

More than an issue of 'seal's rights'

Perhaps a little knowledge might be in order in response to the letter by Erika Mijuskovic published in your April 13, 2006 edition "Just like school-yard bullies," page 8).

Certainly, Ms. Mijuskovic has every right to her opinion as well as her disgust over the current status of the Children's Pool matter. However, her conclusions as to the legally complex issues of marine mammal harassment, mentality of the pro-children (versus pro-seal) activists, and the actions (or non-actions) of the city and federal agencies involved are not only inappropriate but also exhibit a clear lack of any real and objective understanding of the entire matter.

She would also like to have us all believe that the Children's Pool is "... the one beach that is vital to their survival." Of all the many wild-eyed statements made during all the years of this controversy, this may just be the most far-fetched and irresponsible one I've heard or read and it is pure fiction.

It is said that if you repeat a lie enough times, eventually people may begin to believe it is true. Unfortunately, this has been one of the main strategies of the more fanatical "pro-seal" advocates and I'm disgusted by it! Get a clue, people! This is not about winning or losing or about the survival of the harbor seal population. It's about what the right things to do are!

With all due respect to Ms. Mijuskovic, and to all who favor reserving the Children's Pool exclusively for the seals, this controversy has to do with a legally binding trust agreement entered into by the City of San Diego and the People of the State of California in 1931. According to the terms of this agreement, the city has the duty to keep and maintain this specific location for public beach use and enjoyment.

I believe this is more than an issue of "seal's rights." It is an issue of trust, honor and the rule of law. Last year, a Superior Court case, Valerie O'Sullivan vs. The City of San Diego, was litigated and in October the city was found to be in breach of the 1931 trust and ordered to clean up the Children's Pool site and reopen it for full public use. Initially, the city began the process of preparing reports, obtaining permits and otherwise preparing to do just that and then the City Attorney decided it was more appropriate to appeal the decision and this past winter, the City Council voted to do just that.

Forgive me but this city is close to bankruptcy, been racked by corruption, found to be in breach of a trust agreement legitimized by a predecessor City Council and has played political "hot potato" with this controversy for a decade. I say that it is time for the city to stop playing politics with this issue and to get on with

it! That means they should drop this appeal and their barrier and instead, act to uphold the trust that a previous City Council placed before all future councils to honor, in perpetuity.

These are the right things to do.

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