Preserving a Home for Veterans

Lauren Bon
Janet Owen Driggs
Terence Lyons
Richard L. Fox

2012

METABOLIC STUDIO

PRESERVING A HOME FOR VETERANS

TrenchArt
Special Operations Report

METABOLIC STUDIO

Les Figues Press
Los Angeles

PRESERVING A HOME FOR VETERANS

A Breach of Trust and Fiduciary Duty:
The Failure of the Department of Veterans Affairs
to Use Land Donated to the National Home for
Disabled Volunteer Soldiers in West Los Angeles
under an 1888 Deed as a Home for Veterans

METABOLIC STUDIO

LAUREN BON
JANET OWEN DRIGGS
TERENCE LYONS
RICHARD L. FOX

Preserving A Home For Veterans

Adapted from the postion paper, "Preserving a Home for Veterans," © 2011 Metabolic Studio LLC, by Lauren Bon, Janet Owen Driggs, and Terence Lyons, of the Metabolic Studio, and Richard L. Fox, Esq., Dilworth Paxson LLP, counsel to the Metabolic Studio.

Adapted by Lauren Bon, Janet Owen Driggs, Terence Lyons, and Teresa Carmody.

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TrenchArt: Special Operations Report

METABOLIC STUDIO
1745 N. Spring Street, Unit 4
Los Angeles, CA 90012
www.metabolicstudio.org

Les Figues Press
Post Office 7736
Los Angeles, CA 90007
info@lesfigues.com
www.lesfigues.com

Image No. 1
Date: circa mid-20th century

"Home," he mocked gently.

"Yes, what else but home?
It all depends on what you mean by home.
Of course he's nothing to us, any more
Than was the hound that came a stranger to us
Out of the woods, worn out upon the trail."

"Home is the place where, when you have to go there,
They have to take you in."

Robert Frost
"The Death of the Hired Man"

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INTRODUCTION

Terence Lyons

This book is one of the products of a remarkable artwork I experienced on a lawn framed by vacant and under-purposed buildings near the northernmost reaches of the West Los Angeles Veterans Administration (West L.A. VA) property.

From the summer of 2009 until October 2010, Lauren Bon and the Metabolic Studio installed and nurtured an aquaponic strawberry farm in the shape of a very large American flag—nearly a thousand strawberry plants sat in perforated white piping that was mounted horizontally, at chest height.

Bon and the Studio salvaged the plants from a farm where they would otherwise have been plowed under after bearing only one crop. The water that coursed through the piping and nourished the plants was reclaimed from the Los Angeles River and stored on-site in a large military-surplus water bladder. The pumps that drove the water through the pipes were powered by batteries charged by veterans who pedaled stationary bicycles in the shade of solar panels.

The *Strawberry Flag* was tended by artists and by veterans employed through the VA Compensated Work Therapy (CWT) program. But the *Flag* was not just a living sculpture to be observed and admired. It became the focal

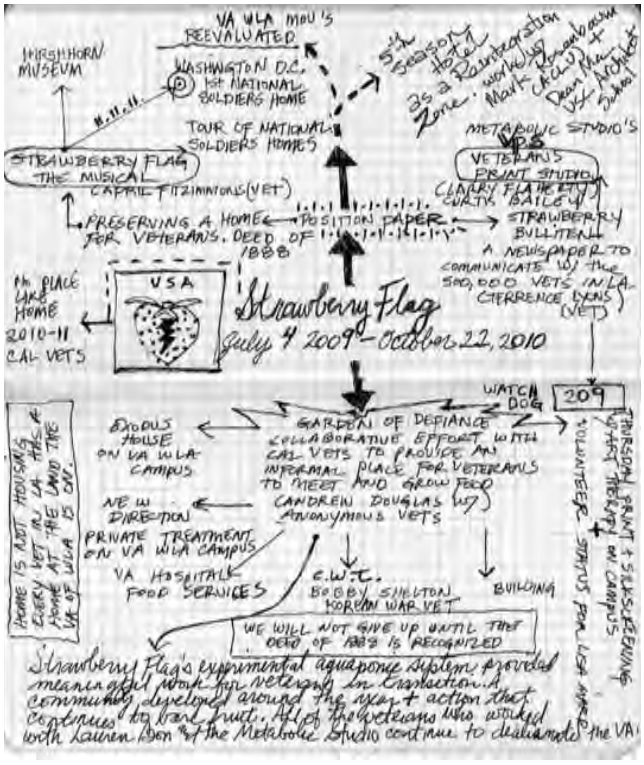

Image No. 2
Date: 2011

point of a community of veterans, clinicians, and visitors. As a veteran living at the West L.A. VA in 2009, I became a part of that community.

Bon and the Studio refurbished a kitchen in one of the under-purposed buildings, Building 208, so that CWT veterans could cook harvested strawberries into preserves. Other CWT vets cleaned out space in the vacant adjacent Building 209 for a print studio, where they made labels for the jam jars. And the print studio printed not only jam labels but also artworks and custom T-shirts at weekly veterans workshops. The kitchen was also used to bake pastries, which were served with tea every weekday afternoon at the *Flag*. (And the kitchen was a great place to hang out—they even brought in an upright piano.)

Political and community leaders joined veterans, clinicians, and artists at more-or-less-monthly *al fresco* High Tea events (with proper linen and tableware, a touch not seen at the VA since bygone days). On summer weekends, the Studio sponsored "Strawberry Sundays," open mic events at which vets read poetry and made music. Veterans gathered at the *Flag* on some evenings to join Studio artists in read-throughs of Thornton Wilder's *Our Town* and Gore Vidal's *Visit to a Small Planet.* One evening, Bon and the Studio staged a Beckett play with major-league talent in "theatre space" cleared by CWT vets in nearly vacant Building 205.

In the adjacent diagram, artist Lauren Bon has sketched out some of the progeny to which *Strawberry Flag* has given birth as it has moved from object to mythology. Weekly print workshops are still ongoing. The *Flag*'s community newspaper, the *Strawberry Gazette*, has evolved into the *Strawberry Bulletin*, which Metabolic Studio still publishes regularly. The strawberry farm is gone, but a plentitude of vegetables are now growing in the Metabolic Studio's *Garden of Defiance* behind the State Veterans Home down the hill from the *Flag* location.

As Bon and the other Studio artists inhabited the West L.A. VA property, they quite naturally became curious about the history and geography of the place and its people. And that nurtured a similar curiosity among the veterans living there and participating in the community fostered by the *Strawberry Flag*, myself included.

Out of that curiosity and the combined talents and intelligence of the artists and veterans was born another progeny of the *Strawberry Flag*—the Metabolic Studio position paper, titled "Preserving a Home for Veterans." To be sure, the considerable expertise and efforts of the Studio's Philadelphia lawyers also played a major and indispensible role.

The position paper, issued in January 2011, said three things: **(1) the 1888 deed by which the West Los Angeles land was transferred for a veterans home created a trust under which the VA holds the land with fiduciary duties to use it only for its intended purpose; (2) the VA now puts much of the land to non-veteran-related uses in breach of the trust; and (3) the VA has entirely "hospitalized" the veteran-related uses and abandoned the other functions of a veterans home, also in breach of the trust.**

Although the position paper spoke about legal principles, it was not simply a legal brief. As Lauren Bon wrote in a guest editorial in a local community newspaper: "The *Brentwood News* specifically asked me about 'the legal actions you are contemplating.' I am not contemplating any legal actions. The position paper is meant to open up a discussion as to how we can better serve the numbers of people who are the human cost of war." When the VA made it clear that it did not wish to engage in such an open discussion, the American Civil Liberties Union (ACLU) of Southern California and other lawyers filed a class action lawsuit in June 2011 challenging the VA's West L.A. land use. In a press release issued

the day that suit was filed, plaintiffs' lawyers said, "The misuse of the West Los Angeles campus is documented in detail in a Position Paper issued in January 2011 by the Metabolic Studio, a direct charitable activity of the Annenberg Foundation led by artist Lauren Bon, entitled 'Preserving a Home for Veterans.'"

As this book goes to press in March 2012, the lawsuit filed in June 2011 is pending in the Los Angeles federal court. The VA defendants have made a motion to dismiss the case, now awaiting decision, arguing that even if the plaintiffs' "allegations about discrimination, breach of trust, and procedural error" are all true, "this case must be dismissed." Although the motion says the VA "has as a top priority the resolution of the housing needs of homeless Veterans," it also says that actually providing that housing is not its responsibility.

This book is a reworking of the Metabolic Studio's position paper. We have edited the more legal portions of the document, reformatted the text and expanded the visual elements, and updated some of the tabular material—all with an eye toward making the presentation more reader-friendly. And more artistic. Because, as the story of the *Strawberry Flag* demonstrates, **art begets change**.

FOREWORD

Lauren Bon

There is no question in my mind that the thirteen empty buildings located on well-irrigated lawns on the north side of the Department of Veterans Affairs' West Los Angeles campus will once again, in the not too distant future, be a home for veterans.

It is only a matter of time before the women and men coming home from Iraq and Afghanistan need a place to mend. From June 2009 to October 2010, *Strawberry Flag* enabled us to participate in making and maintaining a place to heal at the West L.A. VA. Made of salvaged strawberries and reclaimed L.A. River water, and fueled by bicycle power, *Strawberry Flag* was about salvaging lives. The project pointed at the veterans themselves as a resource not being used well. I have never before worked with such a committed and able group of people.

Currently the hospital at the West L.A. VA responds to the ever-growing needs of more than 600,000 veterans in L.A. County. But it is not enough. The total number of beds at the West L.A. VA itself, inclusive of all residential treatment programs, is under 1,500—this in a county where up to 20,000 homeless veterans are on the streets each night.

Not one but two memoranda of understanding (MOU), issued by the executive leadership

of the West L.A. VA under its Director Donna Beiter, authorized us to do our work. Initially, permission to create and sustain *Strawberry Flag* arose from the Planetree Initiative, which aims to put holistic, patient-centered care on hospital properties.

Strawberry Flag was a deployable aquaponic strawberry farm operated by a team of veterans who worked for the Metabolic Studio as part of the West L.A. VA's CWT program. The farm generated a whole culture, which grew up to surround it. Daily "Tea at Three" and a vibrant kitchen were key to the de-alienation of an otherwise harsh environment. Through word of mouth our Veterans Print Studio became a go-to place for veterans in treatment on campus and off. From the vibrancy of the kitchen and the pulse of the Print Studio emerged the *Strawberry Gazette*, a publication that aimed to communicate with all of L.A. County's veterans.

Why was all this put to an abrupt end? Why did the West L.A. VA's executive leadership give us two MOUs if only to stop us when such a vibrant culture had emerged around the work? We all agree that veterans, our nations heroes, need support, and that the VA provides a hospital for the many unwell veterans it treats. However, the original Deed of 1888, which gave this land for veteran use, secures it in trust as a home for veterans in perpetuity. The VA is the contemporary custodian of that trust.

Since 2005 I have focused the Metabolic Studio's practice on physical and social brownfields,

with a brownfield being defined as a place that is incapable of supporting life. As a core part of our work we engage with the bureaucratic agencies that govern such brownfields. Through working with local, state, and federal agencies, including California Sate Parks (*Not A Cornfield*, 2005–2006), the Los Angeles Department of Water and Power (*Silver and Water*, 2006–ongoing), and the U.S. Department of Veterans Affairs (*Strawberry Flag*, 2009–2010), I have identified a common pattern: an aversion to innovation. At the same time though, to get my work to happen, there has been a surprising willingness to engage creatively in solving problems. It is when a system's ability to adapt and change is tested that things start to break down.

Among the brownfields I have experienced, the West L.A. VA is something of a paradox. A beautiful and financially valuable location in the center of the most affluent part of the city, it has been locked into Faulknerian stasis by systemic lethargy and political confusion. Although this predicament is often seen as a Californian problem, it is not. President Obama has declared an imperative to end homelessness for veterans in his first term. It will be a start in earnest for him to acknowledge the Deed of 1888, which clearly preserves a home for recuperating soldiers in perpetuity.

This paper addresses the BREACH OF TRUST and the VIOLATION OF the fiduciary DUTY of the United States Department of Veterans Affairs ("VA") IN FAILING TO ADHERE to the restrictions imposed upon it pursuant TO THE 1888 DEED ("Deed of 1888"), which REQUIRED that LAND DONATED IN WEST LOS ANGELES ("West L.A.") to the National Home for Disabled Volunteer Soldiers ("National Home") BE PERMANENTLY USED AS A HOME FOR DISABLED VETERANS.

SUMMARY

The Metabolic Studio maintains that the restrictions imposed under the Deed of 1888 created a charitable (or public) trust, and that as a trustee, the National Home had a legally imposed fiduciary duty to permanently use the donated land as a home for veterans. Consequently, as successor to the National Home, the VA holds the donated land only in the capacity of a trustee and is subject to such legally imposed fiduciary duty. Under applicable law, the donated land can only be used in a manner that directly contributes to the provision of a home for veterans, and the VA is not permitted to divert the use of the land for another or different purpose, even if such other use results in rental or other income to the VA.

Rather than adhering to its obligation under the 1888 Deed, the VA has chosen to jettison the restrictions placed on the donated land on its own whim. In doing so, the VA has turned its back on the fiduciary duty that the acceptance of a restricted donation of land imposed upon it. **Indeed, rather than using the donated land as a home for veterans, the status of a veteran at the West L.A. VA has shifted from that of "resident" of a home to that of "patient" in a hospital to be cured and moved on.** Moreover, the VA has used the donated land for a multitude of purposes that, beyond any doubt,

do not directly contribute to the provision of a veterans' home. Even worse, these other uses effectively bar the use of the donated land from its dedicated purpose as a home for veterans.

Land-sharing agreements between the VA and commercial and other organizations thus allow the donated land to be used in ways that not only have absolutely nothing to do with providing a home for veterans, but are, in fact, antithetical to such use. This position paper elucidates the current land use issues of the West L.A. VA and provides evidence for the clear and present need to reconsider the land use in light of the 1888 Deed.

Image No. 3
Date: 2010

Image No. 4
Date: 2010

BACKGROUND ON THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS AND ITS PACIFIC BRANCH IN WEST LOS ANGELES

National Home Created by Act of Congress to Provide a Home for Veterans

The National Home for Disabled Volunteer Soldiers was incorporated through the Congressional Act of March 3, 1865, c. 91, 13 Stat. 509. As "the federal government accept[ed] responsibility for sheltering citizen-veterans," the National Home created a network of branch homes for veterans throughout the country, which were operated by a Board of Managers. Originally known as the "National Asylum for Disabled Volunteer

Image No. 5
Date: 1890

Image No. 6
Date: 2010

Soldiers and Sailors of the Civil War," Congress officially changed the name on January 23, 1873, to the "National Home for Disabled Volunteer Soldiers," thus codifying the "domestic character of this federal institution" and reflecting its true purpose: **the provision of a home for veterans.** The Military Affairs Committee of the House of Representatives emphasized that branch homes of the National Home were to be "homes for the country's defenders, not asylums for the helpless poor whom society through the laws of its existence is bound to support."

The National Home offered "a generous and dignified space for citizens," a system of relatively comfortable, modern, and ornamented branch homes providing veterans with "food and board, medical care, recreation, religious instruction, and employment opportunities … without suffering from the stigma afflicting nonveterans forced to seek help from the local poorhouse." **The National Home was "not a charity," but "a home tendered to the veteran … as a partial remission of the debt the government was obligated to pay" to those "who fought in the nation's service."** The National Home provided a home to veterans, therefore, not based upon a moral obligation to care for the helpless, but out of the concept, and duty, that veterans in need had earned the right to be provided for by their country.

In the years between 1865 and 1870, the Board of Managers established four branches of the

National Home. During the years 1884 through 1900, the Board of Managers added four new branch homes, including the Pacific Branch in West L.A., which opened in 1888, where the West L.A. VA is now located. From its beginning, the Board of Managers emphasized the National Home's purpose as providing a **home** for veterans. An early statement issued by the Board of Managers to notify veterans of the benefits of the branch homes read, in part, as follows:

> "The Home is neither a hospital nor alms-house, **but a home**, where subsistence, quarters, clothing, religious instruction, employment when possible, and amusements are provided by the Government of the United States. The provision is not a charity, but is a reward to the brave and deserving."

Victorian ideology understood "home" as the primary unit of society and its most valued locus of care. By creating a network of homes, therefore, the National Home Board of Managers signaled the government's "intention to assume the same domestic responsibilities for veterans, offering food, shelter, clothing, and medical care, as mothers and wives assumed for their families in the nineteenth century household economy." "This rhetoric of domesticity, then, linked veterans' institutional care to the private and bourgeois family house." Following the domestic model, the branch homes provided a home for life by catering to the whole

person—intellectual, emotional, spiritual, and physical. In creating homelike establishments, branch homes were distinguished in their architecture and landscaping. "The change in name from 'asylum' to 'home,' the care taken to construct aesthetically pleasing campuses and plan attractive grounds, and efforts to provide entertainment and work all pointed to the Board of Managers' insistence that the veterans not be viewed as paupers or dependents, **but as men who had earned the right to a government-provided home**."

In keeping with the domestic concept of the National Home, veterans stayed indefinitely at the branch home—the home, therefore, providing life-long or long-term residences for veterans. The branch home approached the veteran as a multifaceted human being with needs beyond only medical care, so that a veteran living at a branch home was not considered a medicalized patient who must "recover" and move on, but rather as someone who was being provided with a permanent domestic living environment.

"Disability" for purposes of admission to the National Home was interpreted broadly to include both visible wounds and invisible recurring illnesses, including those resulting from the psychological impact of war. A history of the Eastern Branch described its residents as "one-time wounded and injured soldiers [who] had long since been patched up, and by the time they arrived at Togus they were in about as good a shape as they would ever

be again. They weren't coming primarily for medical care, for on the whole they were fairly hale and hearty." Thus, in addition to admitting amputees and the elderly, the National Home served seemingly vigorous young people who, as a result of suffering from the effects of other, less visually dramatic wartime effects, were disabled from obtaining their living by their own labors. By the mid-1880s, the National Home further broadened the definition of disability for admission purposes and began serving veterans who became incapacitated in civilian life.

Pacific Branch Created by Act of Congress to Acquire Land to Be Permanently Used as a Home for Veterans

On March 2, 1887, an act of Congress provided:

> "That the Board of Managers of the National Home for Disabled Volunteer Soldiers are hereby authorized, empowered, and directed **to locate, establish, construct, and permanently maintain a branch of said National Home for Disabled Volunteer Soldiers** to be by such Board located at such place in the States west of the Rocky Mountains as to said Board shall appear most desirable and advantageous."

After a survey of sites in the West, the Board of Managers selected the West Los Angeles location that now hosts the West L.A. VA as this Pacific Branch. Thus an Act of Congress, implemented by the Board of Managers, required the Pacific Branch to be located, established, constructed, and permanently maintained as a separate branch home of the National Home.

Mar. 2, 1887.

CHAP. 316.—An act to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains.

National Home for Disabled Volunteer Soldiers.

Branch to be established west of Rocky Mountains.

Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Managers of the National Home for Disabled Volunteer Soldiers are hereby authorized, empowered, and directed to locate, establish, construct, and permanently maintain a branch of said National Home for Disabled Volunteer Soldiers to be by such Board located at such place in the States west of the Rocky Mountains as to said Board shall appear most desirable and advantageous; and that the sum of one hundred and fifty thousand dollars be, and the same is hereby, appropriated, out of any money in the United States Treasury not otherwise appropriated, to be paid to the said Board of Managers, and by them expended in carrying out the provisions of this act.

Admissions.

R. S., sec. 4812, p. 937.

SEC. 2. That all honorably discharged soldiers and sailors who served in the regular and volunteer forces of the United States, and who are disabled by disease, wounds, or otherwise, and who have no adequate means of support, and by reason of such disability are incapable of earning their living, shall be entitled to be admitted to said home for disabled volunteer soldiers, subject to like regulations as they are now admitted to existing branches of the National Home for Disabled Volunteer Soldiers.

Building to commence as soon as practicable.

SEC. 3. That as soon thereafter as practicable from the approval of this act, the said Board of Managers shall secure the necessary lands and commence the erection of suitable buildings for the use of said branch.

William Blanding appointed a

SEC. 4. That William Blanding, of San Francisco, California, be, and he is hereby, appointed a manager of the National Home for Disabled

William Blanding appointed a manager.

SEC. 4. That William Blanding, of San Francisco, California, be, and he is hereby, appointed a manager of the National Home for Disabled Volunteer Soldiers, to serve until the second day of April, eighteen hundred and ninety-two; and that hereafter the number of managers of the said Home elected by Congress, shall be ten instead of nine, as at present, one of whom shall be a resident of a State or Territory west of the Rocky Mountains.

Number increased to ten.

R. S., sec., 4c26, p. 936.

Approved, March 2, 1887.

Mar. 2, 1887.

CHAP. 317.—An act authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Virginia, as a site for a public building, for more suitable property, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to exchange the property purchased as a site for the public building authorized to be erected at Abingdon, Virginia, by the act approved July eleventh, eighteen hundred and eighty-two, for other property more suitable for the purpose: *Provided*, That such other suitable property can be obtained without any additional cost to the United States: *Provided further*, That such other or new site so secured shall not be located east of the site now owned by the United States and herein authorized to be exchanged but nothing in this act shall be construed to require an exchange of site.

Abingdon, Va. Public building. Site may be exchanged.

Vol. 22, p. 153.

Provisos.

Appropriation.

SEC. 2. That the further sum of twenty-five thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the construction of such building at Abingdon, Virginia, as will furnish such accommodations for the United States courts and the post-office there as the business of each now require.

Approved, March 2, 1887.

The Land of the Pacific Branch

As shown on the map at the back of this book, the land originally donated for the Pacific Branch of the National Home located in West L.A. was conveyed under four separate deeds.

DEED A: 1888, 300 acres: John P. Jones and Arcadia Bandini de Baker donated 300 acres of their Rancho San Vicente y Santa Monica for the Pacific Branch of the National Home. This deed states: "..to have and to hold the said land and promises, with appurtenances, unto the [National Home] to be thereon so located, established, contructed, and permanently maintained."

DEED B: 1888, 300 acres: John Wolfskill donated 300 acres of the Rancho San Jose de Buenos Ayres for the Pacific Branch. The land is now used for the Los Angeles National Cemetery, the West Los Angeles Federal Building, and a City of Los Angeles park.

(The authors are informed that the original donation had been for 300 acres restricted in a similar manner to Deed A plus a promise of $100,000. When economic reversals precluded the cash gift, Wolfskill's syndicate transferred the land with no restrictions in lieu of the original promise of land plus cash.)

DEED C: 1899, 235.5 acres: Fulfilling a National Home request to enlarge the facility, Santa Monica Land & Water Co. (formed in 1896 by John P. Jones & Arcadia Bandini de Baker) donated 235.5 acres to the Pacific Branch, extending its northern reach. At about this time, 20 acres at the southwest corner of the original gift (Deed A) was returned to Santa Monica Land & Water Co. The northernmost portion of this Deed C land (perhaps a third of it) was later transferred from the National Home, perhaps in return for the land acquired by Deed D.

DEED D: 1921, 35.67 acres: Roy Jones (son of John P. Jones) and his wife Pauline transferred this land to the National Home. The land now hosts the UCLA Jackie Robinson Stadium, Veterans Garden, and parking for shuttles to the Getty Museum.

A Note About Use Restrictions:

Deed A clearly states restrictions on the uses to which its land can be put. Although Deeds B, C, and D do not contain such language, they should be considered subject to the same restrictions as Deed A because the Pacific Branch, to which the land was donated, was established pursuant to a congressional act solely to "locate, establish, construct and permanently maintain" a branch home of the National Home.

The land on which the West L.A. VA is currently located is made up solely of the land donations made in 1888 and 1899 by John P. Jones and Arcadia B. de Baker, and the 1921 deed from John P. Jones's son. The land donated in 1888 by John Wolfskill, however, is now used for the Los Angeles National Cemetery, the West L.A. Federal Building, and a Los Angeles city park; none of this land is being used by the West L.A. VA.

Image No. 8
Date: 1908

Image No. 9
Date: 2010

Image No. 10
Date: 2010

Image No. 11
Date: circa 1930

Original Use of the Pacific Branch Home as a Home for Veterans

Consistent with the purpose of Congress in creating the National Home, the Pacific Branch sought to provide a home for life by catering to the whole person—intellectual, emotional, spiritual, and physical. In keeping with the prevailing belief that an aesthetically pleasing environment promoted social order and increased quality of life, well-known architect Stanford White designed the home buildings at the Pacific Branch, while the grounds were quickly transformed into "one of the most beautifully arranged and kept parks in the country."[1] At the Pacific Branch, entertainment and edification were considered important for maintaining resident well-being. **In the course of their day, veterans might browse the library's 5,545-volume collection,[2] join the baseball team, find "an unfailing source of entertainment"[3] in the aviaries,**

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1. "Soldiers' Home Pacific Branch, California," *The Daily Outlook,* Santa Monica. Quoted in Cheryl L. Wilkinson, "Forgotten Saviors: Disabled Civil War Veterans in West Los Angeles, A History of the Pacific Branch of the National Home for Disabled Volunteer Soldiers 1888-1915" (2008).

2. News Notes of California Libraries, Volumes 1–2, California State Library, 1907, pp. 43 (viewable on Google Books).

3. "Soldiers' Home: Birds Entertain Veterans," *Los Angeles Times,* November 15, 1903.

or undertake paid work at the home.[4] In addition, a regular stream of people (17,912 in 1893) came to visit the Pacific Branch and meet the "old soldiers,"[5] and the home band performed daily, often followed by talks, movies, magic lantern shows, and, on at least one occasion, an aeroplane acrobatic display. Residents in uniform who wished to attend were admitted free of charge to all events.[6]

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4. For the fiscal year ending June 30, 1908, the Home employed 83 civilians and 433 members on extra duty, with pay, the latter under salaries varying from eight dollars to seventy-five dollars per month. "Close To Million," *Los Angeles Times*, July 26, 1908. Note: Residents were called "members" not "patients."

5. "Soldiers Home. The Annual Report of the Governor," *Los Angeles Times*, July 19, 1893.

6. *Los Angeles Times,* August 29, 1913: "On Monday [the veterans] enjoyed combined band concert and moving picture show. On Tuesday evening, a lecture on travels attended by stereoptican views… a band concert and moving picture exhibition will take place on Thursday evening. Col. F. W. FitzGerald will, on Friday evening, recite his "Epic on the Holy Land" … and on Saturday the Soldiers' Home baseball club will contend with a nine from Orange on the Home Field."

Image No. 12
Date: unknown

Image No. 13
Date: 2010

DESCRIPTION OF 1888 DEED TRANSFERRING DONATED LAND TO THE PACIFIC BRANCH OF THE NATIONAL HOME

The 1888 Deed conveyed 300 acres of land in West Los Angeles from John P. Jones and Arcadia B. de Baker to the National Home. The deed contained a "witnesseth" clause, specifically recognizing the act of Congress of March 2, 1887, whereby the National Home Board of Managers was authorized **"to locate, establish, construct and permanently maintain a branch of said National Home for Disabled Veterans"** west of the Rocky Mountains. Under this act, the Board of Managers chose Los Angeles as the site of the Pacific Branch, taking advantage of this generous land donation.

The "witnesseth" clause under the 1888 Deed further acknowledged that, consistent with the 1887 act, the donated land was subject to the express restriction that it be

used **"to locate, establish, construct and permanently maintain such branch of said National Home for Disabled Volunteer Soldiers."**

The "witnesseth" clause under the 1888 Deed further acknowledged that in consideration of the offer of the donated land, the Board of Managers had selected the land offered by the donors **"for the purposes aforesaid,"** as a result of which the National Home expressly accepted the land to be used **"to locate, establish, construct and permanently maintain such branch of said National Home for Disabled Volunteer Soldiers."**

Finally, the actual conveyance language under the 1888 Deed specifically provided that the conveyance of the land by the donors was "in consideration of the premises and of the location, establishment, construction and permanent maintenance of a branch of the National Home."

This Indenture made the third day of March one thousand eight hundred and eighty-eight, By and Between John P. Jones and Arcadia B. de Baker, the parties of the first part and the National Home for Disabled Volunteer Soldiers, a corporation, formed and now existing under the laws of the United States, the party of the second part,

Witnesseth: that whereas by an act of Congress approved March 2nd 1887 to provide for the location and erection of a branch home for disabled volunteer soldiers West of the Rocky Mountains, the Board of Managers of the National Home for Disabled Volunteer Soldiers were authorized, empowered, and directed to locate, establish, construct and permanently maintain a branch of said National Home for Disabled Volunteer Soldiers, to be by such Board, located at such place in the States West of the Rocky Mountains as to said Board should appear most desirable and advantageous.

And whereas, the parties hereto of the first part in consideration that the party hereto of the second part should locate, establish, construct and permanently maintain a branch of said National Home for Disabled Volunteer Soldiers on a site to be selected by its Board of Managers along the dividing line between the Ranchos San Jose de Buenos Ayres and San Vicente y Santa Monica offered to donate to the said party of the second part, three hundred acres of land, being a portion of said Rancho San Vicente y Santa Monica belonging to them, the said parties of the first part, on which to locate, establish, construct and permanently maintain such branch of said National Home for Disabled Volunteer Soldiers.

And Whereas the Board of Managers of said National Home for Disabled Volunteer Soldiers, in consideration of said offer have selected the land and premises hereinafter described for the purpose aforesaid, and have notified the parties of the first part of such selection.

Image No. 14
Date: 1888

1888 DEED CREATED A CHARITABLE (OR PUBLIC) TRUST REQUIRING THAT DONATED LAND BE PERMANENTLY USED BY THE VA AS A HOME FOR VETERANS

Applicable Law Establishes that a Charitable (or Public) Trust Is Created when Land is Donated to a Governmental Entity Subject to a Deed Restriction that Land Be Used for Charitable or Public Purpose

Where a donor donates land to a governmental entity and the deed conveying the property expresses the donor's intention for the land to be permanently dedicated for a specified charitable use benefitting an indefinite class

of persons, a charitable trust is created with the governmental entity as the trustee. *See City of Palm Springs v. Living Desert Reserve*, 70 Cal.App.4th 613, 82 Cal.Rptr.2d 859 (1999) and authorities cited therein and case law discussed below. In the context of a deed conveying donated land, the donor's intention is of paramount importance. *City of Manhattan Beach v. Superior Court*, 13 Cal.4th 232, 52 Cal. Rptr. 82 (1996). Such intention is determined "from the words which have been employed in connection with the subject-matter, and from the surrounding circumstances" existing at the "time of the execution of the deed." *Berkeley Hall School Foundation*, 40 Cal.App.2d 31, 103 P.2d 1052 (194); *Goddard v. Coerver*, 100 Ariz. 135, 412 P.2d 259 (1966). A court may also rely upon recitals in the deed. *Murphy v. Bilbray*, 1997 WL 754604 (S.D. Cal. 1997).

It is not necessary that any particular words or conduct be manifest to create a charitable trust, and a charitable trust may be created without using the words "trust" or "trustee." *Goddard v. Coerver*, 100 Ariz. 135, 412 P.2d 259 (1966), citing *Scott on Trusts* § 24-25 (2d ed. 1956); *Restatement (Second) of Trusts* 2d § 24. Moreover, the law favors gifts made for a charitable purpose, and a court will liberally construe the document making such a gift to accomplish the intent of the donor. *In Re Estate of Breeden*, 208 Cal.App.3d 981, 256 Cal.Rptr. 813 (1989); *Estate of Tarrant*, 38 Cal.2d 42, 237 P.2d 505 (1951). Broadly defined, charitable purposes used to support the creation of a charitable trust include such things as the

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fulfillment of governmental purposes, relief of poverty, promotion of health, and the furthering of other purposes, the accomplishment of which is beneficial to the community or some class indefinite as to numbers and individuals. *Walton v. City of Red Bluff*, 2 Cal.App.4th 117, 3 Cal.Rptr.2d 275 (1991), citing *Restatement (Second) of Trusts*, § 368; *People v. Cogswell*, 113 Cal. 129, 45 P. 270 (1896). "[G]ifts in aid of governmental purposes are uniformly held to be for charitable purposes," *Estate of Hart v. County of Los Angeles*, 151 Cal.App.2d 271, 311 P.2 605 (1957); *Murphy v. Bilbray*, 1997 WL 754604 (S.D. Cal. 1997), as are donations for promoting the welfare of mankind at large, or of a community, or of some class forming a part of it, indefinite as to numbers and individuals. *Estate of Schloss v. Reinhold*, 56 Cal.2d 248, 363 P.2d 875 (1961).

The case of *South Carolina Department of Mental Health v. McMaster*, 372 S.C. 175, 642 S.E.2d 552 (2007), demonstrates that the courts will find a charitable trust resulting from a donation of land to a governmental entity subject to restrictions on its use for public purposes. In that case, donations of land were made to "the Regents of the Lunatic Asylum of South Carolina" pursuant to deeds containing restrictive language requiring the property use be limited "for the use and purposes of the State Hospital for the Insane." The State Lunatic Asylum was created in 1821, with the related legislation recognizing that the benevolent purposes of society require, on the part of the state, "a public institution for the reception

and cure of lunatics, for the instruction of the deaf and dumb, and for the maintenance of the poor and destitute of either class." The court found that the deeds under which the land was donated created a charitable trust, stating:

> "[T]he property here was conveyed for the charitable purposes of the State Hospital for the Insane. It was conveyed to the Board of Regents of the Hospital, and the General Assembly enacted enabling legislation specifically for the benevolent purpose of establishing a hospital for the insane.... **We find that the deeds and the legislative acts giving rise to the State Hospital clearly evidence the creation of a charitable trust.**"

In reaching this decision, the court relied upon the 1922 case of *Harter v. Johnson* 122 S.C. 96, 115 S.E. 217 (1922), where that court was called upon to interpret the will of a deceased physician who had bequeathed "[a]ll the residue of my estate, real and personal and mixed, ... I give and devise, for the purpose of establishing, building and equipping a public hospital in the town of Fairfax." The court held that a charitable trust was created, specifically recognizing that in the case of a charitable donation made for specified purposes, no formality in the use of language is required in order to create a charitable trust.

In *Murphy v. Bilbray*, 1997 WL 754604 (S.D. Cal. 1997), a 1929 deed stated that it was

"conveying Mt. Helix Nature Theatre … to the County of San Diego, State of California and establishing an endowment fund for the perpetual maintenance and betterment thereof." The deed also stated that the donor had improved the Mt. Helix property for the purpose of "render[ing] it suitable for eleemosynary, religious, educational and public uses and purposes." The court held that these words **"clearly indicated [an] intent to create a charitable trust for the benefit of the public."**

A deed conveying property donated to a governmental entity containing restrictions imposed by the donor has also been determined to constitute a public trust, a concept similar to the charitable trust doctrine, which similarly imposes a fiduciary duty upon the governmental entity, as trustee, to use the donated property only for the purpose specified by the donor. In *Welwood Murray Memorial Library Com. v. City Counci*l, 215 Cal.App.3d 1003, 1012, 263 Cal.Rptr. 896 (1989), for example, the City of Palm Springs, California, acquired donated land by two deeds executed by the donors and that restricted the use of the property for a public library. In affirming an order preventing the city from using the property for other, non-library purposes, the court applied the "public trust" doctrine, stating: "A public trust is created when property is held by a public entity for the benefit of the general public. Here, title to the library property is held by city to be used by city for the benefit of the general public as a public

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library." *See also Big Sur Properties v. Mott*, 62 Cal.App.3d 99, 132 Cal.Rptr. 835 (1976) (holding that a deed requiring land donated to the State of California "be used in perpetuity as public park" and is owned by the State of California as trustee of a public trust for the benefit of the public); *Estate of Hart v. County of Los Angeles*, 151 Cal.App.2d 271, 311 P.2d 605 (1957) ("a public trust arises by operation of law where a municipal corporation accepts a grant of real property for park purposes"); *County of Solano v. Handlery*, 155 Cal.App.4th 566, 66 Cal.Rptr.3d 201 (2007) (citing case law for the proposition that the "public trust doctrine" applies where property is donated to a governmental entity for dedicated public purposes).

Fiduciary Duty of Governmental Entity Holding Land Subject to Charitable (or Public) Trust

Where a charitable or public trust is created upon a donation of land to a governmental entity, the governmental entity holds legal title to the land only as a trustee, subject to a legally imposed fiduciary duty to use the property only for the dedicated purpose specified by the donor. *City of Palm Springs v. Living Desert Reserve*. In such a case, the courts have uniformly held that the land cannot be used for another or different purpose and the governmental entity cannot legally divert the use of property from the purposes to which it was dedicated under the deed. *See, e.g., Roberts v. City of Palos Verdes Estates*, 93 Cal.App.2d 545, 547, 209 P.2d 7 (1943), where the court stated that the law is clear: "Where a grant deed is for a specified, limited and definite purpose, the subject of the grant cannot be used for another and different purpose." The courts endeavor to protect the public's interest in a charitable trust and "will not allow such to fail because of the action of the trustee." *Hart, Jr. v. County of Los Angeles*, 260 Cal.App.2d 512, 67 Cal.Rptr. 242 (1968). Further, the restrictions imposed on the property subject to a charitable trust are protected from termination or alteration by an act of a legislative body. *See Smith v. Moore*, 225 F.Supp. 434 (E.D.Va. 1963) (legislature cannot terminate a charitable trust, nor seek to control its disposition); *see also Second Ecclesiastical Society of Hartford v. Attorney General*, 133

Conn. 89, 48 A.2d 266 (1946) (supervision of charitable trusts is an inherent judicial function and is not a matter for the legislature); *Welwood Murray Memorial Library Com. v. City Council*, 215 Cal.App.3d 1003, 1017, 263 Cal. Rptr. 896 (1989) (trust arising from donation of property for a public library will "prevent an ultra vires, and hence nonlegislative, act").

In the case of *Welwood Murray Memorial Library Com. v. City Council*, 215 Cal.App.3d 1003, 1017, 263 Cal.Rptr. 896 (1989), the City of Palm Springs acquired donated land by two deeds that restricted the property's use to a public library. After finding that the restriction on the property use imposed under the deeds did, in fact, create a public trust, the court further stated:

> "Any attempt to divert the use of the property from its dedicated purposes or uses incidental thereto would constitute an ultra vires act. Thus, it would be proper not only to issue an injunction to enforce the obligation arising from the existence of the public trust, i.e., to enforce City's obligation to use the property as a public library, but also to prevent an ultra vires, and hence nonlegislative, act." (Citations omitted.)

In determining whether or not donated land is being used for its dedicated purpose under the deed, "the applicable test is **not** whether a proposed use is 'consistent' with the dedicated

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purpose, or whether it will 'contribute' to such purpose, **but whether the proposed use will 'directly contribute' to the dedicated purpose**." *Welwood Murray Memorial Library Com. v. City Council*, 215 Cal.App.3d 1003, 1012. In that case, land was donated to the City of Palm Springs under a deed requiring the city to "continue and forever maintain the Palm Springs Free Public Library above mentioned in and on buildings which are now or may be hereafter placed on the property hereby conveyed." The city sought, among other things, to grant an easement to a developer over the library property for purposes related to an adjoining proposed commercial development, including the placement of dining tables, chairs, and related equipment for an adjacent restaurant, to provide an open area on the library property for pedestrian traffic from the nearby streets to the proposed commercial development, and to raze approximately four feet of one of the library buildings. The court stated that any proposed use of the donated library property "must directly contribute to the use and enjoyment of the property for library purposes: e.g., the proposed use must directly facilitate the acquisition, retention, storage and use of books, manuscripts and similar materials." The court then held that the **"use proposed by the City in no way directly contributes to these purposes."** The court specifically noted the following:

- The proposed use of the library property by the city was, in at least one way, "antithetical to library purposes, as

the proposed use would destroy parts of the building where books are stored and used."

• The proposed use of the library property was "obviously designed to enhance the uses to which the developer intends to put the surrounding commercial property, namely to enhance the use of such property as restaurants and retail businesses by providing pleasant areas in which to talk, eat and converse, and by increasing the flow of pedestrian traffic around the library and into the 'foot traffic' area of the restaurants and retails stores … It is a matter of common knowledge, and not one reasonably subject to dispute, that such activities, agreeable as they may be, do not directly contribute to the use of the materials found in libraries because they are distracting (conversing) or potentially harmful to the books or library furnishings (eating)."

• "Finally, and perhaps most notably, the plan to grant the developer an easement over the Library Property… obviously would effectively bar the use of the subservient tenement for the construction of additional library wings or rooms, should they be needed. Such a result is clearly in violation of the restriction contained in the 1838 Murray deed, which required the City to 'forever maintain' the library 'in and

on buildings which are now or may be hereafter placed on the Property.'"

Because the use of donated land must directly contribute to the specific purpose for which it is dedicated, it is not permissable to use donated property to produce income if such use does not directly contribute to the dedicated purpose, even if the income would otherwise be used to further the dedicated purpose. *See, e.g., Heinfly v. Lolli*, 2 Cal.App.3d 904, 82 Cal. Rptr. 914 (1970) (income to the state from the leasing of property "will not justify use" of the donated property where the use of the property under a leasing agreement is not permitted under terms of deed conveying the property to the state). Absent such a rule, donor intent could be easily defeated and the dedicated purposes avoided merely by a governmental entity leasing the donated property in return for rental income.

From a policy consideration, the courts have upheld restrictions on charitable contributions in the "interest of donors who have directed that their contribution be used for certain charitable purposes." *Holt v. College of Osteopathic Physicians*, 61 Cal.2d 750, 394 P.2d 932, 40 Cal. Rptr. 244 (1964). Such restrictions are upheld, in part, because of the "interest of the public in encouraging the creation and the continuation of trusts for a charitable or public purpose." This policy consideration was specifically recently recognized in *County of Solano v. Handlery*, 155 Cal.App.4th 566, 66 Cal.Rptr.3d 201 (2007), where the court stated "that if the courts were

to permit public entities to accept from donors gifts of property subject to restrictions on the property's use, and then later jettison those restrictions on their own whim, donors would be discouraged from making such gifts in the future."

A second policy concern expressed in *County of Solano v. Handlery* is rooted in the maxim of equity that **"he who takes the benefit must bear the burden."** According to the court, "that means that the donee of a conditional gift may not keep the gift unless the donee complies with the donor's conditions. That the donee in this case is a public entity … does not exempt it from that rule. To the contrary, public entities should exemplify equitable conduct. A public office is a public trust created in the interest and for the benefit of the people. … [A] public entity [has a] heightened duty to act equitably when it accepts a conditional gift from a donor for the public's benefit."

Even where land is transferred without a deed restricting the property use, a gift to an entity that exists solely for a particular charitable work will be construed to be held in trust for that purpose. *See, e.g., In re Merchant's Estate*, 143 Cal. 537, 77 P. 475 (1904); *In re Winchester's Estate,* 133 Cal. 271, 65 P. 475 (1901). Thus, in *In re Merchant's Estate*, for example, in upholding a bequest, the court stated that the intention of the donor to the Oakland Red Cross Society was that the bequest "should be devoted to the objects to carry out which was the sole purpose of creating and maintaining

the society." Clearly, where a governmental entity is created for a single purpose, a contribution to such entity by an individual will be construed to be held in trust for that particular single purpose.

1888 Deed Created a Charitable Trust Subjecting the VA to a Fiduciary Duty to Permanently Use Donated Land as a Home for Veterans

When John P. Jones and Arcadia B. de Baker originally donated 300 acres of land in West L.A. to the National Home for Disabled Volunteer Soldiers, a predecessor to today's VA, they left no doubt of their intention that the land be permanently dedicated as a home for veterans. Their March 5, 1888 deed conveying the land contains no less than five separate references to the requirement that the land be used to **"locate, establish, construct and permanently maintain"** a branch home of the National Home. The deed specifically stipulates that the land was conveyed in return for the promise of the National Home to permanently use the land as a branch home for veterans. The deed also refers to an act of Congress on March 2, 1887, that authorized the Board of Managers of the National Home to "**locate, establish, construct, and permanently maintain** a branch of said National Home […] located at such place in the States west of the Rocky Mountains as […] shall appear most desirable and advantageous." Pursuant to this act of Congress, the National Home accepted the 300 acres of donated land in 1888 for the express purpose of creating a permanent home for veterans in West Los Angeles.

There can be no doubt, therefore, that the donors of the land to the National Home under

the Deed of 1888 intended for the donated land to be permanently used for the purpose of providing a home for disabled veterans, in a manner consistent with the meaning of "home" adopted by the National Home at the time of the donation of the land. Further, the donors similarly manifested an intention to impose an affirmative duty upon the National Home to use the land for such purpose. Clearly, the donation of the land under the Deed of 1888 was not intended as an unrestricted gift to the National Home for its general purposes, but was restricted for the specified, limited, and definite purpose of establishing a permanent branch home for veterans. As a result, the Deed of 1888 created a charitable or public trust, under which the National Home was given the land only in the capacity as a trustee, subject to a legally imposed fiduciary duty to use the land solely for the purpose of permanently providing a home for veterans, consistent with the meaning of "home" at the time the land was donated. The National Home, therefore, was required to use the land only in a manner that directly contributed to the use of the land as a home for veterans and was not permitted to divert the use of such property for another or different purpose. As the successor to the National Home, the VA now holds the donated land only as a trustee, subject to the same fiduciary obligation as the National Home to utilize the donated land solely for the purpose of permanently providing a home for veterans.

Moreover, as described above, and consistent with its name being officially changed in 1873,

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before the 1888 gift, from the "National Asylum for Disabled Volunteer Soldiers" to the "National Home for Disabled Volunteer Soldiers," the very purpose in creating the National Home in the first instance was the provision of a permanent home to veterans. At the time, it was widely known and publicized that the donors gave the land pursuant to the 1888 deed with the idea of a "home" at the National Home as a domestic environment that catered to the whole person—intellectual, emotional, spiritual, and physical—a place where veterans received living quarters, food, recreation, amusements, religious instruction, employment opportunities, and medical care. By the time the donors gave the land for the Pacific Branch under the 1888 deed, it was widely known what a branch home at the National Home was meant to be, how it was operated at the time, and the benefits it accorded veterans. There can be no question regarding the intent of the donors regarding the use of their donated land under the Deed of 1888.

Similar to the 1888 deed, because the Pacific Branch of the National Home was created by an act of Congress for the sole purpose of having the National Home to "**locate, establish, construct, and permanently maintain** a branch of said National Home," the land donated under the 1899 deed and the 1921 deed is considered restricted to the same extent as the Deed of 1888 and, as a result, the VA has a fiduciary duty to use the donated land under the 1899 deed and the 1921 deed as a home for veterans, just as it does under the Deed of 1888.

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FAILURE OF VA
TO USE DONATED
LAND UNDER
THE DEED OF
1888 AS A HOME
FOR VETERANS
CONSTITUTES
A BREACH OF
ITS FIDUCIARY
DUTY, AN
IMPERMISSIBLE
DIVERSION FROM
THE PURPOSE TO
WHICH LAND WAS
DEDICATED, AND
A VIOLATION OF
DONOR INTENT

Rather than adhering to its obligation under the 1888 Deed to use the donated land as a permanent home for veterans, the VA has chosen to jettison the restrictions placed on the donated land on its own whim, as there is absolutely no reason why the donated land cannot be used for its intended purpose as required under the 1888 Deed. Accordingly, the actions of the VA in this matter have resulted in a breach of its fiduciary duty, a diversion of the land from the purpose to which it was dedicated, and a violation of donor intent.

The uses to which the VA has put the land are summarized in the Property Tables beginning on page 89.

The West L.A. VA no longer provides life-long or long-term "residences and care" on the deeded land for those veterans who require only a home, even though the County of Los Angeles has the largest population of homeless veterans in the country. Instead, the land conveyed under the Deed of 1888 now hosts the VA's largest healthcare campus in the country, and a nightly average of less than 1,500 veterans sleep on the site, either as patients at the James Wadsworth Hospital,[7] or as patients in a variety of treatment programs. In other words, those veterans who are located at the facility are no longer dealt with as "residents" or "members," but as "patients." Although the West L.A. VA describes the facility

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7. The James Wadsworth Hospital is the West Los Angeles Medical Center, also known as Building 500.

as "a [t]ertiary care facility including long term care and domiciliary,"[8] with the exception of a Nursing Home Care Unit that currently serves 226 elderly veterans,[9] homeless veterans must prove that they are substance abusers, mentally ill, or, in a few cases, receiving medical treatment at Wadsworth Hospital, before being provided with a bed.[10] They may then enter a program for recovery for up to only two years, usually less.

The mission of the West L.A. VA focuses on healthcare, not home, in that it exists "to serve the veteran through the delivery of timely quality care by staff who demonstrate outstanding customer service, the advancement of health care through research, and the education of tomorrow's health care providers."[11] The domiciliary functions that remain today are primarily operated by charitable organizations, such as the Salvation Army and New Directions, to cater to people in recovery from substance abuse and/or the dual diagnosis of substance abuse and mental illness. The domiciliary experience is, therefore, entirely medicalized and positioned as an act of charity rather than a right earned, contrary to the stated intentions and purposes of the National Home.[12]

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8. http://www2.va.gov/directory/guide/facility.asp?id=78. Accessed November 2010.

9. Ibid.

10. Janet Owen Driggs: "Home to Hospital, The Medicalization of the Veteran Welfare State," *Strawberry Gazette*, Vol. 1, Issue 4, June 2010.

11. http://www.losangeles.va.gov/about/index.asp.

12. *Proceedings of the Board of Managers*, September 24, 1890.

Today, the veteran experience on the deeded land has changed from the requirements imposed under the charitable trust established under the Deed of 1888, as the status of a veteran at the West L.A. VA has shifted from that of "resident" (or even a "member") of a home to that of "patient" in a hospital to be cured and moved on, so participation in local activities has diminished or been eliminated. The patient's day is structured by their recovery program. Participation in unscheduled activities, such as an art class, requires a doctor's referral. There are virtually no athletic facilities available to veterans on the extensive VA grounds.[13] Community entertainment is restricted to major holidays and is often unavailable even then.[14] This is a far cry from the purposes for which the land was given—the uses specified by the donor under the charitable trust created by the 1888 Deed.

Moreover, the VA has used the donated land for a multitude of purposes that, beyond any doubt, do not directly contribute to the provision of a veterans' home. Even worse, these other uses effectively bar the use of the donated land from its dedicated purpose as a home for veterans. Access of veterans to at least 110 acres of the land at the West L.A.

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13. "Veterans' Sports: It's a Shutout," *Strawberry Gazette*, November 2010.

14. Notably, on Veterans Day 2009, Memorial Day 2010, and July 4, 2010, when the VA had organized no community-wide events for the entertainment of veterans, the Metabolic Studio hosted popular open-invitation celebrations at *Strawberry Flag*.

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VA is forbidden or restricted[15] by land-sharing agreements that the VA has entered into with commercial entities and other organizations. This use of the land does not conform with the requirement under the Deed of 1888 that the donated land be used in a manner that directly contributes to its use as a home for veterans; this use is therefore not permissible.

For example, the Wadsworth Theater, built in 1939 as an entertainment center for veterans, is under a sharing agreement with Wadsworth Theatre Management LLC/ Richmark Entertainment, as is the Brentwood Theater and a "27-acre parcel of land." The venues host Broadway shows, musical concerts, film premieres, and theatrical productions, for which veterans are charged full ticket price.[16] Notably, the forty-two-page Wadsworth Sharing Agreement included such requirements as special event signage dimensions, but it required no cost reduction or hiring preference for veterans. The 2.53 acres subject to a "sharing agreement" with Westside Operating Partners Ltd./Breitburn Energy Company, LLC, are now home to a number of active, productive wells and are consequently off limits to veterans. Building 224 is subject to a sharing agreement with Western State Design Inc., which affords space for the processing of laundry for Marriott hotels and other, non-Marriott properties and thus excludes veteran

15. See Property Tables, pgs. 89–156.

16. See Property Table No. 18 and http://richmarkent.com/.

use. Approximately 10 acres of the donated land is used by Enterprise Cars and Tumbleweed Charter Buses for vehicle storage and is also consequently unavailable for veteran use.

Consistent with the breach of its fiduciary duty under the 1888 Deed, in August 2007, the West L.A. VA approved a rent-free, twenty-year, enhanced sharing agreement with the Veterans Park Conservancy for the operation of a 16-acre public park, rendering that land unavailable for VA development of veteran-serving uses (e.g., housing for homeless veterans). This is antithetical to the dedicated purposes of the land. Of additional note, entry plaques that once read "National Veterans Home" have been replaced with ones that read "National Veterans Park." Accordingly, the "beautifully arranged" grounds of the "Soldiers Home," which were both entirely contingent upon the presence of a home for veterans and an integral component of the concept of "home," are now being preserved for the benefit of a surrounding, predominantly civilian population, independent of any such preservation of a home for veterans. This is not a permissible use of the donated land.

SOVEREIGN IMMUNITY HAS BEEN WAIVED BY THE UNITED STATES WITH RESPECT TO ENFORCEMENT OF THE OBLIGATION OF THE VA TO ADHERE TO ITS FIDUCIARY DUTY TO PERMANENTLY USE LAND DONATED UNDER 1888 DEED AS A HOME FOR VETERANS

It is axiomatic that the United States may not be sued without its consent. *See Minnesota v. United States*, 305 U.S. 382, 388, 59 S.Ct. 292, 83 L.Ed. 235 (1939); *United States v. Mitchell*, 445 U.S. 535, 100 S.Ct. 1349 (1980); *United States v. Sherwood*, 312 U.S. 584, 586, 61 S.Ct. 767 (1941). In this case, however, where the issue relates to whether the VA has breached its fiduciary duty under the law of trusts in connection with its obligations under the Deed of 1888, sovereign immunity would not bar a suit against the United States, as it has been explicitly waived under the Administrative Procedure Act ("APA"), 5 U.S.C. § 702.

In *Cobell v. Babbitt*, 30 F.Supp.2d 24 (D.C. 1998), for example, an action was brought for equitable relief against the Secretary of the Interior of the United States "under the law of trusts for breaches of trust duties by the trustee who, in this case, is the government." Based on these breaches of trust duties, the plaintiffs sought, among other things, a declaration of defendants' trust obligations and a declaration that the defendants have breached and continue to breach these duties. The plaintiffs pointed to APA, 5 U.S.C. § 702, as the applicable waiver of sovereign immunity.

The court held that sovereign immunity did not apply in this case under 5 U.S.C. § 702, stating as follows:

> "The case law and legislative history with respect to § 702 clearly evince the federal government's consent to

suit in the present case. The plaintiffs' prospective request for an injunction is an action for relief "other than money damages." The plaintiffs have sued federal officers for actions taken, or not taken, in their official capacity. Therefore, Congress has directed that the plaintiffs' suit "shall not be dismissed nor relief ... denied on the ground that it is against the United States." 5 U.S.C. § 702. Sovereign immunity does not bar the plaintiffs' suit seeking injunctive relief."

CONCLUSION

When John P. Jones and Arcadia B. de Baker originally donated 300 acres of land to the National Home for Disabled Volunteer Soldiers, a predecessor to today's VA, they left no doubt of their intention that the land be permanently dedicated as a home for veterans. Their March 5, 1888 deed conveying the land contains no less than five separate references to the requirement that the land be used to **"locate, establish, construct and permanently maintain"** a branch home of the National Home. The deed specifically stipulates that the land was conveyed in return for the promise of the National Home to permanently use the land as a branch home for veterans.

The deed also refers to an act of Congress on March 2, 1887 that authorized the Board of Managers of the National Home to "locate, establish, construct, and permanently maintain a branch of said National Home … located at such place in the States west of the Rocky Mountains as … shall appear most desirable and advantageous." Pursuant to this act of Congress, the National Home accepted the 300 acres of donated land in 1888 for the express purpose of creating a permanent home for veterans.

The restrictions imposed under the 1888 Deed conveying the land to the National Home

created a charitable (or public) trust, whereby the VA, as the successor to the National Home, holds the donated land only in the capacity as a trustee, subject to a legally imposed fiduciary duty to permanently use the donated land as a permanent home for veterans.

The VA has chosen to jettison the restrictions placed on the donated land under the 1888 Deed on its own whim and, in doing so, has turned its back on the fiduciary duty imposed upon it by accepting a restricted donation of land. As a result, the VA has breached its fiduciary duty, diverted the use of the land from the purpose to which it was dedicated, and violated donor intent. This land is held in trust to be used as a permanent home for veterans and should once again be returned to that use as required under the Deed of 1888 and intended by the donors.

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AFTERWORD

Just before going to press with this book, the federal court in Los Angeles ruled on the VA's motion to dismiss the ACLU lawsuit. The judge decided that the Deed of 1888 did indeed create a trust under which the VA has a duty to veterans to permanently maintain the home, and that 1866 Congressional action authorized the government to accept the property subject to the trust. But he found that the government's trustee obligations are not *enforceable* in the absence of an explicit statute to that effect.

As a result, while the ACLU lawsuit will go forward based on other claims concerning leasing agreements and services for veterans with severe disabilities, the judge dismissed the claim based on the Deed of 1888. "While this result may seem shocking," he said, "this is the result the law dictates."

For this to be otherwise, the government would need to pass a law specifically holding itself accountable for the promises it made when it accepted the property under the Deed in 1888. Something it is unlikely to do, unless we—the people—hold it accountable.

"If the allegations of the [plaintiffs' complaint] are true," the court said, "the Government has

essentially ignored the unenforceable promise it made with respect to much of the donated land that is now part of the [West L.A.] Campus."

But does an honorable person only keep those promises that he/she can be forced to keep? After all, "A promise made is a debt unpaid," as Robert W. Service wrote in his memorable ballad "The Cremation of Sam McGee."

Perhaps it is unrealistic to expect the VA to behave honorably and keep the unenforceable promise that was made in accepting the land. But even if the court can't force the VA to keep the promise, that doesn't mean that Congress can't do so. Or that the President can't do so.

Notwithstanding, and even especially *because of*, the court's ruling on the motion to dismiss, the Metabolic Studio remains committed to the veterans' benefits envisaged by the Deed of 1888. In fact, that commitment is bolstered by the court's finding that there is a trust and a promise. And the commitment is made even more necessary and more immediate by the court's opinion that its hands are tied so as to permit this "shocking" result in the lawsuit.

EXHIBITS

SOURCE MATERIALS

The authors consulted the following source materials, among many others, in the preparation of this paper. This listing is in no particular order and is not exhaustive, but does include the materials from which historical quotations in the text have been taken and does provide a reading list for those who would like to pursue further inquiry.

Patrick J. Kelly, *Creating a National Home: Building the Veterans' Welfare State 1860–1990*, (1997).

Suzanne Julin, *National Home for Disabled Volunteer Soldiers: Assessment of Significance and National Historic Landmark Recommendations*, a study completed in 2007 under a cooperative agreement between the National Council on Public History and the National Park Service, Midwest Regional Office. This paper by Ms. Julin can be found at: http://www.nps.gov/history/nhl/Themes/Special%20Studies/NHDVS.pdf.

Judith Gladys Cetina, *A History of Veterans' Homes in the United States, 1811–1930*, (1977) (Ph.D. dissertation, Case Western University).

Florence Wagman Roisman, "National Ingratitude: The Egregious Deficiencies of

the United States' Housing Programs for Veterans and the Public Scandal of Veterans' Homelessness," 38 *Ind. L. Rev.* 103 (2005).

Proceedings of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and Annual Reports of the Board of Managers to Congress.

Various newspaper archives, including those of the *Los Angeles Times*, the *Chicago Tribune*, and the *Milwaukee Daily Sentinel*.

PROPERTY TABLES

The following tables describe current use of the land given for the Soldiers Home, which is now home to the West L.A. VA, accrued to the federal government via four deeds described on pages 34 and 35 of this book.

In 2005 the VA described the West L.A. VA as occupying "approximately 390+/- acres"[1]. While 280 of these acres remain subject to the use restriction of Deed A, and all the land is subject to the use restrictions described on page 36, at least 110 acres at the West L.A. VA are now being used for such other, non-veteran-oriented purposes: oil mining, rental car storage, university and little league sports fields, a private school athletic center, and theaters that primarily showcase expensive productions for public rather than veteran audiences.

The following tables represent an effort to ascertain the specific uses to which the original Soldiers Home land is currently being put.

MAP NO: 1

NAME: VETERANS GARDEN

DEED: D

LOCATION: NORTH OF CONSTITUTION AVE., WEST OF I-405

ACRES: 6.74[1] OR[2] 15"

LANDHOLDER/ USER: RANCHO SANTA ANA BOTANICAL GARDEN (RSABG)

AGREEMENT DATES: INITIATED 2010 END DATE UNKNOWN

USE/S: RSABG "COLLABORATES WITH GLAHS TO TRAIN VETERANS ON THE PROPAGATION, CARE & MAINTENANCE OF CA NATIVE PLANTS"[3]

NOTES: SINCE 1989 THE "VETS GARDEN" HAS BEEN PART OF A WORK THERAPY PROGRAM "TO ~~ASSIST~~ ASSIST VETERANS MAKING THE TRANSITION BACK TO CIVILIAN EMPLOYMENT." IT REOPENED 10.25.10 UNDER A SHARING AGREEMENT WITH "RSABG"[4]

CONTINUE ON REVERSE

ADDITIONAL NOTES:

A VET EMPLOYEE REPORTED IN MAY 2011: "AT ONE TIME THERE WOULD BE 30 TO 40 GUYS WORKING AT THE VETS GARDEN... WE USED TO SELL FLOWERS AND VEGETABLES TO RESTAURANTS AND FLORISTS* ... WE DID WEDDINGS AND OTHER THINGS... NOW THE VETS GARDEN LIVES "IN NAME ONLY" WITH MERELY SEVEN VET EMPLOYEES."[5]

MAP NO:	NAME:
2	FARMERS MARKET
DEED: D	

LOCATION:	ACRES:
NORTH OF CONSTITUTION AVE., WEST OF I-405	UNKNOWN

LANDHOLDER/ USER:	AGREEMENT DATES:
WESTWOOD FARMERS MARKET	OPERATED AT VA 2006 TO 2011

USE/S:

WEEKLY MARKET OPEN TO THE PUBLIC

NOTES:

THE FARMERS MARKET CLOSED IN OCTOBER 2011 FOR LACK OF PATRONAGE; MARKET ORGANIZERS SAID THEY HAD "ASKED FOR VA ATTENTION" TO SEVERAL REQUESTS DESIGNED TO INCREASE THE MARKET'S VISIBILITY, BUT THAT THEY

CONTINUE ON REVERSE

ADDITIONAL NOTES:

"HAD NO RESPONSE" FROM THE VA.[6]

MAP NO: 3

NAME: Jackie Robinson Stadium

DEED: D

LOCATION: North of Constitution Ave., west of I-405

ACRES: 9.92[7] or 7.35[8]

LANDHOLDER/ USER: University of Los Angeles California (UCLA)

AGREEMENT DATES:[9] Opened in 1981 Sharing Agreement[10] expired April 2011 We are informed that UCLA was given a one-year extension.

USES: "UCLA's home baseball field"[11]

NOTES:
Jackie Robinson Stadium (JRS) is named for the one-time UCLA student, a World War II veteran, whose major league debut brought segregation in professional baseball to an end.

JRS opens "its 32nd season... in the spring of

CONTINUE ON REVERSE

ADDITIONAL NOTES:

2012, after significant renovations since 2006--- provides one of the most comfortable college baseball settings in the West."[12]

Veterans report that they are admitted free for UCLA games but pay for National College Athletic Association playoffs[13]

On 6.30.2011 a groundskeeper found the decomposing remains of VA patient Jose Luis ~~Plasencaat~~ Plascencia, which had lain in foliage near JRS for a week. Although police did not initially fear foul play, the coroner ruled a homicide.[14] As the VA property falls under federal jurisdiction the FBI were notified and the knife used to cut Plasencia's throat was subsequently found in the JRS vicinity.

MAP NO:	NAME:
4	Getty Museum Parking & Shuttle
DEED: D	

LOCATION:	ACRES:
Parking lots north of Constitution Ave., west of I-405	unknown

LANDHOLDER/ USER:	AGREEMENT DATES:
unknown	Not before December 1997, when the Getty opened. (See Notes column)

USE/S:

Free parking and shuttle. (An alternative to $15 Getty parking & tram).

NOTES:

When the Getty opened in December 1997 the VA rented "seperate sections of the same parking lot" to two rival shuttle companies. The VA said: "We knew about the problem

CONTINUE ON REVERSE

ADDITIONAL NOTES:

with the Getty parking... we felt this way we could help the community and make some revenue for ourselves.[15]

"Avoid the...parking cost: take the free shuttle, no reservations required, available from the nearby lot on Sepulveda Blvd. & Constitution Ave."[16]

MAP NO:	NAME:
5	Sawtelle Area Drill Site
DEED: A	

LOCATION:	ACRES:
"South of Constitution Avenue"[17]	2.53[18]
LANDHOLDER/ USER:	**AGREEMENT DATES:**
Westside Operating Partners Ltd/ Breitburn Energy Company LLC[19]	1.1.2005 to 1.1.2013[20] But see Notes

USE/S:

"a number of active and inactive oil wells on site."[21]

NOTES:

Ten thousand feet under the WLA VA's gopher-holed grass is an oil field. BreitBurn's chain link-enclosed compound contains 12-14 active wells producing around 185,000 barrels of crude annually - an approximate

CONTINUE ON REVERSE

ADDITIONAL NOTES:

$18,500,000 annual value.

BreitBurn is an LA-based company "founded by two Stanford Petroleum engineering students who bought up... existing leases... and redeveloped them using computer oil field modeling."[22]

The Sawtelle field is at the tip of an "urban ~~test~~ trend", which stretches east to downtown LA. Since 2007 when the U.S. Dept. of the Interior controlled "the mineral rights agreement",[23] domain over oil and gas deposits here has transferred to the Dept. of Energy[24]. In the same period the lease terms have also changed,[25] from an end date of 2013 to "No expiration date." "Breitburn," states the WLA VA Master Plan 2011, "legally may drill until the production life of the field ends."[26]

MAP NO:	NAME:
6	LAUNDRY FACILITY
DEED: A	

LOCATION:	ACRES:
BLDG. 224	29,257 SQ. FT.[27]

LANDHOLDER/ USER:	AGREEMENT DATES:
WESTERN STATE DESIGN, INC. SODEXHO[28]	MARCH 2000 - MARCH 2010 W/5-YR. OPTION[29] BUT SEE NOTES

USES: PROCESSING LAUNDRY FOR MARRIOTT HOTELS AND OTHER, NON-MARRIOTT PROPERTIES

NOTES: ON 8.30.2011, THE Associated Press (AP) reported that the VA was "booting" this tenant from its sprawling campus a few miles from the ocean as it tries to counter accusations that

CONTINUE ON REVERSE

ADDITIONAL NOTES:

it puts commercial interests ahead of housing homeless vets." According to the AP report, Sodexho was told in a late 2010 letter that it would have to vacate by the end of 2011. We are informed that the deadline was later extended, and we have observed that the Bldg. 224 laundry is operating in mid-January 2012.

MAP NO:	NAME:
7	LOS ANGELES NATIONAL CEMETERY
DEED: B	

LOCATION:	ACRES:
950 SOUTH SEPULVEDA BLVD.	114.5

LANDHOLDER/ USER:	AGREEMENT DATES:
U.S. DEPT. OF VETERANS AFFAIRS — CEMETERY DIV.	SEE DEED B DESCRIPTION IN TEXT, PAGE 34

USE/S:

CEMETERY

NOTES: In May 1888, when it was dedicated, the cemetery comprised 20 acres and one interred resident. He was Abner Brather, a member of the Fourth Indiana Infantry, who died shortly after

CONTINUE ON REVERSE

ADDITIONAL NOTES:

arriving in Los Angeles. His neighbors now include Civil War veteran Nicholas Earp. The father of OK Corral gunfighters and Old West lawmen Wyatt, Virgil, and Morgan Earp, he died at the Soldiers Home in 1907, shortly after being elected to the Los Angeles County Court.

As of December 2008, the L.A. National Cemetery contained 85,448 bodies. The site is now "closed to new interments" except for "subsequent interments for veterans or eligible family members in an existing gravesite."

MAP NO:	NAME:
8	WESTWOOD FEDERAL BUILDING
DEED: B	

LOCATION:	ACRES:
11000 WILSHIRE BLVD., LA CA 90024	28[32]
LANDHOLDER/ USER:	**AGREEMENT DATES:**
FEDERAL GOVT. GENERAL SERVICES ADMINISTRATION ("GSA")	TRANSFERRED TO U.S. GSA. 1960s

USES:

FEDERAL OFFICES, INCLUDING SOME VA COMPENSATION AND BENEFITS OFFICES, BUT MOSTLY THE FBI LOS ANGELES FIELD OFFICE

NOTES:

THE 19-STORY WEST LOS ANGELES FEDERAL BUILDING, TODAY A FOCAL POINT FOR A VARIETY OF POLITICAL PROTESTS, WAS ~~BUILT~~ BUILT IN 1969 ON LAND PREVIOUSLY "LEASED BY THE VA FOR A GOLFING RANGE."[33] IN 2006, THE GSA PROPOSED RAZING THE STRUCTURE

CONTINUE ON REVERSE

ADDITIONAL NOTES:

FOR A NEW ONE-MILLION-SQUARE-FOOT ~~FBI~~ DEDICATED FBI COMPLEX; AFTER ~~SUBSTANS~~ SUBSTANTIAL PROTEST FROM NEIGHBORS, THAT PLAN HAS BEEN ABANDONED.

MAP NO:	NAME:
9	WESTWOOD PARK INCL. TENNIS CTR AND COMMUNITY CTR.
DEED: B	

LOCATION:	ACRES:
SOUTH OF WEST L.A. FEDERAL BUILDING	27

LANDHOLDER/ USER:	AGREEMENT DATES:
CITY OF L.A. DEPT OF REC. AND PARKS	TRANSFERRED 1970s

USE/S:

PUBLIC PARK

NOTES: "In 1970s, the Federal Lands to Parks Program transferred 27 acres... from VA to... City of L.A. ... community recreation facility with... pool, gymnasium, jogging trail, soccer field, picnic facil-

CONTINUE ON REVERSE

ADDITIONAL NOTES:

ities, classrooms, etc." [35]

Rec. charges: ball court: $11-13/hr.; 20 yoga classes: $100.— [36]

Plaque on site:

"This land was acquired from the United States Federal Government for use by the general public."

MAP NO:	NAME:
10	WESTWOOD TRANSITIONAL VILLAGE w/ CHILDCARE CENTER.
DEED: A	

LOCATION:	ACRES:
1341-1401 SEPULVEDA BLVD.	2.13[37]

LANDHOLDER/ USER:	AGREEMENT DATES: "OPERATE[D] ON THE PROPERTY SINCE 1989, ... CONVEYED... IN 1996."[38]
SALVATION ARMY	

USE/S: TRANSITIONAL HOUSING, WHERE HOMELESS FAMILIES MAY STAY FOR UP TO TWO YEARS

NOTES: "Approximately 150 individuals .. with families of veterans making up forty percent of the residential population."[39]

In 1988 World War II veteran and Ninth Circuit Judge Harry Pregerson - "the Real Mayor of Los

CONTINUE ON REVERSE

ADDITIONAL NOTES:

Angeles... [who] goes to work in brown cowboy ~~hat~~ hats and black leather boots"[40] — proposal housing homeless veterans' families in 15 city-owned trailers on the WLA VA grounds.

Washington ordered placement to proceed but opposition from local VA officials and homeowners rallied. Sue Young, then president of the Brentwood Homeowners Assn, now Ex. Dir. of Veterans Park Conservancy (see Map site 17), stated, for example: "We know there is a homeless problem out there, but the Veterans Administration property is not the place to solve it."[41]

Judge Pregerson agreed to support an alternative plan, and the authors believe that this transfer resulted from the alternative plan.[42] The Bessie Pregerson Childcare Center is named for his wife.

MAP NO:	NAME:
11	"Bad News Bears" Little League Baseball Field
DEED: A	

LOCATION:	ACRES:
NW corner Sepulveda Blvd. + Ohio Ave.	7.49

LANDHOLDER/ USER:	AGREEMENT DATES:
City of Los Angeles Dept. of Recreation and Parks	1978 (but used as field since at least 1958)

USE/S:

West Los Angeles Little League (WLALL) baseball field.

NOTES:

The WLALL was established in 1951 and was certainly using VA land when actor (and World War II veteran) Burt Lancaster "signed up his son Billy for

CONTINUE ON REVERSE

ADDITIONAL NOTES:

Little league" here.
As an adult Bill Lancaster wrote the screenplays for "The Bad News Bears" films, inspired in part by his childhood experience. While the movies were actually shot in Torrance, the name of the VA field recalls the childhood experience.

MAP NO:	NAME:
12	SAN DIEGO FREEWAY — INTERSTATE 405
DEED: A & D	

LOCATION:	ACRES:
ROUGHLY ALONG EAST EDGE OF DEEDS A & D LAND	UNKNOWN
LANDHOLDER/ USER: STATE OF CALIFORNIA	**AGREEMENT DATES:** APPVD IN 1955 BUILT 1957-1961 PRESUMABLY EMINENT DOMAIN

USE/S:

PUBLIC HIGHWAY

NOTES: Part of the Interstate highway system, but owned and maintained by the State of California, the San Diego Freeway is No. 1 on the Federal Highway Administration's

CONTINUE ON REVERSE

ADDITIONAL NOTES:

list of Most Traveled Urban Highways in the nation by Average Annual Daily Traffic.

MAP NO:	NAME:
13	AMERICAN RED CROSS FACILITY
DEED: A	

LOCATION:	ACRES:
1355 OHIO AVE. "SW CORNER OF VA ... BTW. OHIO AVE. + ~~DEE~~ DOWLEN DR." [46]	14.65 [47]

LANDHOLDER/ USER:	AGREEMENT DATES:
AMERICAN RED CROSS	4.15.1989 TO 4.14.2039 [48]

USE/S:

RED CROSS "DISTRICT/ CHAPTER HEADQUARTERS" [49]

NOTES:

IN 1905 CONGRESS CHARTERED THE RED CROSS TO "CARRY ON A SYSTEM OF NATIONAL AND INTERNATIONAL RELIEF IN TIME OF PEACE AND APPLY THE SAME IN MITIGATING THE SUFFERINGS CAUSED BY PESTILENCE, FAMINE, FIRE, FLOODS, AND

CONTINUE ON REVERSE

ADDITIONAL NOTES:

OTHER GREAT NATIONAL CALAMITIES, AND TO DEVISE AND CARRY ON MEASURES FOR PREVENTING THE SAME.[50]

THE RED CROSS HAS A FIFTY-YEAR REVOCABLE LICENSE FOR THIS WLA VA LAND, WHERE IT SITES ITS LA REGIONAL HEAD-QUARTERS. REGULAR BLOOD DRIVES, DISASTER SERVICE TRUCK PARKING AND SUCH EMERGENCY PREPAREDNESS CLASSES AS "DISASTER FRONTLINE SUPERVISOR SIMULATION" (1.28.2012) AND "ADULT AND PEDIATRIC FIRST AID" (1.15.2012) TAKE PLACE HERE.[51]

MAP NO:	NAME:
14	RENTAL CAR/ CHARTER BUS STORAGE
DEED: A	

LOCATION:	ACRES:
PARKING LOT S.W. OF GREATER LA HEALTHCARE CENTER BLDG. 500	10

LANDHOLDER/ USER:	AGREEMENT DATES:
ENTERPRISE RENTAL CARS + TUMBLEWEED CHARTER BUSES	UNKNOWN, BUT SEE NOTES COLUMN

USES:

VEHICLE STORAGE

NOTES:

ON 8·30·2011, THE ASSOCIATED PRESS (AP) REPORTED THAT THE VA WAS "BOOTING" THESE TENANTS "FROM ITS SPRAWLING CAMPUS A FEW MILES FROM THE OCEAN AS IT TRIES TO COUNTER ACCUSATIONS THAT IT PUTS COMMERCIAL INTERESTS

CONTINUE ON REVERSE

ADDITIONAL NOTES:

AHEAD OF HOUSING HOMELESS VETS!
ACCORDING TO THE AP REPORT, ENTERPRISE WAS INSTRUCTED TO MOVE TO A DIFFERENT PART OF THE CAMPUS BY OCTOBER. 2011 AND TO LEAVE THE PROPERTY ENTIRELY BY MAY 2012, AND TUMBLE-WEED WAS TOLD IN MAY 2011 THAT IT COULD ONLY REMAIN FOR ANOTHER YEAR.
IN ADDITION TO PROVIDING SPACE FOR COMMERCIAL CAR AND BUS PARKING UNTIL RECENTLY THIS LOT ALSO SERVED AS A VENUE FOR THE WESTSIDE MOTORCYCLE ACADEMY'S (WMA) REGULAR MOTOR-CYCLE SCHOOL CLASSES. AS OF OCTOBER 2011 THE WMA HAD RELOCATED ITS CLASSES TO INGLEWOOD, A MOVE THE COMPANY HOPES IS TEMPORARY.

MAP NO:	NAME:
15 &	CALIFORNIA NATIONAL GUARD ARMORY
DEED: A	

LOCATION:	ACRES:
1300 FEDERAL AVE. LA, CA 90025	3.85

LANDHOLDER/ USER:	AGREEMENT DATES:
STATE OF CALIFORNIA	1955

USES:

NATIONAL GUARD ARMORY

NOTES:

SITE OF WEEKEND DRILLS AND DISASTER PREPARED-NESS TRAINING, THIS IS WHERE THE NATIONAL GUARD TRAIN IN READINESS FOR VARIOUS EMERGENCY SITUATIONS. THE LOCATION ADDITIONALLY FUNCTIONS AS A WINTER SHELTER

CONTINUE ON REVERSE

ADDITIONAL NOTES:

OPERATED BY THE L.A. HOMELESS SERVICES AUTHORITY, PROVIDING EMEGENCY BEDS FOR HOMELESS PEOPLE FROM DECEMBER TO MARCH ANNUALLY.

MAP NO:	NAME:
16	U.S. Army Reserves Armory
DEED:	
A	

LOCATION:	ACRES:
Federal Ave. south of Wilshire Blvd.	10[53]

LANDHOLDER/ USER:	AGREEMENT DATES:
U.S. Army Reserves	"In 1955 the VA transferred the ... parcel to the Air Force Reserve, which, in 1975, transferred it to the Army Reserve."[54]

USE/S:

Army Reserves

Armory

NOTES:

In 2007 the Army Reserve (AR) offered the acreage in "a real property exchange" whereby, in return for the property, JSM Capital would build three AR centers in other locations.

When the Plans were

CONTINUE ON REVERSE

ADDITIONAL NOTES:

revealed local opposition rallied, contending the development would "further congest the already traffic-choked area of Wilshire Blvd. near the 405 Freeway, and unfairly deprive veterans of use of the site."[55]

WLA VA Director Chuck Dorman sent a written request ~~of~~ to AR officials to "reconsider your decision" or return the transferred land to the VA. The land was not returned, but L.A. County Supervisor Zev Yaroslavsky had the area re-zoned for institutional use only.

The exchange was shelved, but, as of October 2011, the neighborhood organization Coalition for Veterans Land states: "we still face... the sale of the ten-acre AR... to a commercial developer."[56]

MAP NO:	NAME:
17	VETERANS PARK CONSERVANCY
DEED: A	

LOCATION:	ACRES:
WILSHIRE AND SAN ~~VAN~~ VICENTE BOULEVARDS.	16[57]

LANDHOLDER/ USER:	AGREEMENT DATES:
VETERANS PARK CONSERVANCY NON PROFIT CORPORATION	20-YEAR AGREEMENT W. 10 YR. OPTION FOR EXTENSION[58] SIGNED 8.24.2007

USE/S:
SEPT. 2007: "VETERANS PARK CONSERVANCY IS BEING AWARDED RENT-FREE USE AND OCCUPANCY OF THE SITE FOR PARK PURPOSES IN EXCHANGE FOR ITS ~~PF~~

NOTES: PLEDGE TO MAKE A SUBSTANTIAL INVESTMENT OF PRIVATE FUNDS.[59]

THE VPC SHARING AGREEMENT REQUIRES IT TO "BUILD A VETERANS MEMORIAL PARK AND HEALING GARDEN FOR VETERAN USE."[60]

CONTINUE ON REVERSE

ADDITIONAL NOTES:

THE VPC's ACRES INCLUDE A GARDEN RETREAT DEDICATED TO WOMEN VETERANS IN 1940. "WE CAN BE IN THE WORST OF SPIRITS AND THE POOREST OF HEALTH, BUT WE WILL STILL INSIST ON GOING OUTSIDE TO CARE FOR OUR FLOWERS," SAID RESIDENT WORLD WAR I VETERAN STELLA MAUDE ELLIS IN 1947.[61]

FOUNDED IN 1986 "TO PROTECT, PRESERVE, RESTORE AND ENHANCE THE [WLA VA] PROPERTY", VPC HAS RENOVATED THE WOMEN'S GARDEN AND REPLACED PERIMETER CHAIN LINK WITH CONCRETE/IRON FENCING TO CREATE A GRAND VA GATEWAY TO BRENTWOOD.

DESPITE OPENING CEREMONIES IN DECEMBER 2010, APRIL 2011, AND DECEMBER 2011, THE FIRST TWO OF WHICH WERE CLOSED TO WLA VA VETERANS, BOTH PARK AND GARDEN REMAINED CLOSED IN DECEMBER 2011.

MAP NO: 18

NAME: Wadsworth Theater

DEED: A

LOCATION: ~~Wads~~ Bldg. 226

ACRES: "...on a 27-acre parcel of land,"[62]

LANDHOLDER/ USER: Wadsworth Theater Management LLC/Richmark Entertainment: R. Willis and M. Markinson[63]

AGREEMENT DATES: Jan 2002 to Dec 2021[64] or "agreement expires December 2025"[65] But see NOTES

USES: Approximately 250 days of use per year for concerts, Broadway Shows, movie premieres, dance, symphony and symposia.[66]

NOTES:
Westside Shepherd of the Hills church rents the Wadsworth Theater for a weekly Christian Sunday Service.[67]

CONTINUE ON REVERSE

ADDITIONAL NOTES:

Built circa 1939.
Richmark renovations = 1999-2002

Notably, the 42-page Richmark Sharing Agreement included such requirements as special event signage dimensions, but required no cost reduction or hiring preference for veterans.

Researchers located one instance when free tickets were distributed for VA patients for a December 2009 performance of the Nutcracker.

The WLA VA Master Plan (2011) repots: "On September 23, 2010, Richmark Entertainment and VA mutually Terminated for Convenience the Enhanced Sharing Agreement to manage both the Wadsworth and Brentwood Theatres. A Memorandum of Understanding (MOU) is now established to allow Richmark to use both theatres on an event by event basis, subject to VA's approval of the event. This MOU is for a period of six (6) years."

MAP NO: 19

NAME: THE HAVEN

DEED: A

LOCATION:	ACRES:
BLDG. 212	62,560 SQ. FT. [68]
LANDHOLDER/ USER:	**AGREEMENT DATES:**
SALVATION ARMY OF SO. CALIF.	7.20.2004 TO 7.20.2014 w/ 10 YR. OPTION TO 2024 [69]

USES: "HOUSING & SUPPORT SERVICES IN ADDITION TO THE MEDICAL CARE OFFERED BY THE VAHC." [70]

NOTES: In this VA building, the Salvation Army operates Alpha Center, a short-term (1-14 days) care facility for up to 35 vets; Victory Place, a 180-day program for 95 vets; Naomi House, a woman's

CONTINUE ON REVERSE

ADDITIONAL NOTES:

program for 15 vets;
and Senior Housing
for up to 25 veterans.

MAP NO:	NAME:
20	New Directions
DEED: C	

LOCATION:	ACRES:
Bldg. 116	60,309 sq. ft.[72]

LANDHOLDER/ USER:	AGREEMENT DATES:
New Directions	8.29.1995 to 8.31.2045[73]

USE/S:

"drug and alcohol treatment ~~plan~~ program" provides "food, shelter, support and rehabilitation" for homeless veterans with substance abuse and mental health issues.[74]

NOTES: Bldg. 116 was a vacant VA building before New directions obtained a 50-year lease and renovated the structure for substantially less than the VA's cost estimate

Known as a more

CONTINUE ON REVERSE

ADDITIONAL NOTES:

rigorous residential treatment facility than the VA-operated Domiciliary, New Directions employs many graduates of the program on its staff.

MAP NO:	NAME:
21	Exodus Lodge
DEED: C	
LOCATION: Bldg. 207	ACRES: 47,015 sq. ft. [75]
LANDHOLDER/ USER: Salvation Army of Southern California	AGREEMENT DATES: "Expires April 2015" [76]
USE/S: Board and Care Facility	
NOTES: Houses 90 Veterans	

CONTINUE ON REVERSE

ADDITIONAL NOTES:

MAP NO:	NAME:
22	NEW DIRECTIONS NORTH
DEED: C	

LOCATION:	ACRES:
BLDG. 257, FIRST FLOOR	47,675 SQ. FT. [77]

LANDHOLDER/ USER:	AGREEMENT DATES:
NEW DIRECTIONS	5-YR. AGREEMENT W. 5-YR OPTION.. EXPIRES FEB. 2012 [78]

USE/S:

45-BED TREATMENT PROGRAM FOR PATIENTS W. SEVERE MENTAL ILLNESS AND SUBSTANCE ABUSE. [79]

NOTES:

THIS DUAL-DIAGNOSIS RESIDENTAL ~~FACIL~~ TREATMENT FACILITY WAS OPENED IN 2002, SIX YEARS AFTER NEW DIRECTIONS HAD ESTABLISHED ITS PRINCIPAL PROGRAM IN BLDG. 116 (MAP NO. 20).

CONTINUE ON REVERSE

ADDITIONAL NOTES:

MAP NO:	NAME:
23	VETERANS HOME of CALIFORNIA
DEED: C	

LOCATION:	ACRES:
11500 NIMITZ AVE, LA CA 90049	13.5

LANDHOLDER/ USER:	AGREEMENT DATES: 12-6-2006
State of CALIFORNIA Dept. of Veterans Affairs	Subject to use by the state only as "a nursing home or domiciliary care facility," or it "shall revert to the United States"

USE/S:

CA State Veterans HOME (CALVETS)

NOTES: The first residents entered in October 2010. As of November 2011 an 84-bed Assisted Living facility is almost full, a 252-bed Skilled Nursing Facility is estimated to open in 2012, with a 60-bed Memory Care unit to follow.

CONTINUE ON REVERSE

ADDITIONAL NOTES:

Residents pay from 30-70% of their incomes to live here, depending on care levels received. If the care costs exceed payment, the difference is calculated as an ongoing debt and recouped from the veteran's estate after death.

When the VA ejected "Strawberry Flag" from the WLA grounds, CALVETS invited Lauren Bon and the Metabolic Studio (LB/MS) to use an empty office. SEVEN "Strawberry BULLETIN" issues have been produced here. LB/MS has also planted the "Garden of Defiance" behind CALVETS. Its raised fruit and vegetable beds and an orange grove provide a therapeutic, social, and agricultural resource for WLA VA veterans.

MAP NO:	NAME:
24	BRENTWOOD THEATRE
DEED: C	

LOCATION:	ACRES:
BLDG. 211	11,490 SQ. FT. [81]

LANDHOLDER/ USER:	AGREEMENT DATES:
RICHMARK ENTERTAINMENT [82]	SEE NOTES

USES: CURRENTLY HOSTS PLAYS, MUSICALS, "MANY PRE-BROADWAY" AND MOVIE SCREENINGS [83]
SOMETIMES HOSTS CHRISTIAN CHURCH FOR SUNDAY MORNING SERVICE [84]

NOTES: Built in 1942 as an "entertainment center for veterans" and a disaster shelter. Over time, fell into disrepair, and was "almost never utilized as a theater in more than 40 years."
Wadsworth Theatre Management LLC/Richmark [85]

CONTINUE ON REVERSE

ADDITIONAL NOTES:

Entertainment (Richard Willis & Martin Markinson) began renovation in 2003 under an agreement covering Jan 2002 to Dec 2021, 86 or "the agreement expires December 2025." 87

But — see notes to Wadsworth Theatre (Map. No. 18) re. "Termination for Convenience" in September 2010 and other comments.

We are informed that the termination as to both theaters arose out of disputes concerning alcohol sales at performances.

MAP NO:	NAME:
25	BARRINGTON RECREATION CENTER, PARKING LOT + DOG PARK
DEED: C	

LOCATION:	ACRES:
333 S. BARRINGTON AVE., LA CA 90049	10.67
LANDHOLDER/ USER:	**AGREEMENT DATES:** [88]
CITY OF LA, DEPT OF RECREATION & PARKS	2001: 9.17 2003: 1.5 ADDED FOR DOG PARK W PARKING FOR 40 CARS [89]

USES: PUBLIC PARK + OFF-LEASH DOG PARK "COMPLETE W. PET WASTE CANS, BENCHES AND DRINKING FOUNTAINS FOR PET & OWNER ALIKE." [90]

NOTES: LIKE THE BRENTWOOD ~~POST~~ VILLAGE POST OFFICE, THIS PROPERTY IS NOT ACCESSIBLE FROM THE VA GROUNDS, BUT ONLY FROM ADJOINING BRENTWOOD VILLAGE COMMUNITY. THE BRENT-WOOD NEWS REPORTED IN 2011 THAT HOMELESS PEOPLE LIVE OUT OF THEIR

CONTINUE ON REVERSE

ADDITIONAL NOTES:

CARS IN THE LOT.
THIS LAND MAY BE SUBJECT TO THE SAME SOIL ISSUES AS THE BRENTWOOD SCHOOL AND MACARTHUR FIELD SITES (MAP NOS. 26 AND 30).

PRESIDENT OBAMA USES THE PARK AS HIS HELICOPTER LANDING SITE WHEN HE VISITS LOS ANGELES.

MAP NO:	NAME:
26	MACARTHUR FIELD
DEED: C	
LOCATION: WEST OF BLDG. 205	ACRES: UNKNOWN
LANDHOLDER/ USER: WESTWOOD BREAKERS SOCCER CLUB	AGREEMENT DATES: UNKNOWN
USE/S: ALL-GIRLS SOCCER CLUB, THOUGH OTHER COMMUNITY/ SOCCER CLUBS MAY USE IT TOO.	
NOTES: Named for General Douglas MacArthur - a veteran of the Mexican War, World Wars I and II, and the Korean War - the field was renovated by the soccer club in July 2010 - "now the best natural grass	

CONTINUE ON REVERSE

ADDITIONAL NOTES:

soccer field on the Westside ... [it] allows... the same practice days, times & location for the entire year which makes it easy for our families to organize their schedules."[91]

The field is adjacent to a ravine used by the VA and UCLA to dump biomedical, nuclear, and chemical waste. 1948–1968.[92] It regularly hosts large numbers of child players who, according to a 2006 LA City Beat report, regularly "access the ravine through an unsecured gate on the VA field, ignoring the faded paper warning signs."[93]

MAP NO:	NAME:
27	BRENTWOOD HOSPITAL GARDENS A.K.A. THE JAPANESE GARDEN
DEED: C	

LOCATION:	ACRES:
ADJACENT TO HEROES GOLF COURSE NEAR NORTH END OF THE GROUNDS	3.04 [94]
LANDHOLDER/ USER:	**AGREEMENT DATES:**
BANDINI FOUNDATION	UNKNOWN

USE/S: "AIM ... IS TO PROVIDE PATIENTS WITH A TRANQUIL ENVIRONMENT, REDUCE... NEED FOR PSYCHIATRIC HOSPITALIZATION + BUILD VOCATIONAL TRAINING SKILLS THAT CAN BE APPLICABLE TO FUTURE EMPLOYMENT [95]

NOTES:

FROM A METAL PLAQUE IN THE GARDEN" BRENTWOOD HOSPITAL GARDENS, DESIGNED AND ~~SPONSORED~~ SPONSORED BY LANDSCAPING SEE SOCIETY OF SOUTHERN CALIFORNIA, WATERFALLS, POOLS PROVIDED BY MEMBERS

CONTINUE ON REVERSE

ADDITIONAL NOTES:

OF LANDSCAPING SOCIETY OF SOUTHERN CALIFORNIA, CALIFORNIA GARDEN CLUBS, inc., AMERICAN BEGONIA SOCIETY AND NATIONAL ~~FUSH~~ FUSCHIA SOCIETY, NAVY MOTHER'S CLUBS OF AMERICA 200-396-295, GRAND [unreadable] CLUB OF CALIFORNIA, FEDERATION OF WOMEN TELEPHONE WORKERS OF SOUTHERN CALIFORNIA AND MANY OTHERS INDIVIDUALS, SEPTEMBER 1958."

THE GARDEN WAS LOCKED TO VETERAN USE FROM AT LEAST 2005 TO JANUARY 2012, BUT SIMULTANEOUSLY AVAIL- 96
ABLE TO RENT FOR FILMING. 97
IT OPENED AGAIN IN LATE JANUARY 2012 UNDER THE MANAGEMENT OF THE BANDINI FOUNDATION, WHICH ALSO OPERATES THE GOLF COURSE (MAP NO. 31) AT WHICH POINT A NEW PLAQUE WAS REVEALED.

"JAPANESE GARDEN, OCCUPA- TIONAL THERAPY PROJECT, BRENTWOOD HOSPITAL, SPONSORED BY THE "52" ASSOCIATION OF SOUTHERN CALIFORNIA, DECICATED 1965."

MAP NO:	NAME:
28	Brentwood Village Post Office
DEED: C	

LOCATION:	ACRES:
200 South Barrington Avenue	3.08 [98]

LANDHOLDER/ USER: "status of ownership---unkown" [99] Property used by United States Postal Service (USPS)	AGREEMENT DATES: UNKNOWN

USE/S:

Public Post Office

NOTES:

This property is not accessible from the VA grounds, but only from the adjoining Brentwood Village Community.

In September 2011, a meeting was convened to discuss the threatened

CONTINUE ON REVERSE

ADDITIONAL NOTES:

closure of another post office that is on the VA grounds as part of the USPS belt-tightening that is happening nationwide.

MAP NO:	NAME:
29	BRENTWOOD VILLAGE PARKING LOT
DEED: C	

LOCATION:	ACRES:
BARRINGTON PLACE	1.39[100]

LANDHOLDER/ USER:	AGREEMENT DATES:
WESTSIDE SERVICES	20-YR. AGREEMENT EXPIRES 2020[101]

USE/S:
PUBLIC PARKING FOR NEIGHBORHOOD MERCHANTS

NOTES: Also known as the VA Parking lot or the Veterans Parking lot.
On-site signage:
"2-hr free parking... merchant validation in the V.A. Parking Lot... Courtesy of Brentwood Village Chamber of Commerce

CONTINUE ON REVERSE

ADDITIONAL NOTES:

and Dept. of Veterans Affairs. Parking Fees Help Assist Programs that Benefit U.S. Veterans. Thank you for your support."

2001: "The public has used the 230 space parking lot on Barrington Place next to the Brentwood Post Office for three decades with the VA receiving parking fees - which currently range from 50 cents per half-hour to $40 for a monthly employee pass. Shopkeepers pay to validate customers' parking tickets. In announcing the fee increase, the VA disclosed it would be hiring a professional parking lot operator to replace VA job-training program workers who now run the lot."

MAP NO:	NAME:
30	BRENTWOOD SCHOOL ATHLETIC COMPLEX
DEED: C	

LOCATION:	ACRES:
NORTH END OF UA PROPERTY	"APPROX. 20 ACRES" [103]
LANDHOLDER/ USER:	**AGREEMENT DATES:**
BRENTWOOD SCHOOL	10-YR CONTRACT W/ 10-YR. OPTION SIGNED AUG. 1999 [104]

USE/S: ATHLETIC FIELDS, GYM, AQUATICS CENTER, PARKING, TENNIS COURTS

NOTES: The option was exercised in 2010

Its athletics education and facilities are keystones of the Brentwood School's reputation. The 501(c)(3) private K-12 coed day school, which has fees of up to $28,000

CONTINUE ON REVERSE

ADDITIONAL NOTES:

per year, "fields as many as 48 teams in various leagues in any given year," in its middle division alone.[105]

In September 2005, a VA contractor reported that VA land leased to the Brentwood School had been used during the Cold War to bury radioactive and asbestos-containing animal carcasses and biomedical research waste. Although soil tests carried out in 2006 and 2010 did not identify harmful levels of contamination, environmental researchers state that the tests "leave the known areas of the nuclear ~~dump~~ dump untested and untouched."[106]

MAP NO:	NAME:
31	HEROES
DEED:	GOLF
D	COURSE

LOCATION:	ACRES:
NORTHEAST CORNER OF THE VA GROUNDS	UNKNOWN

LANDHOLDER/ USER:	AGREEMENT DATES:
BANDINI FOUNDATION	UNKNOWN

USE/S:

NINE-HOLE, PAR 27 GOLF COURSE

NOTES:

The golf course was built in 1946 and was a gift, in honor of the men and women who served during World War Two, from the members of the Hillcrest Country Club in the Rancho Park / Cheviot Hills

CONTINUE ON REVERSE

ADDITIONAL NOTES:

neighborhood of Los Angeles. After being generally closed since March 2009, the course was opened in November 2010 under a VA agreement with nonprofit United States Veterans Initiative, which in turn contracted with the Bandini Foundation in June 2011 to operate the facility.

The course is open to the public under a veterans-first priority of play system.

MAP NO:	NAME: VARIOUS
DEED:	BUILDINGS

LOCATION:	ACRES:

LANDHOLDER/ USER: UCLA	AGREEMENT DATES:

USE/S: UCLA research facilities

NOTES: Scientific and medical research partnerships between UCLA and the VA began shortly after the university opened in 1927. Federal research and development funds dispersed in response to veteran and military needs stimulated stronger links

CONTINUE ON REVERSE

ADDITIONAL NOTES:

between the two. For, example, in prosthetics and rehabilitation in the 1950s and 1960s, and physical medicine and rehabilitation in the 1970s.

One of the more well-known products to have emerged from this partnership is the nicotine patch, which UCLA professor and the WLA VA's first Chief of ~~Heart~~ Psychopharmacology Dr. Murray Jarvik co-invented with Dr. ~~Del~~ Rose.

As the VA states in regard to its Internal Medicine Training Program which is conducted with UCLA: "We are intent on building the strongest residency program in the Los Angeles area and believe that our institutions' combined faculty, clinical facilities, and diverse patient population will allow us to achieve this."

MAP NO:	NAME: VARIOUS LOCATIONS
DEED:	

LOCATION:	ACRES:
VARIOUS INTERIOR AND EXTERIOR LOCATIONS	

LANDHOLDER/ USER:	AGREEMENT DATES:
VARIOUS MEDIA PRODUCTION COMPANIES	

USE/S:

FILMING LOCATIONS FOR MOVIE AND TELEVISION PRODUCTIONS

NOTES:

HUNDREDS OF MOVIES HAVE BEEN SHOT ON THE VA CAMPUS. ONE OF THE EARLIEST WAS The Second-in-Command, A 1915 MELODRAMA, WHICH "SEEMS TO BE THE FIRST FILM THAT ~~CONTIN CONCI~~ CONSCIOUSLY MADE USE OF THE MOBILE CAMERA [A.K.A. "DOLLY"] FOR ITS OWN SAKE.

CONTINUE ON REVERSE

ADDITIONAL NOTES:

WHILE IT IS OFTEN RUMORED THAT One Flew Over the Cukoo's Nest (1975) WAS FILMED AT THE WLA VA, THE MOVIE WAS SHOT ~~AT~~ AT THE OREGON STATE MENTAL HOSPITAL IN SALEM. DESERTED VA HOSPITAL ROOMS DID DOUBLE AS A MOVIE ASYLUM HOWEVER IN ~~#~~ The Adventures of Buckaroo Banzai across the 8th Dimension (1984).

TWENTY-ONE SHARING AGREEMENTS BETWEEN THE VA GLAHS AND SUCH COMPANIES AS MTV, 20TH CENTURY FOX TELEVISION, AND CAMPUS LADIES PRODUCTIONS ARE CURRENTLY AVAILABLE IN THE PUBLIC DOMAIN.[109] THEY INCLUDE AGREEMENTS FOR "FREE-WHEELING MILITARY COMEDY"[110] DELTA ~~F~~ FARCE (2007), OUTRAGEOUS CAMP-FEST[111] Trail of the Screaming Forehead (2007), AND Automan Trans-fusion (2006) a zombie movie predicated ~~on~~ upon the idea that the Vietnam-era U.S. Army secretely developed a way to reanimate the dead.

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IMAGE NOTES

Image No. 1, p. 6
Wallpaper, Western print, circa mid-20th century, VA Archive, photographer unknown.
Arcadia de Baker and John P. Jones owned a large tract of land stretching from the Pacific Ocean toward Los Angeles. They donated some of it to become the Pacific Branch of the National Home for Disabled Volunteer Soldiers. The flag design on the right of the image shows the outline of the Home grounds, where agriculture supported the recuperating soldiers. A tram connected the Soldiers Home to the beach.

Image No. 2, p. 12
Lauren Bon: Strawberry Flag Mind Map*, 2011, ink on graph paper.*

Image No. 3, p. 23
Lauren Bon and the Metabolic Studio: Strawberry Flag*, 2010, photograph by Joshua White, Metabolic Studio Archive.*
The Blue Section of the *Strawberry Flag* sculpture with the "Electric Strawberry."

Image No. 4, p. 23
Lauren Bon and the Metabolic Studio: Strawberry Flag*, 2010, photograph by Joshua White, Metabolic Studio Archive.*
Shown are the aquaponic pipes and the stationary bikes shaded by solar panels. Along with the action of pedaling the cycles, the panels charged the water pumps and kept the system off the VA grid. Even the water used was salvaged from the L.A. River.

Image No. 5, p. 26
"Sawtelle Soldiers' Home dining hall," Los Angeles, CA, 1890, photograph by H.F. Rile, Courtesy of the Santa Monica Public Library Image Archives/H.F. Rile Collection.
Veterans enjoyed good meals, daily live entertainment, a library of over five thousand volumes, and daily tea at three.

Image No. 6, p. 26
Lauren Bon and the Metabolic Studio: Beds on Heads*, 2010, High Tea, photograph by Joshua White, Metabolic Studio Archive.*
Monthly High Teas brought veterans, administrators, doctors, and the general public together once a month. Each of the high teas was performative.

Image No. 7, p. 32-33
Excerpt from the Forty-Ninth Congress, Session II, 1887.
This is the enabling legislation for the creation of the Pacific Branch of the National Home for Disabled Volunteer Soldiers.

Image No. 8, p. 37
"Among the Cacti–Soldiers' Home," Los Angeles Herald Magazine*, November 1, 1908, photograph by Dr. Adah Patterson, California Digital Newspaper Collection, http://cdnc.ucr.edu/about_us.html.*

Image No. 9, p. 37
Lauren Bon and the Metabolic Studio: Strawberry Flag*, "Salvaged Strawberry," 2010, photograph by Joshua White, Metabolic Studio Archive.*
Strawberries are the second most lucrative crop grown in the United States. Ninety percent of American households have at least one jar of strawberry jam in their pantry.

Image No. 10, p. 38
Lauren Bon and the Metabolic Studio: Beds on Heads*, 2010, High Tea, photograph by Joshua White, Metabolic Studio Archive.*

Image No. 11, p. 38
"Entertaining veterans at National Soldiers' Home," circa 1930, photographer unknown, image used courtesy of the Los Angeles Public Library Photo Collection.

Image No. 12, p. 41
"Veterans practice putting, Sawtelle National Soldiers' Home," n.d., photographer unknown, image used courtesy of the Los Angeles Public Library Photo Collection.

Image No. 13, p. 41
Lauren Bon and the Metabolic Studio: No Place Like Home*, December 2010, holiday installation at CalVets, photograph by Lauren Bon, Metabolic Studio Archive.*
The Metabolic Studio created an intimate space in the lobby of the nearly empty CalVets Home, which had opened six months earlier on land deeded from the federal government to the State for that purpose. Veterans participated in wrapping

gifts that were distributed throughout the VA campus over the holidays.

Image No. 14, p. 45
Excerpt from the Deed of 1888.
The Deed conveyed 300 acres of West Los Angeles land to the National Home for Disabled Volunteer Soldiers for the creation of the Pacific Branch.

Image No. 15, p. 49
"VA-MAY I HELP YOU," Building 209, West L.A. VA, 2011 photograph by Lauren Bon, Metabolic Studio Archive.

Image No. 16, p. 49
"sitors Lou," Building 209, West L.A. VA, 2011, photograph by Joshua White, Metabolic Studio Archive.

Image No. 17, p. 53
"Two windows, refrigerator, large stain," Building 209, West L.A. VA, 2010, photograph by Joshua White, Metabolic Studio Archive.

Image No. 18, p. 53
"Hallway, falling ceiling," Building 209, West L.A. VA, 2010, photograph by Joshua White, Metabolic Studio Archive.

Image No. 19, p. 57
"Cement in sink," Building 209, West L.A. VA, 2010, photograph by Joshua White, Metabolic Studio Archive.

Image No. 20, p. 57
"Two doors to… ," Building 209, West L.A. VA, 2010, photograph by Joshua White, Metabolic Studio Archive.

Image No. 21, p. 65
Lauren Bon Studio: Cement Window, Intensive Care Psychiatric Unit, Building 209*, 2010, installation at the Metabolic Studio, photograph by Joshua White, Metabolic Studio Archive.*

Image No. 22, p. 65
Lauren Bon and the Metabolic Studio: Indexical Building 209: Garden Folly*, 2010, installation at Los Angeles County Museum of Art, photograph by Joshua White, Metabolic Studio Archive.*

Image No. 23, p. 67
Lauren Bon and the Metabolic Studio: Indexical Building 209: Garden Folly*, 2010, installation at the Metabolic Studio, photograph by Joshua White, Metabolic Studio Archive.*

Image No. 24, p. 67
Lauren Bon Studio: Triumphal Arch: Indexical 209*, with study, 2010, photograph by Joshua White, Metabolic Studio Archive.*

Image No. 25, p. 73
Lauren Bon Studio: Indexical Nurse Station: Building 209*, 2010, photograph by Joshua White, Metabolic Studio Archive.*

Image No. 26, p. 73
Lauren Bon and the Metabolic Studio: Indexical Building 209: Hospital Corridor*, installation at Los Angeles County Museum of Art, 2010, photograph by Joshua White, Metabolic Studio Archive.*

Image No. 27, p. 83
Exterior view, Pacific Branch, National Home for Disabled Volunteer Soldiers, circa 1905, photographer unknown, image used courtesy of the University of Southern California Digital Library and Special Collections.

Image No. 28, p. 83
"Window," Building 209, West L.A. VA, 2010, photograph by Joshua White, Metabolic Studio Archive. Later incorporated into Indexical Building 209: Garden Folly*, installation at Los Angeles County Museum of Art, 2010.*

GLOSSARY OF ACRONYMS

CALVETS: The Veterans Home of California – West Los Angeles is one of several homes operated by the State of California Department of Veterans Affairs. This home is surrounded by West L.A. VA land, but the building sits on land deeded to the State by the VA for the express purpose of building the home.

CWT: Commonly known as the Compensated Work Therapy program of the VA, the Veteran Community Employment Development program (VCED) provides work designed to help veterans become employment-ready.

GLAHS: The VA Greater Los Angeles Healthcare System operates the West Los Angeles Medical Center (West L.A. VA) as well as the Los Angeles Ambulatory Care Center in downtown Los Angeles, the Sepulveda Ambulatory Care Center in the San Fernando Valley, and nine Community-Based Outpatient Clinics in Southern and Central California. GLAHS is part of the VA Desert Pacific Healthcare Network, also known as VISN 22, one of the several geographic divisions through which the national VA is administered.

MOU: Memorandum of Understanding is a term used by the VA and several other bureaucracies to refer to a written contract.

NATIONAL HOME: The National Home for Disabled Volunteer Soldiers, created by the U.S. Congress in 1865, which established a network of branches generally known as Soldiers Homes.

PACIFIC BRANCH: The Pacific Branch of the National Home, authorized by the U.S. Congress in 1887, and established by the Board of Managers of the National Home when it accepted the West Los Angeles property donated by the Deed of 1888.

VA: U.S. Department of Veterans Affairs, which was known as the Veterans Administration from 1930, when it was created by consolidating veterans services (including the National Home) until 1988, when it was elevated to cabinet status.

WEST L.A. VA: Also referred to as WLA VA or VA of WLA, the VA property in West Los Angeles, which was donated to be a home for veterans through the four deeds described on pages 34 and 35. This property was the Pacific Branch of the National Home and has become the West Los Angeles campus of the VA. Although the property is actually unincorporated land in the County of Los Angeles, it has in the past been referred to as being in Santa Monica (the closest city in 1888) or Sawtelle (a neighboring community that is now part of the City of Los Angeles).

Preserving a Home for Veterans was published by Les Figues Press in 2012 and printed at the Veterans Print Shop in a limited edition of 2000.

Preserving a Home for Veterans is an adaptation of the Metabolic Studio's January 2011 position paper on the Department of Veterans Affairs use of its largest land asset – the West Los Angeles campus. In 1888, this land was donated to the federal government with the promise that it would be used as a permanent home for veterans. This publication details the VA's practice of leasing parts of the property to private entities in violation of the 1888 deed and in spite of the more than twenty thousand homeless veterans living in Los Angeles County at that time. After investigating the abandoned buildings on the property and learning of the Deed of 1888, the veterans and artists, working with the Metabolic Studio's legal counsel, penned the position paper. The paper was used by the ACLU and other lawyers in a lawsuit against the VA, which resulted in a January 2015 settlement that included the VA's commitment to permanent housing on the West LA campus and the development of a new master plan for the property. Equal parts legal document, historical report, socially engaged artist statement, and activist call-to-action, this is one facet of Metabolic Studio's Strawberry Flag action.

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