back in prison. I am not sure that it is just quite as easy a proposition as it appears to be in the Environmental Impact Report.

I think what we need is a buffer zone. It is clear that an area has to be picked that is properly buffered, before there are people there. You know, some of us are feeling a little bit guilty about coming up here and arguing against the prison because somebody might say, aren't you really worried about your property value. Well, you're darn right we are, and I think that it is not a concern we should be ashamed about, and in these hard times some of us have one significant investment in our whole lives and that is our homes. As far as I know, the Constitution of the United States still proscribes the federal government taking our property without compensating us. In that Environmental

Impact Report you will find that one of your experts says that my property value is going to go down 25%. The people we have talked to here, Sir, truly believe that property value must decline in a situation like this. The area is too well planned and the plans will fall like that proverbial row of dominos if this prison goes in. School sites, park sites and everything else, the whole configuration of the area will change.

I think what we have here is a question of are we going to be able to plan our destinies. It just seems incredible that the federal government, who is us, you know, without the people there is no government, would treat us like this. We are proud of our government most of the time and we would like to be proud of it now. We feel that nothing but momentum has kept this prison here, and if that's the only reason, it is certainly a mistake and a mistake that should be admitted forthwith and forthrightly and changed.

It seems incredible that the federal government could ignore a Mayor like Pete Wilson, a City Council obviously concerned, not just some residents, but a whole city. You see, if this prison were going to be put on Prospect Street in La Jolla, or in Balboa Park, I think we would be just as justifiably opposed to it as we are now. We've got certain natural resources in this city, one of them happens to be Tierrasanta. The United States of America has limited resources left and one of them happens to be San Diego. You know I am not so sure that that ugly Los Angeles was built major mistake by major mistake. I think it took small little decisions... "OK, let them build over there; OK lets put this in and that in without thinking about it," and before you know it, 30 years go by and you end up with Los Angeles. I think the federal government is us, we're the federal government. I think you should move the prison, I think you should take this back to the President. Tell him that something should be changed because you have a whole city against this. Move it out and find

someplace else, if that is what you must do. Thank you.

Wilson: All right, we will continue now taking testimony from the public, and I would ask that each of the speakers attempt to confine his or her remarks to approximately three minutes because we really do have a long list. And, also, if someone has said what you really have to say, then rather than simply repeating it, we would be grateful if you would just indicate that and permit the next speaker to go ahead.

(The following citizens were heard testifying as to their opposition to the Tierrasanta facility. Their full testimony is not included, with one exception.)

Mrs. Evyone Shultz - San Diego Resident
Mr. Robert L. Muller - Representing Central Labor Council
Kay Kensey - Associate Area Coordinator,
American Friends Service Committee, San Diego
Mr. Dan Knott - Representing United Way
Mr. John Rufner - Representing the Juvenile Justice Planning
and Advisory Board
Miss Margaret Hall - Representing the Labor Action Committee
Mr. Henry A. Cunningham - Attorney
Mr. Ross Cauldwell - Encinitas Resident
Mr. Jim Lear - Representing the Villa Portevino Homeowners Association
Mr. Tom Gade - Citizen of San Diego
Mr. Frank James - Citizen of El Cajon, Realtor
Mr. Roger Hedgecock - Attorney

TESTIMONY OF JIM LEAR

Representing the Villa Portovino Homeowners Association
San Diego

Mr. Mayor, Council members, honored guests, Mr. Carlson, my name is Jim Lear, I am President of the largest political group in Tierrasana; the 2,000 some voters of Villa Portovino. My home address is 10682 Esmeraldas Drive. As memory serves, President Ford, in his inaugural address, promised to end, and I quote, "our long national nightmare" generated by a discredited prior administration. I submit that a lingering bad dream in the dawn of that nightmare is about to become a reality. The prison that was plotted and fathered by the prior administration is about to be given substance and form by this new government. If Mr. Ford was truly sincere in his promise to correct the mistakes of his predecessor, I would suggest that there would be no better method than for him to cancel the plans for this blot on our city. Now you have heard from many others the good reasons and sound judgments against the prison. You have evidence by the capacity crowd in this chamber the feelings of the community. I will not try to, therefore, convince you of the Bureau of Prisons in selecting this site. Rather, I will ask you one question and one question only. How do we prevent the prison from being built on Elliott Mesa? If you say that we cannot, I submit that this entire evening is a waste of our time and yours, and evidence of bad faith by the federal government. But, if on the other hand, the prison can be stopped, tell us how. Tell us how tonight before you leave for foggy bottom on the Potomac. Does it require letters? If so, to whom? How many? We will turn them out by the thousands. Does it require our Mayor to camp on the White House lawn? If so, I will personally loan Mr. Wilson my pup tent and take up a collection for his airplane ticket. Does it require a large

show of force? If so, we will fill Aztec Stadium, Balboa Stadium, Charger Stadium to overflowing with protestors. If it requires money, tell us the dollar amount and the deadline. In short, Mr. Carlson, tell us to jump and we'll ask how high on the way up. The site graded for the prison is partially intended for a park, to be used by our children and our childrens' children. Perhaps even to celebrate this nation's tricentennial a hundred years from now. I can think of no better name for this park than Ford Park, and would suggest this to the Council at this time for a name. If, on the other hand, the prison is constructed, I would suggest to all the news media here tonight that from this date on, this be known as Ford Prison, and I will direct the publisher of our community newspaper to use the term Ford Prison immediately. Ford Prison...I don't really care for the sound of it, and I don't really care for the location of it. Please, Sir, answer my questions. Thank you very much.

Wilson: Before affording an opportunity for the members of the panel and for Mr. Carlson to respond, I would like to briefly review some pertinent facts and make an alternate proposal. I think that Mr. Carlson has heard abundantly this evening the unanimity of not only the governmental agencies, the local agencies, but from the citizenry a great outpouring indicating a unanimous unhappiness with the prison. That does not need repeating, but I think that it is clear from the point of view of the impacted community, the prison is now, and in view of all of this, always will be incompatible as proposed at the site in Tierrasanta. I think that beyond that we can probably engage in recriminations as to the procedures that have been involved, but I think the record will show that from the earliest point forward, as has been indicated this evening from the receipt of the A-95 letter, the city and thereafter other agencies within San Diego County have indicated not only that the proposed prison was in conflict with the adopted plan, but that it was simply viewed to be incompatible with a residential setting.

There have been some efforts made to find alternative sites. Suffice it to say that if it is incompatible in a residential setting in the Tierrasanta community, it will be equally unacceptable in any other residential community. That brings us to a basic... fundamental point that relates to the Bureau of Prisons criteria for the selection of this site as a site for this federal institution. And it may be upon that fundamental point that we are hopelessly in conflict. I think that enough has been made of the fact that the Intergovernmental Cooperation Act does not require justification upon the part of the federal government in terms of an overriding federal need for the overriding of a local plan. Quite obviously, this audience feels that no such justification has been presented. I would suggest that everyone in this room is concerned as a

taxpayer, not only with the payment of local property taxes, and we have heard something of that this evening and concern with property values, but obviously as federal taxpayers we are all concerned with the wisest and most economical use of tax dollars. We understand, therefore, that when a federal expenditure has been made it cannot be simply very cavalierly addressed and it is to that point that I would now address myself.

Time has been lost, the Environmental Impact Statement that was compelled by the legal action of the city consumed time, it is evidently the philosophy of the Bureau, whether those who have spoken in opposition to it this evening agree, that an institution of this kind is necessary. There have been arguments made in opposition. Apart from those arguments I would suggest that even if it is a direction from which the Director cannot escape, and I frankly don't know the answer to that question; if it is the mission of the Bureau of Prisons to build such a prison; if it is their concern as it must be with any federal agency to be concerned about tax dollars and their expenditure, as we would hope they would be; we recognize that the attractiveness of this site may be in part because of the philosophy arguing for proximity to a residential community with which we obviously, and very heartily, disagree, but I suspect that it may have even more to do with the availability of federal land, that did not cost the Bureau any money. I can understand the points of concern in the same regard about the ease of hooking up to water and sewer. I can understand that there is a concern on the part of the Director for an expenditure that has been made in improvements although I, frankly, don't sympathize with having proceeded with those improvements in the face of the opposition that has been forthcoming consistently and from early times from all the affected agencies in the entire community. But, be that as it may, those

expenditures have taken place. It seems to me compounding what was basically an error in judgment. That being the case, the best thing for all parties concerned is to reverse that decision in a way that involves the least loss of time and the least loss of money possible.

A suggestion has been made this evening by Supervisor Walsh that one alternative is to use other correctional systems now in place. State and County systems. If that alternative is not acceptable, then I would suggest that if none of the sites that have been suggested in San Diego County are acceptable, and we have attempted on occasion to provide alternative sites, then finally, I would suggest that the decision be made to remove this prison and to minimize the damage in terms of federal expenditures by a sale of the proposed site at auction, with the proceeds of sale safeguarded to the Bureau of Prisons by a special Congressional bill, which is possible, so that the money does not return to the general treasury of the United States, but instead is available for use by the Federal Bureau of Prisons in making similar improvements on another site.

I don't think that there can be any doubt that what this community has rejected unanimously and I hope politely, but none the less, heartily, is the Tierrasanta site. That being the case, I would call upon the Director of Property for the City of San Diego to elaborate upon the suggestion of sale, the purpose of which is to return to the Bureau of Prisons monies that will be available to them to compensate them for expenditures already made and, incidentally, some of those expenditures at least have been made in providing access which would be necessary for the private development, and as Mr. Kriinsky has pointed out, the proposed site does lie within an area which by the adopted community plan is designated for residential development. In a

community that prizes planned development, the plan there would accommodate further residential development. It does not accommodate the prison. Mr. MacFarlane, would you give us what information you can with respect to the feasibility of the proposal that I have just advanced.


TESTIMONY OF WILLIAM MACFARLANE
Property Director
City of San Diego

Regarding: Sale of Property

Yes, your Honor, I would like to make the four points very, very clear in respect to the present Tierrasanta Youth Facility Center. The site is highly marketable. Because it does lie within an adopted community plan, with the land-use designation for low-density housing. This land was valued by General Services Administration in July of 1973, for the fair market value estimate in excess of one million dollars. It is fair to estimate today, after two years, that that property should have a value in excess of \$1.3 million to \$1.8 million. Sufficient work has been accomplished on the site including road grading, access improvement, to make that site a great deal more valuable and more attractive to today's developer. Third, there are ready-buyer developers in this community who are willing to take on that project. They have contacted my office and have indicated great interest in the property. Fourthly, there are developers who have contacted me who have present holdings of sites that were surveyed by General Services Administration, who would entertain a site-land exchange. End of my report.

Wilson: Thank you very much Mr. MacFarlane. I think, Mr. Carlson, you will see by that it is not our purpose to abuse or to flay anyone.

Frankly, we have been disappointed at the response from the Bureau. Our concern is the solution to the problem. Our concern is that the prison not go forward at this incompatible site, and it is obviously our concern as federal taxpayers that the federal government in the person of the Bureau of Prisons be made whole, and based upon what we know the value of the property and the expenditures that have been made to date, we think the Bureau could be more than made whole and could be assured of the proceeds of sale through Congressional legislation, which I am sure Congressman Wilson would be delighted to carry, and I would imagine either Senators Cranston or Tunney would be happy to co-sponsor it in the Senate. Congressman Wilson, by the way, is on record in writing as being vehemently opposed to this site. I think that at this point we should allow you an opportunity to make what response you can. I am sure that you would have preferred to spend the Friday night in another fashion. I can assure you that I would have, I am sure that the audience would have. The presence of all of us in this chamber tonight is not an accident. We have exhausted our legal remedy, we are seeking a remedy in an administrative or political way, and we have felt it necessary to hold this hearing in order to permit you to learn first hand the reasons as well as the emotions that this site is felt to be incompatible. Now, at this point, the floor is yours.



TESTIMONY BY NORMAN A. CARLSON
Director, Bureau of Prisons

Mayor Wilson, ladies and gentlemen. Let me say at the outset that it has been demonstrated here very accurately tonight that being Director of the Federal Bureau of Prisons is not a place to develop a lot of popularity. I have 24,000 inmates in my custody, all of whom, of course, would like to be out in the community. In addition, it has been aptly testified by the Councilmen here tonight and you citizens that prisons are not popular in our society. The fact of life that I live with, and I am sure you are aware of, not only in this community, but throughout this country, and for that matter, perhaps throughout the world.

Let me take just a very brief moment, if I may, to recapsulate as far as I am concerned, the history of the site as I can recall it. Back in 1972, the Congress provided the Bureau of Prisons with planning and site acquisition money to move ahead with the development of three youth facilities in the State of California. The amount of money available was very limited and obviously not enough was provided to actually buy a parcel of land. In accordance with established governmental regulations, we went to the General Services Administration (GSA) and asked them to survey what would be available to us in terms of surplus government property. In other words, property already owned by the United States government, which we could acquire at no cost. Also I can recall in 1972, when I was first out here I took a jeep trip up to see the property we are talking about tonight and I can recall very vividly that there was not a house in view at that time. It was a totally isolated parcel of land, which I think we talked about earlier back in 1972, when we too, the jeep trip, the car wouldn't even make it. Also, of course, it has been accurately

described that the Environmental Protection Act suit was brought, delayed the project about 18 months, it was... resulted in rather lengthy litigation and finally, of course, the U. S. District Court did make a decision based upon the filing which was made by the General Services Administration at that time. Let me again state that the institution we are talking about is a youth facility. It is something which has been brought up tonight. The Federal Youth Corrections Act provides that offenders under the federal statute are considered youth offenders up to, and including, age 25... 18 to 25, it differs, I realize, from the State of California, but I want to point out that it is not an attempt on our part to confuse the issue. The federal statutes are very clear in terms of the Youth Corrections Act. In terms of the youth of the facility, I can only cite the example of a similar facility which has been built and opened near the Bay Area, Pleasanton, California, in operation now for roughly 18 months. It handles exactly the same type of offenders we are talking about for this facility here, only, of course, it draws from the northern half of the State of California rather than from the Southern half. We think that it is a very fine institution, its been in operation, and we think that it has very adequately demonstrated what can be done to try to provide assistance for youthful offenders. Let me just try and respond to some of the questions, many have been raised and obviously I was not able to take the complete notes that I would have liked to, but I assure you that I have listened very attentively even though it is now 1:00 a. m. back in Washington... I am still operating on Washington time.

Some of the alternatives for sites, we have looked at a number of alternatives. General Services Administration, together with our staff, have examined a variety of alternatives that have been proposed. Thus far we have found none which meet the needs of the facility for a variety of reasons,

I think that have already been cited by a variety of the speakers. In addition, the matter has been litigated by the federal courts, the Environmental Protection Act suit has been brought, litigated, of course, for a period of 18 months, or was in stages of litigation for approximately 18 months before it was decided. In terms of where we are going, are we going ahead? Yes, we have let contracts for the job. Frankly, as a government administrator, I am responsible for the money which is appropriated to the Bureau of Prisons. Cost escalation and construction is something we all know about today. We hold back as far as the letting of contracts, obviously within a matter of a very few months the money which was appropriated by the Congress would have been eaten up by cost escalation... it is going up very rapidly across the country, and for that reason, and that reason alone, we feel that it is absolutely necessary that we continue on because the fact that the prison has been approved, that the site has been approved, and we have been moving ahead on it.

In terms of other alternatives, I would be very happy to consider the Mayor's proposal. I haven't heard about it before, it is the first time its been brought to my attention, Mayor, and I think you would agree with that, so far as the prospects are concerned, I don't make the final decisions, I am not trying to cop-out, but, obviously, there are other people involved, in this case, obviously the Congress would be involved. The viable alternatives could be developed very quickly, we certainly consider, as we have tried to consider all other alternatives that have been suggested so far as the prison site is concerned. Again, prisons are not popular subjects. Unfortunately, I have the job of trying to operate a system, and trying to do the best we can. This is one of the decisions that was made here in the San Diego area to build what we

consider to be a fine, youth facility to handle the offenders committed by the courts. Obviously, there is a great deal of sentiment against the location of the site, I don't think there has been too much expressed against the concept of institutions, as I guess my good friend on the right disagrees with me a little bit, but I think in essence we agree that the old prisons of the past have been a monument of despair and frustration, and we must start doing something new if we are going to make our criminal justice system more effective. That's all I have to say Mr. Mayor.

CONCLUDING DISCUSSION

Wilson: Mr. Carlson, this is perhaps the first time it has been formally expressed to you, and I accept your comment on that basis, I think that it was discussed when Mr. Mote was here in the latter part of April or in May, but in any case, what you heard tonight, I think, we needn't repeat. This has been recorded for a purpose. We want you to have it, we want you to study it very carefully, because frankly, I am not certain really whether your responsibilities under the law permit you to make a different decision. If you can't, if the decision is within the Department of Justice, then I would wish to see that they have a copy of the transcript because it seems to me that what we are talking about is weighing whatever your responsibilities are under the Youth Corrections Act and the necessity to administer those responsibilities efficiently and at as little cost as possible with what I think is an even more important consideration. The damn think is just in the wrong place. That may not be your fault, it may not be within your power to do anything about it. Mr. Falk was expected this evening. He called and said that neither he nor Mr. Delaney nor Mr. Parsons could be here for reasons which need not concern us at this point, but in any case, I think that the political appeal, if you will, must be taken and I will not only transmit the petitions that Mrs. Molt is circulating this evening, but also see that a copy of the record of this evening is also delivered with those because essentially, what we are saying really is, that if the law requires a prison someplace, that it really needs to be in a different place. And it is really about that simple.

Again, I think that Mr. MacFarlane has indicated in his quick summary of the four points that there is a very high potential for the

federal government, and specifically the Bureau, to recover costs expended to date, and if time has been lost that may be unfortunate, but it is more than offset I think by the justified concern of this community. I don't know if there is much point in carrying this further, I am grateful to you for being here. I am mindful of the fact that it is 1:00 a. m. by your time. I am extremely grateful to the audience, not only for turning out to evince their concern, but also for the manner in which they have done it. I think this is obviously a matter in which their emotions are extraordinarily aroused and yet I think they have made a presentation this evening that was aimed at providing you with reasons, as well as their concerns, and I would thank them for being here and also for their conduct this evening. I apologize that we hadn't a larger chamber to accommodate everyone with a seat, the fact that a number of people have chosen to remain without one, I think, indicates the very high interest that this has and high interest is, I think, clearly an understatement.

Carlson: As I tried to indicate, if there were alternatives suggested which we could use as far as the purposes that we have in our interest, obviously we would follow that course. We have said that repeatedly and if an alternative were suggested that we felt would be a solution to the problem...

Walsh: Now, let me ask if a viable alternative is the Governor of this State with the California Youth Authority, if they come to you and say we are willing to contract in our existing facilities with the federal government and so on to house and maintain those people from the State of California, is that a viable alternative?

Carlson: It would be a viable alternative, I would have to say that, however, this was attempted several years ago, as you may well know, or may not know, I should say, and did not prove feasible because of their population pressures...the California Youth Corrections...

Walsh: And as we discussed at that time, the population of the California Youth Authority has changed, they do have the opportunity to do that, and they have, this afternoon, at least committed to us by telephone that they would do that and that they would start negotiations, and if that is a viable alternative, than that is one from your standpoint that we will proceed on then.

Wilson: All right, let us conclude this with the assurance to the audience that the alternatives are going to be pursued, before what Mr. Walsh has spoken of and if for some reason that is not available or feasible, then the question that I would have to ask you is this. There is other surplus land that could be made available as a site and given feasibility of marketing the Tierrasanta site to recover costs and given the opposition that has been presented this evening and I think rather a clear case of the incompatibility of it, I would hope that you would also recognize that as an alternative. I recognize that that involves a delay. Mr. Johnson has a question...

Johnson: I would like to ask our attorney, Mr. Detisch, what is our legal position as far as...I understand that some bids have already been put out and other bids are to go out I believe on the 23rd. If this is going on, it sounds like work will be going on. What can we do to stop this? And this is what I think we should be doing. We can talk about where we are going in other places, but we should be talking about stopping whatever is going on until such a time as we can talk alternatives.

Detisch: Mr. Johnson, the majority of our legal position...I see one possibility has been suggested, and that is the issue of the federal prison being a nuisance to this community. That is probably the last area... I am not altogether sure of how successful that would be in this day and time, I have researched that point closely...I have looked into it somewhat, but the federal government you know, supreme law of the land, that sort of thing... sovereign immunity doctrine, I guess this is our court of last resort here tonight.

Johnson: I was thinking in terms of what Mr. Walsh is talking of...getting in touch with the Governor and seeing what he can do...this is going to take a little time. It can't be done overnight. But, in order to stop these bids going out and stopping any work that might be started. That is all that I was thinking. We've got to stop that.

Detisch: That again is the possibility of a temporary restraining order, something like that and the court going along with it and I think we have to set up some sort of injury, we had attempted initially temporary restraining orders in this previous law suit, and the court denied it several times. A preliminary injunction, I don't know. As I said, Mr. Krinsky and myself will have to take another closer look at it.

Krinsky: Gentlemen, something that was suggested before. At least for a week or so. I don't know what legal compulsion the Bureau is under now, or GSA, to accept these bids. I don't think there is a time limit on these things. Certainly there is going to be a question of damages if contracts are accepted, whether it is liquidated damages or contract price, or whatever, if there is sincerity on your part, Mr. Carlson, to look at these alternatives,

as you indicated there is, then perhaps Monday morning, bids won't be accepted and no further contract action taken at least for a minimum period of time to minimize your damages and possibly the amount of money the Mayor is suggesting we indemnify to you.

Walsh: If we had a 30-day delay on the accepting of the bids to give the city an opportunity to proceed on their alternative and the contracts with the State for contracting provision of services. Would you be willing to commit to that tonight? Is it in your power first?

Carlson: No, it is not in my power. The government General Services Administration is the agent that handles all the bids. We don't get involved at all in negotiations or letting the bids.

Walsh: Will you support a request by the City Council and the Board of Supervisors to GSA for a delay of 30 days in accepting the bids?

Carlson: I would have to consider that and talk to staff about it. I very candidly could not make a decision here tonight.

Wilson: Well, I think that we really have no alternative but to request that of GSA. I am advised by the Domestic Council that the contracts that are in prospect are minor and not such as would irrevocably commit the site to further development as a prison and the penalty involved if, in fact, they are let, involves a 1% (one percent) penalty in the event of cancellation, and the cancellation is an option. I would suggest that it would be even wiser not to suffer the 1% and not accept the bids, and I think we have really no alternative but to request that. But, I am pleased to hear you state tonight in

response to Mr. Walsh's question and mine, that you do consider those alternatives because I certainly do and it seems to me that they should be absolutely exhausted. And I suspect the audience is, at this point, so we will thank you again for being here, I thank the audience. This meeting is adjourned.