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What really counts in parenthood?

By Lawrence M. Hinman

"Our age doesn’t matter," Arcelii Keh told The Express, a British tabloid, this past weekend. "We feel young at heart, and we love our child. Isn't that what counts?"

It's a good question. Keh, a Filipino woman from Highland, a suburb of San Bernardino, gave birth last year to Cynthia, a healthy baby girl — at the age of 63 — and rekindled the debate about childbearing after menopause. The last such case was Rosanna Della Corte, an Italian woman who had given birth at the age of 62.

How are we to make sense of this, especially from a moral point of view? Do we ascribe, as some have, that if it's technologically possible, then it's morally permissible? Or that, since men have been fathering children at even more advanced ages, women should be permitted to do the same thing? (We might christen this "The Tony Randall Argument," in honor of the 77-year-old actor who is a new father.)

Or do we say that such births are simply selfish acts that put the desires of the parents ahead of any consideration about the well-being of the children? Or do we see this as yet one more reflection of our society's unrelenting quest for eternal youth?

We need to step back from the question to gain enough perspective to answer it. When we bring a child into the world, we are creating a network of responsibilities, with the child at its center. They are responsibilities to nourish, to protect, to educate and to love. There is no easy answer to the question of whether Keh and her 60-year-old husband, Isagani, were right to bring this baby girl into the world. But if there is an answer, it is to be found by focusing on the question of whether they — the two parents and the extended family of which they are a part — can meet those responsibilities of nourishment, protection, education and love.

Once we begin to see the issue in terms of meeting this nexus of responsibilities, we see that we have much to learn from the Kehs. We do not need at this point to step back from the question of whether they were able to meet those responsibilities. There is good evidence to suggest that they, and their extended family, took this obligation very seriously and that their daughter will grow up within a loving family committed to her welfare.

The Kehs' decision forces all of us to ask, "What counts?"

What counts, for example, when one partner in a marriage knows that he or she is at risk for the recurrence of cancer? Certainly this raises questions about longevity and quality of life akin to those posed by the birth of Cynthia Keh. A prospective parent, either female or male, must ask whether the responsibilities to nurture, protect, educate and love their potential child will be met.

Similarly, men who wish to become fathers later in life must ask themselves the same question. They are creating a little bundle of responsibilities, and it is incumbent upon them to make every effort to ensure that those responsibilities are met.

For those who are disturbed by the Kehs' decision to have a child so late in life, the response should not be to outlaw such pregnancies by forbidding fertility clinics to assist women over a certain age. (This, in fact, would not have prevented the Kehs from having a baby, since Arcelii Keh had falsified medical records indicating that she was only 50 years old.) Such legislative and regulatory responses single out a narrow range of cases (post-menopausal assisted pregnancies) and ban them, presumably on the grounds that the parents will not be able to care adequately for the child.

But this misses the point: we need to foster throughout our society a strong conviction that bringing a child into the world creates profound and deeply binding responsibilities for the nurture, protection, education and love of that child. That is the point we need to remind ourselves about constantly. Banning such pregnancies provides, at best, the illusion that we have done something to foster the goal of responsible parenthood. At worst, it harms persons who deeply desire to become parents and who want to assume and meet the responsibilities of parenthood.

For those who are not disturbed by the Kehs' decision, the response should not be to condone some kind of reproductive laissez-faire policy, saying that "anything goes" in this realm. After all, such a policy will simply result in a world in which, if people have the money and if the technology is available, they can do whatever they want. This response, too, misses the central issue: how can parents meet the responsibilities they create by bringing a new life into the world?

The laissez-faire option opens the door to human cloning and other possibilities we can hardly imagine, but offers us no guidance about why some ways of living are morally better than others.

Finally, we should note that the question the Kehs face is the question all parents face: Will they be able to provide for their children the nurturance, the protection, the education and — most of all — the love that will enable those children to navigate the perilous journey to adulthood?

In the face of that question, we all recognize our fallibility and the fragility of human life. We can but wish them and their daughter well in the years to come.

What counts most of all is asking the question, repeatedly and honestly, about one's own responsibilities to one's own children and to the next generation as a whole. The real tragedy begins when we stop asking the question, "What counts?"
BY BUDDY BOHRER

Economic conditions, technological advances, and inherent weaknesses in the system are diminishing the value of the traditional commercial real estate broker. If the commercial real estate industry is to survive, it must adapt to the needs of its customers. If an individual broker is to succeed in the new environment, he/she must acquire new tools.

What is required is the radical redesign of business processes to achieve dramatic improvements — what corporate America has called "reengineering."

Factors driving these changes are:
1) An increasingly litigious business environment;
2) Easier access to real estate information;
3) The lack of adequate standards and licensing;
4) Changes in corporate philosophies, strategies and staffing.

Traditionally, the value added by a broker included marketing savvy and market knowledge. Brokers controlled listings and knew what property was available. The information explosion is changing all that. It is only a matter of time before a few keystrokes will provide accurate market data. Soon, for example, a potential user will be able to access a database that will provide a list of all available 10,000-square-foot facilities in San Diego County. Ultimately, a user will be able to select facilities from his or her computer.

In the future, brokers must bring more to the table to be welcomed in the corporate boardroom, a room increasingly filled with MBAs, attorneys and other professionals. To compete on that playing field, real estate professionals need equal education and credentials.

Seventy-five percent of investment real estate in the United States is held by corporations and real estate is no longer viewed as just "a place to conduct business." More top managers now are realizing that real property is a resource that can be leveraged, sold, leased, developed or otherwise tapped for financing to improve corporate balance sheets and generate profits.

According to Price Waterhouse, 55 percent of all nonresidential real estate is held by corporations. Of that total, approximately 25 percent is surplus or underutilized. This underscores corporate America's need for strategically sound real estate counsel, that is not necessarily driven by "the deal." As commercial real estate professionals become strategic thinkers rather than salespeople, their compensation will change. The compensation structure for their services will likely be hourly, similar to attorneys and other consultants, rather than commission-driven.

For this transformation to occur, the commercial real estate industry must develop education and training programs that produce large numbers of high-caliber real estate professionals. If the industry does not respond to this need, the void will likely be filled by the large accounting or consulting firms.

Currently, the license necessary to perform residential brokerage, commercial brokerage and loan brokerage is the same. The testing procedure is geared almost entirely toward residential real estate sales. Not even a high school degree is necessary to hold a real estate sales license.

Clearly, it takes more specialized knowledge and experience to guide a buyer in the purchase of a R&D facility with clean rooms and wet laboratories than it is to sell a $100,000 cabin, but the same license permits both transactions. It's sad but true: brokers learn the business, primarily, by making mistakes. It's no wonder that litigation has increased to the extent that it has.

The most obvious way to remedy the situation is to create a "commercial real estate sales/broker license." Such a license would raise the level of quality of service and assure the clients that the license holder has some basic knowledge in the field. Another tactic would be to require that anyone involved in commercial real estate transactions hold a broker's license.

Perhaps the best alternative would be the development of master's degree programs specifically designed to teach the necessary knowledge areas and analytic skills. Such a program might include general courses on real estate law, REIT management, real estate appraisal, forecasting, as well as electives such as hazardous waste issues, title insurance, and lease analysis.

Such a program is in existence at USC and is in the formation stage at USD.

This is not to indicate that there are no qualified commercial real estate professionals. Many commercial real estate firms include professionals with real estate education, broad experience and training, who supported by major research contingent. Professional organizations, such as the Society of Industrial and Office Realtors, offer excellent courses and professional certification. However, the industry as a whole has no way to qualify the credentials of people calling themselves commercial real estate professionals.

The rise in litigation is also putting pressure on the commercial real estate industry. Commercial brokers — and their firms — are much more accountable in today's increasing litigious environment. Over the last 10 years the number of lawsuits that include real estate brokers have skyrocketed. When things go wrong in a transaction, the parties involved always look for "deep pockets" for financial recovery. Regardless of fault, the commercial real estate service provider is generally included in the lawsuit. Since all major commercial real estate firms carry Errors and Omissions Insurance and are seen as deep pockets, they are increasingly wary of real estate novices, in order to protect themselves.

The bottom line is that the transfer of real estate has become increasingly complex and the industry must make provisions to ensure that commercial real estate professionals have the education and know-how to avoid the land mines and make significant contributions to society.
The closet has many thresholds

By Barbara Fitzsimmons
STAFF WRITER

When Ellen DeGeneres tells the world — or at least everyone watching her TV show at that moment — that she is a lesbian, she will stir coming-out memories for many San Diego men and women who have already taken that leap.

The Union-Tribune asked readers to write about their coming-out experiences, and about 100 replied. They said this major turning point can be frightening. And it can bring new freedom, but may also build new walls. It can rattle relationships or strengthen them.

Most respondents said they had to come out to themselves long before they could share the news with family and friends. And all said that coming out is not just a one-time event, but a lifelong process.

Some excerpts from their letters:

I came out in 1987 on the production floor of a Nebraska meat-packing plant, where I was working. I hadn’t planned on coming out that day, or any day for that matter, but when a co-worker asked me in a very sarcastic tone of voice why I wasn’t married, I had to speak up. I was 37 years old and I could no longer pretend to be “unlucky in love” or waiting for “Mr. Right.” My co-worker asked pointedly and repeatedly, “You’re how old?”

For me, the difficult task was coming out at my job at the University of San Diego. As a young assistant professor in the Department of Theological and Religious Studies, I feared being “out” might cost me my livelihood.

I engaged in a series of deceptions ranging from silence on the matter — “Why doesn’t a nice man like you have a girlfriend?” — to the occasional reference to a date in which I changed the sex of the person from male to female.

After I was tenured, I came out on the campus in the early 1990s, sort of accidentally. I was the faculty moderator for the newly formed undergraduate gay, lesbian and bisexual support group, and its first public function was a panel on homophobia at USD that I moderated.

Impressed by the courage of these young men and women, I made some remarks that as a gay faculty member, I could attest to the homophobia. Life went on as before except that people didn’t wonder why a thirtysomething professor was unmarried and not dating.

Since coming out, I have been a happier person and I suspect, a more productive teacher and scholar, too.

— J.A. Colombo

See CLOSET on Page E-3
By Ed Graney

In his college entrance essay, Brian Mazzone tells the story of a scared little boy burying his face in a pillow and having little success fighting back the tears, of striving to overcome his fear of failure, of not accepting others' doubts, of realizing a dream.

Mazzone was 13 then and, as adolescence would have it, life meant nothing if he didn't make San Diego High's freshman baseball team.

"I didn't want to let my parents down or my friends down or myself down," said Mazzone. "I'm still learning the only thing I can do is take my best shot, that I can't question my abilities. I think for anyone who has ever competed, there comes a point where doubt sets in, but you have to get over it."

Mazzone is now a 20-year-old junior pitcher/first baseman for USD, which tonight plays San Diego State at 7 in a non-conference game at Tony Gwynn Stadium.

The same player ranks second among Toreros in wins and RBI and is third in batting average. Mazzone made that freshman team and has grown into a fine college player.

USD coach John Cunningham saw promise when recruiting Mazzone, potential that could develop over time, a player who was several jolts of confidence short of having consistent success. Even today, years later, a jolt is needed here and there.

Example: Mazzone last season was a first-team all-conference pick after leading the WCC in ERA (1.85), innings pitched (58⅔) and complete games (6). And yet in Mazzone's first few starts this year, Cunningham and pitching coach Glenn Godwin had to convince Mazzone to throw his fastball. He is not overpowering. He must hit spots. Location first. Movement second. Velocity last. That's pitching. That's Mazzone.

But he also can't live on curveballs and change-ups.

"Obviously, (Mazzone) has improved leaps and bounds with his confidence," said Cunningham. "But there are times we have to get on him, to make him believe he can throw the ball past people. I think now, he walks out there truly believing he can beat anyone."

"Confidence is a two-way street. You show it by putting them out there, but they have to give you something back to merit your decision."

Mazzone has given back. The left-hander this season is 6-6 with a 3.18 ERA, four complete games and 56 strikeouts, second best on the team. He is hitting .346 with eight doubles, four home runs and 26 RBI.

Potential?

His first two seasons, Mazzone was primarily a pitcher, rarely picking up a bat.

Potential?

Cal State Northridge in recent years has been one of the nation's top offensive teams, scoring 30 or more runs one night and hitting 13 homers the next. Mazzone earlier this season shut out the Matadors on six hits.

USD coaches use the word 'facial' a lot. It refers to a pitcher's expressions on the mound, no matter the score. The key is to remain consistent in one's emotions. Up five runs, down five. Never let anyone, heaven forbid the opponent, see through you.

Mazzone as a college freshman for got this when losing. He kicked dirt and hung his head. He gave bad facials. Mazzone as a junior is Doc Holliday staring at a full house.

"I've matured," said Mazzone, who next pitches at Pepperdine on Friday. "I've learned to keep a level head out there. On the mound, I always want to make my best pitch. At the plate, I always want to take my best hack. After that, if I'm not successful, I accept it. I go on."

The scared little boy has grown up.
Local economy shows no sign of slowing down

San Diego’s economy continues showing no signs of slowing down based upon two recent reports.

The county’s unemployment rate for March stood at 4.3 percent, below the 4.6 percent rate reported in February, and a full point below the 5.4 percent rate for March, 1996, according to the state’s Employment Development Department.

The rate for California was 6.6 percent, and for the nation, 5.5 percent.

Total nonfarm employment rose by about 7,000 jobs during February, bringing the total number of payroll jobs to 1,013,500.

The biggest increase came from the services industry where 3,400 new jobs were added during the month. Government jobs, most of which were teachers, accounted for 1,200 of that figure while construction contributed 1,000 new jobs.

Perhaps more encouraging was the increase of 800 jobs in manufacturing, including 300 in high-tech manufacturing. It was the fifth consecutive month manufacturing showed an increase.

Erik Bruvold, manager of field relations for the local chapter of the American Electronics Association, said the increase in the high-tech sector could be attributed to three distinct developments: an upturn in subcontract manufacturing for larger, original equipment manufacturers; a move by some firms from research and development to manufacturing; and the continued strength of several telecommunications manufacturers.

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Please turn to ECONOMY on Page 35

Economy:

Continued from Page 6

In another report, San Diego’s Index of Leading Economic Indicators rose 0.9 percent in February, the 23rd consecutive month the index has risen.

It was the single largest gain in the index — comprised of six economic measurements of the local economy — since January 1992, according to the report by Professor Alan Gin of USD’s School of Business Administration.

The strongest component gain of 1.33 percent came from lower claims for unemployment insurance. The index was also boosted from higher stock prices and a surge in building permits.

February’s strong performance signals strength in the local business economy through the end of the year, Gin said.
Economists Predict
25,000 New Jobs In San Diego In 1997

By KIM PETERSON
Daily Transcript Staff Writer

Local economists now admit they were wrong about San Diego’s projected employment numbers, but for once no one’s very upset about it.

The job situation in San Diego County is looking even brighter than analysts predicted, said University of San Diego economist Alan Gin, and some experts suggest the region could see as many as 25,000 new jobs this year. Gin said a few months ago that 17,000 new jobs were likely, an estimation he now calls “pessimistic.”

The Chamber of Commerce’s estimate was a little conservative as well, according to Kelly Cunningham, research manager of the Chamber’s Economic Research Bureau.

“We had made a forecast for San Diego’s employment growth, but now 1996 has come in stronger than anticipated,” Cunningham said. “So we’re revising our forecast of employment growth a little bit.”

The bureau predicted a 16,000 job increase in 1996, but the year eventually saw 20,000 new jobs, Cunningham said. For 1997, Cunningham upped his forecast from 20,500 jobs to 22,000.

San Diego’s economy continues to cruise upward, according to Gin, who released Monday USD’s Index of Leading Economic Indicators for January and February. The Index has now increased for 23 consecutive months, and February’s gain was the single largest monthly rise since January 1992.

“It seems that everything seems to going well,” Gin said. “It looks like there are just strengths everywhere.”

February saw the Index rise 0.9 percent, with additional increases in all of its six components: building permits, unemployment insurance, stock prices, tourism, help wanted advertising and the national economy. There has not been a negatively affected component since September of last year.

Leading the gains was a 1.39 percent increase in initial claims for unemployment insurance in the county. Gin said his office inversely charts this category so that a rise in the insurance actually means a drop in the number of initial claims. The claims are in fact the lowest they’ve been since June 1980, he said.

February’s Index gain is similar to the jump seen in January, 1992, but there are a few key differences, Gin said. The February increase was broad-based and deep, while the 1992 overall rise was powered by sharp bursts in just a few categories like building permits and stock prices. Other groups like tourism and help wanted advertisements dropped.

“January 1992 was a volatile period, where the Index was jumping up and jumping down,” Gin said. “January and February was just a blip in a big down cycle.”

But 1997’s figures are capping almost two years of marked increases, he added.

The Index increased 0.6 percent for January 1997, and the strongest increase for that month was a 1.09 percent rise in the tourism category. Tourism led the charge for 1996 as well, according to Gin.

“People are just coming here in terms of conventions, and spending overall with tourists are up and hotel occupancies are up,” he added.

Local stock prices rose 0.75 percent and the amount of help wanted advertising was up 0.65 percent. Building permits posted the smallest gain at 0.22 percent.

Nevertheless, the building industry is enjoying new business at nearly a 50 percent increase over 1992 levels, said Paul Tryon, executive vice president of the Building Industry Association. If this growth continues, the industry will have a difficult time finding the work force to meet the demand, he added.

More building activity is taking place in the south county, the central I-15 corridor and the north coastal area, especially the Carlsbad market, Tryon said. Master plan communities are also becoming very dominant.

San Diego County’s unemployment rate was reported at 4.3 percent during March 1997, according to the state Employment Development Department. This figure compares well with California’s 6.6 percent rate and the nationwide 5.5 percent rate. Jobs increased by 7,000 between February and March, bringing the total number of payroll jobs to 1,013,500.

The largest increase was a 3,400 rise in the services industry division, and government payrolls were up by 1,200 jobs after public school teachers and staff returned after the winter break. Significant growth was also seen in construction and manufacturing.

The department reports that San Diego jobs were up by 21,500 over March of last year.

peterson@sddt.com
Anti-bias mandate survives test

Supreme Court refuses to hear challenge of sexual equality law

WASHINGTON — In an action hailed as a victory for sexual equality, the Supreme Court refused to free Brown University of rulings that the Ivy League school discriminated against female athletes.

Without comment, the justices yesterday let stand a lower-court ruling that the nation’s colleges and universities said would subject them to a quota, forcing many schools to open new opportunities for female athletes — and cut men’s teams.

Lawyers for Brown had argued that lower court rulings in its case could require schools nationwide to offer varsity opportunities for women based on “a stark numerical quota.”

Those courts had ruled that Brown violated a 1972 law known as Title IX.

The law, credited by many with changing the face of women’s sports and influencing society’s attitudes about women, bans discrimination in education based on sex. All government-run schools and private schools that receive federal money are covered by the law.

“I think the message that goes across the entire country today is that those who have been dragging their feet are duly warned that the time is now,” said Christine Grant, athletic director for women’s sports at the University of Iowa. “It’s a very clear message and long, long overdue.”

Even before learning of the high court’s denial of review, Brown officials yesterday submitted for a federal trial judge’s approval a plan for complying with Title IX.

The plan calls for increasing by about 60 the number of varsity team positions available to Brown female athletes so their total number mirrors the overall student population.

The school does not plan to cut any men’s teams, and gives varsity status to three additional women’s teams: lightweight crew, equestrian and water polo.

Speaking to reporters yesterday, Brown spokesman Mark Nickel said the school “has believed all along that our program of athletics for men and women meets the requirement of Title IX.”

The school’s appeal had argued that “the use of Title IX to mandate adherence to preferential quotas presents an issue of exceptional importance that warrants resolution now.”

It added: “Universities with budgetary constraints must cut academic offerings to fund additional teams for women, cut teams for men, or risk liability for damage and loss of federal funds.”

Lynette LaBinger, a lawyer for the women who sued Brown, said, “It’s just a relief to see an end to litigation.” She said the school spent more than $1 million in defending steps it took to save $66,000.

The school’s unsuccessful Supreme Court appeal had been supported by, among others, the American Council on Education, 60 universities and colleges and 49 members of Congress.

The dispute dates to 1991, when Brown imposed university-wide budget cuts.

The school, which then funded 16 varsity sports for men and 16 for women, ended funding for four teams — men’s golf and water polo and women’s gymnastics and volleyball. The move affected 37 men and 23 women.

Some of the affected female athletes sued, contending that Brown, located in Providence, R.I., had violated Title IX.

A federal trial judge initially ordered Brown to continue funding the women’s gymnastics and volleyball teams, and later ruled that stripping those teams of university-funded varsity status violated Title IX.

When the case was at trial in 1993, 51 percent of Browns’ 5,722 undergraduate students were women. Only 38 percent of the school’s 897 intercollegiate varsity athletes were women.

The trial judge cited the 13 percent disparity in concluding that cutting funding for the two women’s teams was discriminatory. He ordered the funding continued.

A three-judge panel of the 1st U.S. Circuit Court of Appeals upheld the judge’s finding and discrimination by a 2-1 vote last November.

The appeals court interpreted the law and federal regulations to require a school to have “gender parity between its student body and its athletic lineup” unless it shows steady progress toward that goal or full accommodation for qualified women seeking athletic opportunities.

A key factor in the Supreme Court’s refusal to hear the case, Brown University vs. Amy Cohen, may have been the fact that there is no conflict among the federal appeals courts.

Federal policy and appellate courts in Boston, Philadelphia, Cincinnati, Chicago and Denver are in basic agreement on what constitutes gender discrimination in university athletics.

The 1st Circuit court set aside the trial judge’s order requiring continued funding for all the women’s varsity programs. Brown officials are free, the appeals court said, to fashion some other remedy — such as “cutting men’s teams until substantial proportionality is achieved.”

Title IX applies to all levels of education, and high schools have been sued by parents of girls wanting equal treatment.

In a separate case, the justices handed a setback to another group of women: mothers seeking to force states to do a better job of collecting child-support money from absent fathers. The mothers had no legal right to sue the state, the high court ruled unanimously.

The child-support case came from Arizona, where a few years ago the state collected only 3 percent of the child-support money sought by mothers from absent fathers — far below the nationwide rate of 18 percent. The Arizona rate is now 9 percent.

Five Arizona mothers sued the relevant state agency for inadequate enforcement. A federal appeals court in San Francisco said the mothers had a right to force the state to achieve “substantial compliance” with federal law.

The Supreme Court overturned the ruling. Justice Sandra Day O’Connor said the “substantial compliance” standard in federal law merely helps the federal government measure the performance of state programs and doesn’t create “an individual entitlement to services.”

She left open the possibility that individuals could sue under other provisions of federal law.
Revenue holds key to gender equity

By Ed Graney
Staff Writer

San Diego State University is scheduled to unveil its $52 million Student Activity Center Complex in September. Its centerpiece is Aztec Bowl Arena, a 12,000-seat facility that will play home to the men's and women's basketball teams.

"At first, people will come to see what it's all about," said SDSU Athletic Director Rick Bay. "But after a while, we need to win consistently to keep them coming and generate revenue."

Why?

SOURCE: Education Department

College sports: men vs. women

Participation by men and women in intercollegiate sports at NCAA member schools:

<table>
<thead>
<tr>
<th></th>
<th>1971</th>
<th>1994</th>
</tr>
</thead>
<tbody>
<tr>
<td>Men</td>
<td>172,447</td>
<td>189,642</td>
</tr>
<tr>
<td>Women</td>
<td>31,852</td>
<td>105,532</td>
</tr>
</tbody>
</table>

SOURCE: Education Department

It is called gender equity. In order to comply with Title IX, San Diego State must increase opportunities for women athletes, and that requires revenue.

The Supreme Court yesterday let stand rulings that said Brown University discriminated against women athletes in 1991, again shining a spotlight into the world of Title IX, the federal legislation that guarantees equal opportunity to women at schools that receive federal money.
Impact

Revenue still holds key to gender equity

Continued from A-1

federal funding.

Schools are asked to meet at least one of the following criteria: meeting the interest of women athletes; progressive improvement; or having gender parity between the student body and athletic lineup.

Deena Deardurf-Schmidt, SDSU women's swimming and water polo coach, said the school is making strides.

"My scholarships and expenditures have been increased every year since we started (in 1994-95)," she said. "It's never where you want it to be, but it's workable."

The county's three major universities — SDSU, USD and UC San Diego — must be able to prove annually an attempt to comply with Title IX. The latter two have no problem doing so, but it's not nearly so easy at Montezuma Mesa.

Opportunity is not the sole purpose of Title IX. Women must receive equal treatment, which includes scholarship allocations. This is more difficult at San Diego State, where 85 scholarships are allotted for Division I football.

USD plays Division I-A football, a non-scholarship sport, UCSD competes in sports at Division III and doesn't offer scholarships or a field football team.

SDSU spends 41 percent of its scholarship money on women, who make up 55.4 percent of the student population. At USD, 51.7 percent of the scholarship money is spent on women, who constitute 57.5 percent of the enrollment.

Each NCAA sport has a scholarship limit, and no women's sport is allowed more than 20. Some universities feel football should be eliminated from the mix because of its unusual size and because it generates the most revenue. The courts have not agreed, and yesterday's ruling further fixes football as a major piece of the puzzle.

"Right now, football is our only revenue-producing sport," Bay said.

Barely. Three schedule changes last season due to stadium conflicts with the Padres cost SDSU an estimated $500,000 and attendance at six home games averaged a modest 25,083, direct hits to an athletic department budget of $12 million.

I don't think you can compare schools that don't have football teams," Deardurf-Schmidt said. "When you have a football program, the numbers are too much out of balance. It's not fair.

"You want it all to happen at once and to be on an (even playing field), but the money just isn't there."

The move to reach gender equity has been slow, albeit steady in recent years. Few, if any, colleges meet the strict requirements of Title IX, but the overriding principle is proportionality.

The biggest change has occurred at the high school level, where athletic departments once dominated by boys' sports are now on a more equal footing. For example, most San Diego County high schools offer 11 boys', 11 girls' and two co-ed sports (golf and badminton).

Statistics released yesterday show that in 1982, when women first fell under NCAA regulation, there were 80,040 female athletes. Last year, 123,632 played collegiate sports. But if you look more closely at those numbers, you see that there are more than 200 additional schools in the NCAA than there were in 1982.

Translation: Much work still must be done.

By terms of a lawsuit settled three years ago and launched by the National Organization for Women against the state university system, SDSU was forced to double its spending on women's sports by the 1998-99 school year. At the time, 21 percent of the school's athletic budget was devoted to women's sports.

Suddenly, men's track and wrestling were cut; women's swimming and water polo were added.

Bay said the university will come "very close" to meeting next year's guideline. The Aztecs will allocate an extra $1.5 million of their budget toward women's sports, each of the next two years and increase expenditures for marketing and fund raising to help increase revenue.

Aces Bowl Arena, newly finished Tony Gwynn Stadium and the expansion of San Diego Jack Murphy Stadium will afford SDSU the finest collection of Division I facilities for the three major sports on the West Coast. Bay's job is to put people in the seats, a task that could be made much easier by success on the field.

SDSU will also add another women's sport to the 10 it already fields, with crew being the most logical. The scholarship limit for women's crew is 20, a number that would quickly help balance the ledger created by football. Women's crew is a full varsity sport at USD and UCSD, but neither offers scholarships.

But yesterday's court action may have limited impact for local schools.

"I don't know that it affects us," said USD Athletic Director Tom Lammacone. "I haven't had time to look at the Brown case and the reason for the appeal. We were proceeding with our own interpretation of the law. We weren't counting on Brown to change the rules or what we did."

The NCAA in a few weeks will release its annual gender-equity report. It's expected to show that colleges are making progress, but not enough. NCAA guidelines say schools should comply with state and federal laws when it comes to gender equity, but colleges are left on their own to figure out how to make that happen.

"Many think (Title IX) is simply a quota system, and I think there's some truth to that," Bay said. "I don't think there's another area of campus where you have to have a proportionate number of participants, like in the engineering department or intramurals or in the business school. For some reason, it is held only for varsity athletics."

Staff writer Bill Center contributed to this report.
San Diego economy index up again

A monthly index created by the University of San Diego that tracks the performance of San Diego's economy rose for the 23rd consecutive month in February. All six components in the index rose, led by a positive move — meaning a drop — in initial claims for unemployment insurance. February's gain, 0.9 percent, was the largest monthly advance since January 1992. Solid advances were also posted in local stock prices, building permits, tourism, help wanted advertising and the underlying national economy. The index, designed to forecast economic activity six months to a year in the future, reached 132.7 in February, its highest level ever.
On tenure and academic freedom

A

George F.
Will

system reflects current tensions and illustrates this fact: Academics’ resistance to changes in fundamental arrangements and privileges is as intense as their advocacy of changes for the rest of society.

The shriveling of the academic job market reflects budgetary problems related to public finances, and a pool of potential students inadequate to the enrollment needs of tuition-hungry institutions. There is a crisis of overproduction of Ph.D.s and underconsumption of scholarship.

To save money, schools rely increasingly on “gypsy scholars” drawn from the reserve army of unemployed Ph.D.s. They are hired on short-term contracts to teach (often on several campuses in the same semester) but are not on the tenure track and are denied health care and other benefits.

Twenty years ago, 25 percent of all faculty members were part time. Today 42 percent are. For example, The Chronicle of Higher Education reports that in 1992 the California State University at Hayward had 407 tenured or tenure-track professors and 142 other lecturers, and by 1995 the numbers were 373 and 330, respectively.

Such reliance on insecure educators exacerbates the problem of grade inflation, because renewal of their contracts often depends heavily on favorable assessments by students.

However, one form of academic security — tenure, usually decided on after about six years — is increasingly criticized as the source of both scholarship inflation and class conflict on campuses. Combined with the ending of mandatory retirement ages, tenure convinces many younger scholars that upward mobility is blocked.

The principal path to tenure is through publishing, usually articles in academic journals. This “publish or perish” pressure is producing a silly proliferation of journals — in the 1970s alone, 400 were founded in modern languages and literature — to carry articles almost none of which will ever be subsequently cited in any scholarly work.

Tenure is a virtually unassailable form of job security. The University of Texas at Austin currently has 1,371 tenured professors and in the last 25 years only two tenured professors have been terminated. Tenure is usually defended as essential for the preservation of academic freedom — as one scholar puts it, for “the protection of the university as a place where inconvenient questions can be asked.”

Conservatives will be forgiven for thinking that tenure serves not the protection of valuable diversity and dissent but rather the self-perpetuation of an intellectually homogenous class that considers conservatism inconvenient.

Actually, tenure may chill the academic freedom of younger faculty who become risk-averse because of fear of offending senior faculty who have tenure to give. Thus a case can be made for giving tenure not to senior faculty, who have had time to demonstrate that they either do not need it or do not deserve it, but to junior faculty for, say, a dozen years, and terminating tenure when the rank of full professor is reached.

Re-examination of tenure is part of the largely wholesome turbulence coming to campuses as the public experiences “sticker shock” about the price of the product and dismay about its quality.

© Washington Post Writers Group
Battles have marked tensions between ranchers, Indians

Reviewed by Ray Brandes

The Modoc War was not a single conflict but a series of unfortunate events. The "war" grew out of a U.S. military raid on the Indian villages of Modoc subchief Captain Jack in November 1872.

The Modocs were making the best of a bad situation on the Klamath Reservation north of Upper Klamath Lake, where they had been virtual slaves of the Klamaths. Captain Jack's band had split off from this main body of Modocs, led by Chief Sconchin, in order to return to their homeland on lower Lost River, on the north shore of Tule Lake, just across the California Line into Oregon.

HELL WITH THE FIRE OUT: 
A History of the Modoc War

Arthur Quinn
Faber & Faber,
200 pages, $24.95

Their presence annoyed American ranchers; it eventually led the military at Fort Klamath to decide to remove the Modocs, peaceably if possible, forcibly if not. An "if not" occurred, and at Lost River the first engagement by the military was bungled: In a misjudged situation, the military and civilians engaged in a battle with the Modocs, with disastrous results for both sides. The event had much bearing on later Modoc refusals to surrender.

An attempt was made by U.S. Army Gen. E.R.S. Canby to find a peaceful resolution, but when Canby and another peace commissioner entered the Modoc camp, they were murdered. On Jan. 17, 1873, Col. Frank Wheaton led an offensive against Captain Jack's stronghold. Facing starvation, the Modocs surrendered.

The book is filled with dialogue, much of which might be conjectural, perhaps coming from his primary sources. Although there are secondary sources in the bibliography, there is too much forced oral history of some of the participants, particularly the Modocs. Some readily available photographs of Hooker Jim, Curly Headed Doctor, Nub Scouting, Captain Jack or Tobey would have been helpful.

Quinn has a very readable, highly interesting style. Wisely, he omitted footnotes, which tend to derail a story meant for quick-draw reading.

Ray Brandes is professor of history at USD.
Menaced ex-wife raps media, law

By Clark Brooks  
STAFF WRITER

Although she believes it saved her life, Suzanne Bounds said yesterday that the state law prohibiting violent threats should be flexible enough to help the man who terrorized her, University of San Diego psychology Professor Daniel Moriarty.

Bounds, being honored at the district attorney's annual luncheon for selected crime victims, said her ex-husband should be getting treatment in a mental health facility rather than sitting in a state prison awaiting sentencing.

Bounds accused the news media of intrusive and inaccurate reporting of the events surrounding Moriarty's arrest, including the suicide of their 15-year-old daughter, Erin.

"I don't feel that freedom of the press means freedom of information," Bounds said. "I have yet to see an accurate story."

Standing behind a lectern displaying a framed photograph of her daughter, Bounds blamed her former husband, the media and others for the death of the girl, whom she described as "the one true victim in this case."

Entries in Moriarty's diary said he planned to kill Bounds, her husband, Larkin Bounds, and himself. Moriarty's lawyer, Michael Goldfeder, contended in court that his client was merely venting emotions over the breakup of a 26-year marriage and never intended to harm anyone.

Also honored yesterday was Gaston Larios, who disarmed a man trying to rob a U-Haul rental office on Adams Avenue.

Larios said he cooperated when the masked bandit demanded money, but feared he might be shot anyway. Then he got a brief look at the robber's weapon and thought it might be a plastic replica of a handgun.

Larios knocked the gun to the floor — it was a toy, it turned out — and then knocked out the robber.

Others honored were:
- Paula Myers, victim services director for Mothers Against Drunk Drivers, for helping create MADD's Victim Impact Panels in San Diego.
- Kathleen Sullivan and her late husband, Daniel, for their work on behalf of crime victims following the slaying of their son.
- Robert K. Ross, director of the county's Department of Health Services, for leading the Suicide, Homicide Audit Committee's war on
- An 86-year-old woman for reporting and testifying against a man who raped her after she tried to help him get his life back on track.
- The family of slain honor student Willie James Jones for their patience during a long trial of the killer, their poignant testimony at the sentencing and the dignified manner in which they conducted themselves during three difficult years in the public eye.
By Jack Williams
STAFF WRITER

As a founding member of the Saint Madeleine Sophie’s Auxiliary, Loretta Wilkins continued a legacy of service to the developmentally disabled that she had begun more than 40 years ago.

Her duties over the years included producing fund-raisers, editing a newsletter and serving as president on the organization’s board of trustees.

“Loretta was one of the cornerstones of our organization, devoted to us from day one,” said Sister Maxine Kramer, founder of Saint Madeleine Sophie’s Center, a training facility in El Cajon for developmentally disabled adults.

“She made many sacrifices,” Kramer said. “She always came up with the themes for our fashion shows and she was involved 100 percent with everything we did.”

Mrs. Wilkins died of cancer in the presence of her six children and many of her dozen grandchildren March 15 in her Point Loma home. She was 84.

In addition to her work with Saint Madeleine Sophie’s, Mrs. Wilkins served on the board of the Social Service Auxiliary. She edited the charitable organization’s newsletter, served as its historian and helped stage fashion shows after becoming a member in 1971.

She had served beginning in 1959 on the board of directors of the University of San Diego Women’s Auxiliary, whose newsletter she wrote for many years.

Mrs. Wilkins was active at St. Agnes Roman Catholic Church in Point Loma, serving as a Eucharistic minister, on the Ladies Guild and as chairwoman of both the parish advisory board and the golden anniversary committee.

“She was the driving force behind almost every activity in this parish for many years,” said the Rev. Nick Dempsey, St. Agnes’ pastor.

Mrs. Wilkins wrote a song, “The Bells of St. Agnes,” for her parish’s 50th anniversary. The song was reprinted in the church’s bulletin after her death.

A native of Sioux Falls, S.D., she settled in San Diego in 1959 when her husband and former college professor, Walter Wilkins, became scientific director of a Navy research laboratory. The couple built their home on Point Loma in 1961.

Mrs. Wilkins, a graduate of the former College of Saint Teresa in Winona, Minn., taught high school English, French and dramatic arts in Nebraska and South Dakota before concentrating on volunteering.

She began her work with the developmentally disabled in St. Louis, where her husband taught at Saint Louis University.

In addition to her husband, she is survived by daughters, Catherine Sassin and Lucy Barnett, both of Sebastopol, and Mary Segura, of Pleasant Hill; sons, John Wilkins, of Oakland, and Jim and Dan Wilkins, both of San Diego; 12 grandchildren; and two great-grandchildren.

Services were March 22 at St. Agnes.

Donations were suggested to Saint Madeleine Sophie’s Center, 2119 E. Madison Ave., El Cajon, CA 92019; Social Service Auxiliary, 3718 Milan St., San Diego, CA 92107; or University of San Diego Auxiliary, 5998 Alcala Park, San Diego, CA 92110.
Rancho Bernardo High alum- 

nus Tony Betancourt hit a
two-run home run as the Uni-

versity of San Diego scored six un-

earned runs in the ninth inning and
defeated Gonzaga 8-2 in the second 
game of a West Coast Conference
doubleheader yesterday at Spok-

ane, Wash.

Junior right-hander Bart Miadich 
(6-2) allowed one earned run on 10 
hits and one walk and struck out 
eight in nine innings for the Tore-

ros (18-15-2, 6-5).

Shortstop Kevin Workman hit a grand slam with two outs in the sev-

enth, and final, inning to give the Bulldogs (14-18-1, 3-8) a 9-7 victo-

ry in the opener.

More baseball

Robert Medeiros went 3-for-4 
and scored, twice to help Hawaii ,
(15-27, 7-9) to a 7-4 Western Ath-
letic Conference win over San Die-
go State (26-13-1, 9-8) at Tony 
Gwynn Stadium. Paul Lockhart hit 
a solo home run for the Aztecs.

Chris Rondestvedt (2-0) 
pitched a two-hitter, walked two

and struck out five to lead UCSD 
(13-13) to a 2-0 victory over Men-
lo in the first game of a doublehead-
er at Atherton. In the second game, 
the Oaks (20-20-1) beat the Tritons 
5-3.

David Gonzalez hit a two-run 
home run in the eighth inning to 
help Point Loma Nazarene 
(14-24-1, 6-10) to a 10-6 victory 
over Westmont (16-20, 9-10) in 
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Athletic Conference doubleheader 
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A supreme test of religious rights

By John H. Minan

The 14th Amendment to the Constitution gives Congress the power to protect the exercise of constitutional rights. To a limited extent, Congress has the power to legislate against policies and practices that the Supreme Court would not otherwise consider unconstitutional. But to what extent can Congress enlarge the scope of protection available under the free exercise of religion clause of the First Amendment beyond that declared by the Supreme Court?

This question was recently argued before the court in Boerne vs. Flores, a Texas case that involves a collision between historic preservation and religious use. A final decision by the court is expected by June. The case has broad implications because it involves a fundamental test of power: congressional vs. judicial and federal vs. state. Many observers think that it may be one of the most important tests of religious rights this century.

Understanding the background to Boerne is important. It starts in 1990 when the Supreme Court decided a case that significantly changed the scope and protection available under the First Amendment's free exercise of religion clause.

In Employment Division vs. Smith, the court held that laws of general applicability, which are not motivated in purpose against a religion, may significantly restrict certain activities associated with the practice of religion without violating the First Amendment.

More specifically, the court held that the free exercise clause did not provide for Native American sacramental use of peyote with an exemption from the enforcement of the drug laws.

The Smith decision was widely condemned by religious organizations as restricting First Amendment protections, and they lobbied Congress to take corrective action. As a result, in 1993, Congress overwhelmingly enacted the Religious Freedom Restoration Act, or RFRA. The legislation was based on the power granted pursuant to Section 5 of the 14th Amendment: "Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

What does RFRA do? The practical effect of RFRA is to make it more difficult for government to justify laws that substantially burden religious practices. It accomplished this by declaring that federal, state and local governments can substantially burden a person's exercise of religion only if they demonstrate that the law furthers a compelling government interest, such as health and safety, and is the least restrictive means of furthering that interest.

In mandating this standard, Congress restored the test the Supreme Court had employed prior to the Smith decision. In doing so, Congress arguably overruled Smith by directing the judiciary to apply a test that was rejected by the Supreme Court.

Earlier this year, the clash between the power of Congress to enact RFRA and power of the Supreme Court as the final arbiter of the Constitution occurred in Boerne vs. Flores, St. Peter the Apostle Roman Catholic Church wants to expand to accommodate a growing parish population.

The church currently is holding mass in a tin shed because it is the only place that will hold the expanding population. The City Council of the small Texas town of Boerne refused to grant the church permission because it was located within a historic preservation district.

The church sued the city, claiming the refusal violated RFRA. The city responded by arguing that RFRA was unconstitutional and that the historic preservation law was one of general applicability. The city contends that St. Peter's Church is a member of the general community and therefore is subject to the same restrictions as other uses within the historic district. In short, the church is not entitled to any special treatment.

From the city's perspective, RFRA violates the separation of powers doctrine. It is a hostile takeover of the free exercise clause by the branch of government most likely to be controlled by special-interest groups and opinion polls. It sees Congress as using its legislative power to effectively amend the Constitution by assuming judicial competence in the face of a contrary Supreme Court decision.

It argues that RFRA is not prophylactic legislation designed to deal with ensuring constitutional guarantees under the free exercise clause; that Congress is not "enforcing constitutional protections as required by Section 5, rather it is redefining the entire meaning of the free exercise clause."

The city argues that the legislative history to RFRA makes it clear that it was enacted with the purpose of overruling a decision of the Supreme Court.

The city also argues that RFRA infringes on state rights and on the traditional functions assigned to state and local government.

This occurs because state and local governments must effectively grant a religious preference whenever the terms of the federal statute are met.

RFRA changed the concept of the federal government possessing only limited powers into one where the federal government possesses unlimited powers, which is contrary to our traditional notions of federalism. The city argues that if RFRA is based on sound policy considerations, the power to enact its legal equivalent lies with the states, not the federal government.

The church sees the matter differently. It sees Congress as having broad powers to "enforce" constitutional rights in a way that goes beyond judicial interpretation. In essence, the church argues that the RFRA is no different, for example, from the Voting Rights Act, Title VII of the Civil Rights Act, or the Pregnancy Discrimination Act.

The church points to the fact that a congressional ban on state English literacy tests for voting was held by the Supreme Court in Katzenbach vs. Morgan to be a valid exercise of congressional power, even though the Supreme Court itself would not have found that the literacy tests violated the 14th Amendment. In other words, Congress can expand the protections beyond those declared by the Supreme Court.

The church further argues that RFRA gives St. Peter's the right to practice its religion without government interference; that the church should not have to answer the city's questions about why it wants to build an adequate place of worship.

Regardless of how the Supreme Court decides Boerne vs. Flores, the case is going to have a significant impact on every church, synagogue and other place of worship in America. It will also affect every religious person in the country. But the final decision will have broader implications because the case is wrapped up with matters beyond religion — the power of Congress and the Supreme Court and the relationship of the federal government to the states.
Mazone’s five-hitter helps Toreros romp

Junior left-hander Brian Mazone pitched a no-hitter for 5 2/3 innings and struck out seven to lead USD to an 8-1 victory over Gonzaga in a West Coast Conference baseball game yesterday in Spokane, Wash.

Mazone (5-5), a San Dieguito High alumnus, finished with a five-hitter, walked one and retired 15 straight batters after a two-out error in the first inning.

Women’s water polo
San Diego State (10-7) scored three goals in the third period to overcome a 4-2 deficit and defeated USC (9-15) 7-5 on the first day of the Mountain Pacific Sports Federation Women’s Water Polo Championships at UC Santa Barbara.

LOCAL COLLEGES

Men’s tennis
Ola Lindblom outlasted Kenneth Bang 6-4, 2-6, 6-2 at No. 1 singles to help second-seeded USD (10-10) defeat No. 7 Gonzaga (14-12) 7-2 in the first round of the West Coast Conference Championships at Malibu.

Women’s tennis
Second-seeded USD (12-10) won all six singles matches in straight sets and swept No. 7 Gonzaga (9-12) 6-0 in the first round of the West Coast Conference Women’s Tennis Championships at USD. Also, Toreros senior Yvonne Doyle and freshman Zuzana Lesenarova were named to the All-WCC singles team, and Doyle and senior Julie Baird were named to the doubles team, as were Lesenarova and junior Brigid Joyce.
SPRING BREAK-
Throughs
A student at the University of San Diego. About 15 friends were flying down to Cabo San Lucas in a private jet for a week of sun and relaxation. But that wasn’t the offer she couldn’t resist.

“I can go to Cabo any time,” said the 20-year-old Newport Beach native. The irresistible invitation she accepted was for six days just 20 miles and one international border from the USD campus.

For those six days, Wakim and 29 other USD students would sleep on floors and go days without a shower. They would visit prisons and orphanages, and encounter a host of neighbors they had not known lived and struggled so near to USD’s green, well manicured campus. They would pray, reflect, and encounter a life — and a culture — in nearby Tijuana, that many had previously known only through stereotypes.

For several years, University Ministry at USD has coordinated Tijuana neighborhood weekends. This is the first year it sponsored an “Alternative Spring Break” meant to be an experience of Tijuana with the qualities of a retreat.

At the end of house-building weekends, “students get to see the work they’ve done,” said Brother Tom Thing, one of the University staff who accompanied students for the spring break. He said that the latter “opened eyes, raised awareness. It gave less of a feeling that they accomplished a project” that was over and done in 48 hours.

Instead, students encountered people suffering concretely from injustice, and “came away with an understanding that they really are called by God to do something about it,” said Brother Thing.

The 30 students who made the retreat were selected by University Ministry staff from nearly 300 interested young adults on campus, and divided into two groups of 15.

One group spent the week at Casa Migrante, a shelter for men from southern Mexico, Central America or South America, who come north in search of work. The other group stayed at Baja Outreach, a Tijuana neighborhood program for children and families.

Between crossing the border in USD vans on the Friday before and returning on Wednesday of Holy Week, each group did volunteer work for their host institutions and made the rounds of sites throughout Tijuana seldom visited by U.S. citizens. On several evenings, they met with experts from both sides of the border for talks on politics, economics, and religious issues in Mexico.

At each site, powerful encounters with the sometimes harsh, sometimes beautiful realities of Mexico’s border life helped break through the assumptions and the fears that students carried.

Service at Casa San Juan, a shelter for abandoned elderly men, run by Mother Teresa’s Missionaries of Charity, was particularly difficult for some students, said senior Laura Torretto, an education major and one of the student coordinators of the retreat.

Many of the men at the shelter were disabled, some by serious mental problems. The students joined the sisters in their daily routine of changing the residents’ sheets and cleaning a woman who said she spends seven days a week combing the dump for saleable castoffs. Students reflected on the beatitudes in their evening reflections, and because of encounters like this one, found new meaning in them. Photo: Cyril Jones-Kellett
Murphy acknowledged that the non-materialist attitude of many of the Mexicans he met challenged his own view of what is important. He said he hopes the maquiladora workers will add to the local economy and gradually raise the standard of living.

Other challenging sites on the retreat itinerary were Tijuana's jails and the city dump.

The students prepared food which they brought to prison inmates. Many emerged from the jails disturbed by their conditions, where six prisoners occupying a single eight-by-eight foot cell is not uncommon.

Yet the dump, where hundreds of men, women, and children daily comb the debris for anything they can sell, was perhaps the most challenging of the realities students encountered.

When they brought sandwiches, tamales, and lemonade to share, some expected to be mobbed by the poor who scavenged the trash heaps. Instead they were approached in an orderly manner and received polite requests for food and drink. They found the workers pleasant, and willing to smile and answer questions asked in halting Spanish.

"They are such good people," said one tearful student as the uso vans left the dump behind. "They have nothing and they are willing to share whatever they've got."

Exposure to the friendly openness of the people they encountered, to the abiding faith they found everywhere, and to the richness of a culture formerly unknown produced a newly integrated awareness students would take with them.

"We saw poverty but we also saw the positive aspects," said student coordinator Torretto. Referring to what most American students find in the city's main tourist section, she said, "Tijuana is not just Avenida (de la) Revolucion on a Friday night where half the people are drunk." While she might have overlooked it otherwise, she found that some of the nicest moments of the retreat week were spent sitting at a city park watching families play together.

**DIVINE ENCOUNTER:** Each morning and evening, students on this alternative spring break gather to reflect on their experiences and to pray. "It was very powerful prayer," said Brother Tom Thing, OFM, one of the University ministers who organized the retreat, "Students shared profound reflections on what they were experiencing." Photo: Amy Schettig

The students had also "witnessed a commitment by lay people involved in all the institutions we visited," Brother Thing said. Those lay people included many college-aged volunteers active in Mexico under the auspices of organizations like Quest and the International Jesuit Volunteers.

"Many students came back and said: 'This is something I'd be interested in doing,'" he said.

"It makes you think about your own life," said Torretto. "There are some serious injustices down there and as Catholics, we are adding to that if we don't help."

The retreatants were unanimous in praise of the alternative spring break, and several said it was just what a Catholic university should provide.

"I think it's one of the most important things a Catholic school can do," said Schaefer. "Jesus teaches us to do all the things we did on this retreat."

Wakim, who could have spent the week sunning herself in Cabo San Lucas, said he 'd really understand why she had not gone with them.

"I'm really happy I went to Tijuana," she said. "I don't think I'll ever look at a poor or homeless person the same (way) again."

When the alternative spring breakers headed back north to culminate their Holy Week, sophomore Tawnya Lydick said, "This summed up the whole meaning of Easter for me."
News in Brief

Career Achievements Awards Honor Six USD Alumni

Six University of San Diego alumni will receive the 1997 Arthur E. Hughes Career Achievement Award at the third annual Hughes Awards dinner slated for April 26 at the San Diego Princess Resort. The recipient from the College of Arts and Sciences is Dr. Gay Martha Guzinski, a 1965 graduate who is an assistant professor at the University of Maryland School of Medicine. The School of Business Administration recipient is Betsy Myers, a 1982 graduate who is the deputy assistant to the president and the White House director of Women's Initiatives and Outreach. The School of Education recipients are Kevin (1987) and Jackie (1994) Freiberg, president and managing partner, respectively, of The San Diego Consulting Group. The School of Law recipient is the Honorable Federico Castro, the 1971 graduate who serves in the San Diego County Superior Court. The School of Nursing recipient is Felicitas A. Dela Cruz, RN, who graduated in 1991 and is a professor at Azusa Pacific University School of Nursing. The awards ceremony will feature an entertainment tribute to each honoree. Denise Yamada, KFMB news anchor, will serve as emcee.
The scene conjures the romanticized portraits of America in the 1950s. Sunday evening, with the parents and kids gathered around the dinner table. And the family being regaled with a tale from dad.

This particular picture, however, has a legal twist. The patriarch happened to be San Diego plaintiffs' lawyer David S. Casey. And his weekly stories? Turns out they actually were opening statements he planned to use the next day at trial. The family was his mock jury.

The presentations evidently had a positive effect on Casey's son, David S. Casey Jr. He decided to become a lawyer, eventually joined the firm his father co-founded and now presides as president of the Consumer Attorneys of California, the group that represents the plaintiffs' bar.

What the younger Casey took away from the Sunday-night dinner table, he has carried with him throughout his own career. "My father would get a story told with a minimum usage of words," said the 47-year-old Casey, who earned his law degree in 1974 from the University of San Diego School of Law. "He would make a person come alive to a jury, and that's what I try to do."

Of course, the practice of tort law is much different today than it was when Casey's dad rehearsed his opening remarks on a weekly basis. The senior Casey tried more than 700 cases before his retirement a few years back. But as Casey noted, "Today's practice is discovery-laden," enabling the parties at a relatively early stage to better gauge the strengths and weaknesses of their cases and assess the risks of going to trial. The result is more settlements and many fewer appearances before juries.

Still, when Casey gets a chance to ply his trade in court, legal adversaries say he is an appealing, effective plaintiffs' advocate. "He's got those blue eyes, and he stands up in front of the jury with a lot of sincerity and that good Irish charm," said Ed Chapin, a defense attorney with San Diego's Chapin Fleming & Winet, who has known Casey since "about six minutes after he started practicing law."

Chapin has fought some battles against Casey over the years and observed, "Like most plaintiffs' attorneys, he wants 10 times what the case is worth. But he's a

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Reactions show divisive power of Prop. 209

Ruling is hailed and denounced

By Ronald W. Powell and Daniel de Visé

STAFF WRITERS

True to the divisive nature of Proposition 209, yesterday's federal appeals court ruling affirmed it was either an occasion for champagne or a time to mourn.

Local proponents of the state anti-affirmative-action initiative were jubilant.

"If it wasn't a work day, I'd be popping champagne," said Darrell Issa, a Vista manufacturer. He was a co-chairman of the statewide "Yes on Proposition 209" campaign.

"The people of California need to be happy about it," said Issa, a Republican candidate for the U.S. Senate seat held by Democrat Barbara Boxer. "They voted to eliminate quotas in public education and construction, and the will of the people was thwarted by that liberal judge."

John Johnson, president and chief executive officer of the San Diego Urban League, said the ruling left him profoundly disappointed. He said governments and courts have been "avenues of last resort" for nonwhites seeking justice in America. Those avenues now appear closed, he added.

Johnson predicted that African-Americans and Latinos will "continue to lose ground" in admissions to state universities. The ruling should move African-Americans to coalesce and work more vigorously toward economic self-sufficiency, he added.

Randa Trapp, president of the San Diego chapter of the National Association for the Advancement of Colored People, and Randy Jones, president-elect of the predominantly black National Bar Association, agreed that discrimination is still alive in California. They said it is too soon to strike down affirmative action.

They voted to eliminate quotas in public education and construction, and the will of the people was thwarted by that liberal judge.

Jack McGrory: Ruling "does not affect the hiring, contracting or promotional policies of our city."

Randa Trapp, NAACP: "You cannot expect 300 years of discrimination to be wiped out in less than 30 years."

"You cannot expect 300 years of discrimination to be wiped out in less than 30 years," said Jones, referring to the length of time affirmative action programs have been in effect.

Trapp said the NAACP will become more active in filing discriminatory lawsuits.

University of San Diego law Professor Gail Heriot, a proponent of Proposition 209, said that for too many years government relied on race- and sex-based programs to fix inequities in minority communities. But she said people in those communities are already starting to do their own problem-solving through the formation of charter schools and other avenues.

If this causes us to redirect our thoughts toward new solutions, then Proposition 209 will have done us a favor," said Heriot, a co-chairwoman of the statewide "Yes on Proposition 209" campaign.

Bill Burke, executive vice president of the Associated General Contractors, applauded the ruling. His organization, predominantly of white contractors, won a lawsuit against the city of San Diego in 1993. The victory struck down a program that required participation of female- and minority-owned firms on city construction contracts.

This has to be positive," Burke said of the ruling. "We oppose any mandatory programs (to hire members of minorities and women)."

Burke said his organization is preparing training and mentorship program for minority- and female-owned businesses that will be submitted to the city of San Diego for consideration within two months.

The impact of Proposition 209 on cities in San Diego County is expected to be negligible. Officials in San Diego, Escondido and Chula Vista said yesterday that their hiring and contracting programs are free of mandatory preferences and quotas.

San Diego City Manager Jack McGrory said the ruling "does not affect the hiring, contracting or promotional policies of our city."

The field of education may be a different story.

The list of public school programs that might be deemed discriminatory under Proposition 209 could be short or quite long, educators said, depending on how the measure was interpreted in the courts.

Some programs, such as racial desegregation efforts, appear safe from Proposition 209. Others, such as college-preparatory programs geared for ethnic minorities, could stand or fall on the basis of a judge's reading of the controversial new law.

"Proposition 209 could (affect) programs that are targeted to include students based on some sort of ethnic background, some sort of racial background, even language," said Carl Wong, assistant superintendent of educational services for Grossmont Union High School District.

The 20-year-old effort at racial desegregation in local public schools probably would not be affected by the new law. The proposition was written to specifically exclude court-ordered desegregation.

Voluntary programs, such as the one in San Diego schools, would probably find protection under a clause in the California Constitution, said Janet McCormick, a consultant in the California Department of Education legal office.

Educators said one group of public-school programs in particular — those that target a single ethnic group for attention — might run afoul of the law.

One program, Puente, provides college preparation to Latino students statewide and is offered at two local high schools, San Diego High and Castle Park High in Chula Vista. Program directors said it would not immediately be reached for comment.

Two programs that had once worked exclusively with African-American boys and Latina girls in the San Diego Unified School District were rewritten last year to correct a built-in sex bias that violated federal law.
EAGLES

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Negotiator. He fights hard for his clients."

The senior partner at San Diego’s Casey Gerry Reed & Schenk never gets nasty about it, though. One of Casey’s professional hallmarks is his ability to maintain good relationships with his adversaries. When Chapin and other litigation opponents describe Casey, the most frequently used word is “civil.”

“He exudes civility in his dealings with people,” said Chapin. “I can have a conversation with David Casey, hang up the phone and have an understanding without having to send a letter.”

San Diego Superior Court Judge Arthur W. Jones, a former defense lawyer now on assignment to the 4th District Court of Appeal, has known Casey for 17 years.

“He is a fellow who has a personality that permits him to get things done by going through the task, but keeping everyone’s good feelings about him,” said Jones. “He gets the job done without being ugly. It’s important to be civil.”

Although most people might consider it a positive trait, Casey’s diplomatic demeanor reportedly has irked some CAOC heavyweights. They consider him too nice, too easygoing to do well in the more down-and-dirty atmosphere of the CAOC.

One thing that Casey has done in that full throttle this year in the Capitol, where the CAOC has launched one of its most ambitious legislative programs in recent memory. After years of being bombarded with adverse court rulings and GOP-sponsored legislation to curb tort rights and lawsuits, the CAOC decided it’s time to fire a return volley. The package of trial lawyer bills includes proposals to:

- repeal the statutory caps on noneconomic damages in some medical malpractice cases.
- restore third parties’ right to sue insurers for bad-faith claims造成的．
- bar employers from requiring binding arbitration of disputes as a condition of hiring.
- encourage more discovery prior to rulings on summary judgment motions.
- specify that violations of building codes are negligence per se in construction defect actions.

In sponsoring the broad plan, the CAOC is seeking to strengthen the position. Last November’s elections saw Democrats return to power in the Assembly and solidify their control of the Senate. On the negative side, however, Gov. Pete Wilson, a staunch tort reform advocate, remains in office. The upshot? Trial lawyer measures to expand tort rights and damages face an almost sure veto even if they manage to pass the Legislature.

But Casey and his organization are not deterred. Citing the adverse court rulings and legislative proposals, Casey said, “I think it’s time we fight back. We can’t stand and watch the erosion from the side-lines.”

It’s ironic that Wilson will be Casey’s most powerful adversary in the upcoming tort debate. The senior Casey and the governor are longtime acquaintances, a relationship that dates back to the start of Wilson’s political career in San Diego. The governor, Casey recalled, even wrote him a letter of recommendation when he applied for a special political science program at Rutgers University.

Asked whether he felt strange battling with Wilson on the tort issue, Casey replied, “I separate it out politically and personally.”

Casey’s father arrived in San Diego “an unknown quantity,” to use the son’s words. David Sr. passed the California bar exam with tutoring help from the renowned legal scholar, the late Bernard Witkin, and, after an initial struggle, rose to prominence. He served as State Bar president in 1975-76 and even made an unsuccessful run for San Diego mayor.

That’s a tough act for a son to follow. So it most have been with some trepidation that David Jr. decided to make law his career. The pressure increased in 1974, when it came time for Casey to take the bar exam.

Although the elder Casey’s firm was headed by coincidence, was sitting on the Board of Governors that year, his father’s pre-exam counsel? Casey recalled it was something like, “Leave the country if you don’t pass.”

It was a joke — sort of. “My father had very high standards, very exacting standards,” said Casey. “My father was a very strong and domineering-type individual.”

Casey passed the bar in 1974, part of a class that increased the University of San Diego’s pass rate from a meager 50 percent to 89 percent. “We kind of broke the mold,” said Casey. “But it was kind of scary going in.”

Wanting to avoid his father’s shadow and “try and get on my own feet,” Casey opted not to join the senior Casey’s firm after passing the bar. Instead, he went to work as a prosecutor in the San Diego city attorney’s office. During his stint there from 1974 to 1976, Casey tried 50 cases.

But when the elder Casey was State Bar president, his firm — then called Casey McMahan Fraley & Hauser — broke up. And father came calling on son. “He took me for a walk and asked if I would come to his new firm,” Casey said. He agreed and brought with him his best friend, a Texas lawyer named Richard Westbrook, who died 13 years ago.

Casey Gerry Casey & Westbrook ultimately evolved to the current 10-lawyer version, Casey Gerry Reed & Schenk. The firm recently celebrated its 50th anniversary, dating back to the time when David Sr. formed it under his own name.

Casey has been with the firm since 1976. In the span of those 20 years, his relationship with his father has changed. “As a kid, I was in awe. Now we have a very close bond,” said Casey. And at the same time, the son has come to cast a formidable shadow of his own.

He is a plaintiffs’ bar leader both nationally and at the state level, and his resume features a number of major litigation victories. He won the largest settlement in history against the city of San Diego — $96 million — in a case arising from the permanent disability suffered by a woman hit by a speeding police car. Casey also won a $3.5 million jury verdict against San Diego County in a highway design lawsuit.

And he co-counseled in the Exxon Valdez oil spill case.

The money he earns from such work is nice. But Casey — who lives in San Diego with his wife, Lisa, and two children, David III and Shannon — says that’s not what motivates him.

“I like helping people,” he said. “We have a lot of people who come in whose lives have been shattered, who have sustained inestimable loss. We help guide them and get them back on the road.”

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**Career Highlights:**

*Partner, Casey, Gerry, Reed & Schenk, 1976-present; San Diego deputy city attorney, 1974-76*

**Law School:**

University of San Diego, 1974

**Age:** 47
Nextel enters San Diego’s wireless fray

By Elizabeth Douglass

And Nextel makes four.
Yesterday, Nextel Communications officially entered San Diego's wireless wars, becoming the fourth company to offer digital mobile phone service in the area.
The company, based in Virginia, yesterday formally launched its digital service in San Diego and Los Angeles and in Baltimore, New York, St. Louis, Seattle, Portland, Ore., and Washington, D.C.

Nextel’s digital service targets business users and is available in about 200 cities, making it one of the largest national digital networks.

“We think we’re going to have a significant impact on the market,” said Chris Duggan, Nextel's general manager in San Diego. “We have a unique product in that we have cellular, text messaging and two-way radio in one unit.”

The company’s move into San Diego follows a lengthy test service that began here in early 1995 and included thousands of business users. Those test customers, including construction companies and others with groups of mobile workers, used an earlier version of Nextel’s digital technology.

Nextel waited until now to begin selling the service so it could improve the voice quality and other functions.

When the PCS players came out, the pressure was “on me to launch this network,” said Duggan. “But Nextel was willing to wait, because we wanted to make sure that the network was fully (ready).”

In the meantime, three other companies jumped in to offer digital service to San Diegans.

Late last year, Pacific Bell Mobile Services and Sprint PCS launched their service, and AirTouch Cellular joined the fray with its digital cellular service.

PCS and digital cellular offer similar features, but operate on a different frequency.

Nextel is different. Its phones, for example, include the paging, voice mail and other services offered by other digital companies, except data transmission, which will come later.

However, Nextel’s phones offer something others do not: the built-in, two-way radio.

“They are a threat to the other (wireless) companies because they will be looking to steal their customers, especially their high-end customers who work in groups,” said Steve Virostek, a consultant at The Strategia
Nextel

Company has set its sights on business users

Continued from C-1

Group who is familiar with Nextel's strategy. "They are trying to differentiate themselves in a competitive market."

Pacific Bell Mobile believes the added competition will benefit consumers, but the company doesn't seem too worried.

"We feel our service is superior," said Roy Gunter, an executive director at Pacific Bell Mobile. He said the Nextel device is a two-way radio with phone service added in and lacks the voice quality offered by other digital phones.

The two-way radio function is not for everyone, and Nextel is aiming strictly for that growing number of business customers who have an ever-growing need to keep in touch with their mobile employees.

The radio feature allows users to talk to large groups — a field sales staff or repair crew, for example — at the push of a button. Users can listen to the radio call through a speaker, or privately through an earpiece.

The radio function also can be used to call any one person in a group without others hearing the conversation. To avoid interrupting meetings, Nextel users can send a discreet alert, which transmits a beep and displays the name of the person making the call.

By using the mode button, the user can switch from group or private radio to the phone mode, which converts the Nextel PowerFone to a digital cellular phone.

Coreen Petti at the University of San Diego is one of the Nextel converts.

Petti says Nextel's PowerFones were priceless last summer when USD was preparing to host for a presidential debate between Bill Clinton and Bob Dole.

"We had been looking at pagers, two-way radios and cell phones, so we were thinking about approaching all of those providers," said Petti, who served on the debate task force.

Nextel gave her a demonstration and donated 25 units to the debate task force for six weeks.

"The (two-way radio) was probably the most critical element of all the features on the phone," Petti said. "No matter whether we were on or off campus, it was immediate contact. We didn't have to dial numbers. We didn't have to wait."

Nextel's prices are competitive. Monthly fees range from $49.60 for users with 50 to 249 units to $56 per month for just one Nextel PowerFone. The integrated plans include voice mail, numeric paging and 25 text messages per unit, plus 50 minutes of "Direct Connect," the Nextel conferencing feature.

Airtime charges, which build up when using the phone or the radio mode, are listed at 27 cents per minute. During a special promotion that ends April 30, the per-minute rate is 12 cents a minute.

After the first minute, Nextel bills by the second, instead of rounding off use to the nearest 30 seconds or minute, like most wireless companies do.

Nextel has dropped all roaming charges for users traveling to other cities where Nextel operates.

The Nextel PowerFone, made only by Motorola, costs $199 (down from $399 recently). A more rugged version, the Raven, costs $349. They are for sale by designated dealers in the area.

Nextel has launched a $30 million to $35 million national advertising campaign to reach customers.

"We (were) a well-kept secret," said Duggan in San Diego. Not anymore.
Realistic grads
College class of ’97 looks for opportunity, not job security

By Michael Kinsman

When Tom Chappas says goodbye to San Diego State University this spring, he doesn’t expect his next stop to last as long as the five years it has taken to earn an engineering degree.

“I want an opportunity,” Chappas said of his next job. “I don’t care if the job only lasts nine months or a year. I want to be able to look back and say I did something worthwhile.”

It’s a new attitude on campus this spring, when 1.2 million students nationwide are expected to graduate and head into their careers. It is a real-world acknowledgment that job security shouldn’t be counted on and that workers must take control of their career planning.

Increasingly, students want an opportunity to learn, to prove their worth and to do something fun, say college officials and recruiters.

At the same time, Michigan State University’s national study of college graduate hiring prospects forecasts a 6.2 percent increase in available jobs this year, as well as starting salaries that are 3.5 percent to 4 percent higher than a year ago.

“I still wouldn’t promise a job to every college graduate, but this is the fourth year in a row that the job market has improved,” said Patrick Scheetz, director of Michigan State’s Collegiate Employment Research Institute.

The rebound follows four successive years of declining job opportunities.

Linda Scales, director of career services for the University of San Diego, said this year’s students seem to have sensed a bright job market and are methodically looking at options.

“Students aren’t jumping at the first job offered them.”

Offers turned down

“Employers are telling us that they’re getting a large number of turn-downs when they make job offers,” Scales said. “Students aren’t jumping at the first job offered them.”

Although infrequent through the uneven hiring seasons of the recession-plagued 1990s, job shopping is regarded as a healthy exercise, even among employers who sometimes are rejected.

“We’re talking about very savvy students who are asking the right kinds of questions,” said Kathie Walker, staffing and compensation manager for Hewlett-Packard operations in San Diego. “They’re not so concerned about how much they’ll make, but there’s an emphasis on what the culture is, how are they going to fit in and whether they’re going to make a contribution or be challenged.”

On-campus recruiting has surged this year at SDSU, USD and the University of California San Diego.

“Without a doubt, we’ve got the most significant increase in employment opportunities we’ve seen in years,” said Neil Murray, director of UCSD’s Career Center.

The university registered a 47 percent increase last fall in recruiting by private employers compared with the fall of 1995.

“You have to look at the improving economy and say this is connected,” Murray said.

Interviews abound

At SDSU, 4,728 on-campus job interviews were done during the fall term, and the director of career services, Judith Gumbiner, said she expects the total for the school year to approach the record of 10,532 set seven years ago.
“There are so many recruiters here this year that students are having no trouble getting interviews,” Gumbiner said. “They can do all the interviews they have time for.”

Chappas said he interviewed with six employers on campus and sought out two others on his own over the past two months.

“From those interviews, you can feel you’re in demand,” the 22-year-old said. “Friends told me I was going to have a tough time getting a job, but on my first two interviews I got called back for second interviews.”

Chappas said he thinks that he has interviewed well and expects three or four job offers.

It helps that he’s an engineering graduate. Computer science majors, electrical engineers, computer engineers and programmers are in high-demand nationwide.

Even with a dearth of graduates in computer science, Hewlett-Packard’s Walker hasn’t seen any indication that students are leveraging that for higher salaries.

“They want to know about other opportunities they will get once the project they have been hired for is over,” she said.

Small firms favored

Scales said she has seen less determination on the part of graduates to land jobs with large, well-established companies.

“They seem to see opportunities in smaller companies,” she said. “They aren’t looking to climb the corporate ladder anymore. But they do want to make sure they learn something in their jobs that will help them on the next job.”

That attitude, Scales said, is a sober realization that workers in the years ahead will move from job to job, or company to company.

“I think they are willing to wait for a meaningful job because they know how they do on their first job will help get other jobs,” she said. “They seem willing to take more risks and trust themselves. They seem to be more afraid than they used to be of getting locked into a job that won’t help them later.”

The loosening of the job market has taken away the urgency to find jobs that often faced graduates in recent years, Scales said.

Charlie Heinz, who graduated from USD at the end of January, is still investigating sales and marketing jobs.

“I’m not going to jump at the first opportunity for a job,” Heinz said. “I want to make sure I’m making the right decision. My father has urged me to take my time to find what I really want.”

Heinz is looking for a career position, but he has grown frustrated that the San Diego job market may not hold much promise for him.

“There are good jobs, but it seems like most of them are outside of this area,” he said.

Seeking security

At 28, Heinz already has work experience and is looking forward to using his education in a career path. Unlike some others, he is interested in a company that will still have an interest in him down the line.

“I’m not going to be naive about it and believe there’s a job out there that’s perfectly secure, but I do want to find a company that will have room for me to grow,” he said.

Yet, even as job prospects seem to be improving, Scales said employers also are seeking more interns than USD can possibly provide. Internships have become essential to landing jobs, and she reports that many students are doing two, three or four internships to prepare themselves for the first career job.

“A company said to me last week, ‘Yes, we have very long interviews. We have three-month-long interviews. They’re called internships,’” she said.

Scales said she is surprised by the large numbers of students who expect their first jobs to be fun.

“That’s certainly what they all mention in this generation,” Scales said. “It’s difficult for parents and difficult for faculty to understand. But this is a generation that was raised on Sesame Street, where everything is fun.

“Will it be? It certainly will be interesting to find out.”
Law schools are shifting focus

More emphasis is being placed on training attorneys to handle needs of small businesses as large corporate law firms fade.

"Start-up companies usually don't have a lot of capital to begin with and have to keep their costs low," said Kenneth Vandevelde, dean of Thomas Jefferson School of Law. "And a lot of larger firms want you to pay a retainer fee right up front.

At Thomas Jefferson, the curriculum was retooled in recent years to provide the kind of broad-based practical training geared to issues commonly faced by small businesses.

The school, formerly called Western State University School of Law which received accreditation from the American Bar Association last year, offers courses not only in litigation but also in civil motions. That, Vandevelde said, is a decidedly more realistic approach in view of the trend to resolve legal disputes through negotiation, mediation and arbitration.

Rather than replacing a more theoretical approach to the law, Thomas Jefferson is trying to give students the skills they need as soon as they graduate, usually serving clients in smaller firms or as solo practitioners.

About 70 percent of its students find work in smaller firms or go solo, and the school tailors its curriculum to preparing students to service smaller and mid-sized businesses, Vandevelde said.
Not too long ago, many law schools modeled themselves after the most elite level, the Harvards and Yales, preparing students to serve in large, corporate firms, Vandevelde said.

But, starting in the early 1980s, a change was instigated as many of the nation's largest firms crumbled and others were forced to drastically reduce their staffs when faced with exorbitant salary levels and overhead costs.

Later, an economic recession took hold, further downsizing and mergers cost more jobs, and mega corporate firms lost much of their luster, Vandevelde said.

As a result, many law schools began revamping their curriculums to make the training more relevant.

The concept was to give students a grounding in the basics of lawyering so they could hit the ground running, instead of serving a multiyear apprenticeship with a large firm that permitted a longer learning curve, said Vandevelde.

The change was accelerated in many schools following a landmark study from the American Bar Association called the McCrate Report that criticized the training received by most law school graduates.

As part of its curriculum retooling, Thomas Jefferson offered classes tailored to the city's fledgling industries. The school now allows students to grow into a large one is getting good legal advice all along the way, Friedman said.

"Big businesses aren't delivered by a store. Most Fortune 500 companies started small, and, hopefully, had good lawyers that helped set it up and then steered it in the right direction," he said.

The need for professional legal assistance is sometimes ignored by people just getting started in a business, which can lead to serious problems in the long run, said Hal Lefkowitz, director of the San Diego Small Business Development Center.

Lefkowitz said he sees many instances where business partners overlook detailed agreements in setting up companies, or signing contracts and leases that they do not fully understand.

There is a whole gamut of issues that start-ups and smaller businesses typically face that should be reviewed by qualified attorneys, and ignoring those issues or putting them off can lead to disagreements and misunderstandings down the road that can be costly, he noted.

"The quicker you get (legal assistance), the better the start up is going to be," he said.

"You can pay now or pay later."
Odyssey Golf on an amazingly successful odyssey

Odyssey Golf is truly on an odyssey — a long one and a short one.

The Carlsbad putter maker, now a sibling of parent Tommy Armour Golf of Chicago, is moving into new 35,000-square-foot digs — right across the street from its Camino Vida Roble facilities. That’s the short trip.

“Things have been going great,” said company spokesman John Lenihan. “In the last three years we have been on a tremendous roll ... going from $3 million in sales to $11 million to $30 million. We project a $50 million year for ’97.”

That’s the long one.

The new facility will house the research and engineering branches of Odyssey and Tommy Armour, as well as its PGA Tour operations. It will also contain Odyssey’s marketing and sales departments.

“We’re targeting the giants now,” said Lenihan.

Those putting giants would be Ping and Titleist and Odyssey has them squarely in its sights. Lenihan says Odyssey putters now have 35 percent of U.S. market share. They are also No. 1 (more than 50 percent) on the Senior and LPGA tours and have some 40 percent of the Nike Tour market, he said.

The odyssey of Odyssey is getting a clever assist from the 4-year-old San Diego advertising firm Vitro Robertson.

Says John Vitro: “You know how when you meet someone you know you’re going to be able to work with them? We felt that we immediately about Odyssey and Mike Magerman.

“They had the guts to do something different ... to break tradition. We wanted to be part of it.”

Magerman, a USD business grad, did so well as Odyssey president, that when Tommy Armour bought the company it chose Magerman to run not only Odyssey but all of Tommy Armour as well.
Congratulations to local baseball historians Dr. Ray Brandes of USD and Bill Swank. They've completed their two-volume set on the Lane Field PCL Padres and 1,200 copies have been printed. The present-day Padres are handling the distribution of the book, which features interviews, pictures and the history of those beloved teams...
Heaven's Gate slammed shut on members' free will

By George J. Bryjak

The mass suicide in Rancho Santa Fe can be more fully understood via the work of the great French sociologist Emile Durkheim. In his classic work, "La Suicide" (1897), Durkheim argued convincingly that because suicides are not randomly distributed throughout society, they cannot be explained simply from an individualistic or psychological perspective.

Examining suicide statistics in France and other European nations, he found recurring patterns of self-destructive behavior. For example, single, widowed, and divorced people have higher suicide rates than married individuals; Protestants have higher rates than Catholics; and military personnel kill themselves at a higher incidence than do civilians.

Two of the four types of suicide Durkheim discussed — egoistic and altruistic — are a function of how people are integrated into groups. Durkheim believed that a strongly integrated group (or society) "holds individuals under its control" and forbids them from taking their own lives.

Married individuals are less likely to take their lives than unmarried men and women (who are more prone to commit egoistic suicide) because they are involved in a family network. This network gives additional meaning to their lives and binds them to spouses and children both emotionally and by way of mutual responsibility.

On the other hand, over-involvement in one group (to the exclusion of others) and an excessive sense of duty to that group or community, increases the likelihood of suicide. If egoistic individuals think overwhelmingly in terms of "I" (because of their lack of integration), then people who commit altruistic suicide view the world exclusively in terms of the group of which they are members. The individual acquires to group values and works obediently and wholeheartedly toward the realization of organizational objectives. Perhaps the most well known (and extreme) example of what Durkheim called "obligatory" altruistic suicide is that of Japanese kamikaze pilots and rai den (suicide submarine commanders) who dutifully crashed their vessels into American ship during World War II in the name of emperor and country. Failure to meet one's obligations results in dishonor and punishment.

The death of the 39 Heaven's Gate members was a collective form of obligatory altruistic suicide by people whose lives only made sense within the parameters of that organization. Although not physically isolated or constrained, members interacted almost exclusively within the confines of a closed community where they reinforced each other's world (and extraterrestrial view). When Heaven's Gate leader Marshall Applewhite decided it was time to move to the "next level" via collective suicide, they felt obligated to follow his directive.

An important part of our individuality is how we present ourselves to others. This presentation of self is accomplished in large measure by the style of our hair and the clothes we wear. Therefore, an initial step in surrendering one's identity to an organization is to conform to a code of personal appearance.

Members of Heaven's Gate (men and women) had close-cropped hair and wore baggy shirts (that masked their physical stature) in an apparent effort to appear androgynous. They looked so much alike that initial media reports stated the victims were all males. To the extent that we are sexual beings and have a sexual identity, this identity was negated in those males who were castrated. By way of this extreme disavowal of the self, it is hardly surprising that members thought of their physical bodies as nothing more than "vehicles" or "containers," a kind of temporary housing for some indestructible cosmic essence.

People who commit altruistic suicide are not (from their perspective) "taking" their lives. Rather, they are offering or making a sacrifice of themselves in the name of some lofty goal or value that is significantly more important than their earthly existence. In the latter days of the Iran-Iraq War (1981-88), after both sides had suffered heavy casualties, Iranian teenagers (males) were used as human mine sweepers to clear the way for front line troops. As these adolescents entered the killing grounds en masse (no doubt some unwillingly), they clutched plastic keys dangling from their necks — symbolic reminders that their obligatory deaths would be rewarded by entry to the promised land.

Similarly, Heaven's Gate members also viewed their demise as a transition to a superior existence (the next level). In an interesting twist on self-destruction (and a further rationale for that behavior), members came to believe that not taking one's life was "turning against the next level when it was being offered to them." From this perspective, what really constituted suicide was remaining alive in this world.

One of the first things extremist religious and political groups do is convince neophytes of the futility and wretchedness of their former lives. As one victim stated (in a video aired after the tragedy), "Maybe they're crazy for all I know, but I don't have any choice but to go for it, because I've been on this planet for 31 years, and there's nothing here for me."

In the aftermath of the Jonestown and Waco tragedies, the loss of life was routinely explained in terms of the victims' background; that is, a group of lower-class misfits who could not achieve any measure of success in conventional society.

However, it appears that members of Heaven's Gate were educated and relatively affluent individuals.

From Durkheim's perspective, people immersed in a social group to the point that their individuality is of little consequence are at an increased risk of committing suicide regardless of their station in life.

BRYJAK is a professor of sociology at the University of San Diego.
Wanted: Teachers

The time is right if you want

to make a career change

BY MICHAEL STUCKHARDT

For the first time in many years, credentialed teachers throughout California are in demand. This need can be attributed to the increasing number of teachers who have reached retirement age and to the implementation of California's Class Size Reduction Program. Initiated for the 1996-97 school year, this program was designed to reduce the size of public school classes at two primary grade levels.

More than 1,000 new teachers were hired this year to implement Class Size Reduction in San Diego County alone, and it has been projected that as many as 19,500 teachers will be needed statewide. Gov. Pete Wilson recently announced his intention to extend the program into more grades. This means the number of credentialed teachers needed soon will exceed the available pool.

With this bright employment outlook, many may want to know what is required to earn a teaching credential. The credentialing process is com-
plex and demanding. Determination and a clearly focused goal are, therefore, the first requirements for prospective teachers. The remaining requirements can be met at any of the eight institutions of higher education in San Diego County that are authorized by the California Commission for Teacher Credentialing (CTC) to offer teacher training programs.

These programs lead to the Multiple Subject Credential (required for those who aspire to teach elementary school) or Single Subject Credential (for those seeking to teach high school). Because all teacher training programs must conform to regulations maintained by CTC, there is little variation in the content or preparation candidates receive. There is, however, considerable variation in the cost, course structure and delivery systems among these programs, making it advisable to carefully assess which is the best suited to meet individual needs and personal style.

Both multiple and single subject credential programs generally have the following common requirements for candidates: 1) a bachelor's or higher degree, 2) 60 hours of observation/participation with elementary or high school youth, 3) passage of the California Basic Education Skills Test (CBEST), 4) completion of a U.S. Constitution course or examination, 5) completion of an approved college or university subject matter program, passage of the Praxis Series Multiple Subject Assessment for Teachers (MSAT) or the Praxis and Single Subject Assessment Test (SSAT), 6) completion of required teacher training courses, and 7) successful completion of an 18-week “field experience,” commonly known as student teaching.

Teacher candidates also are encouraged to earn the Cross-Cultural, Language and Academic Development (CLAD) Certificate, which prepares them to work effectively with culturally and language-diverse students. Several of the credential programs offer the CLAD Certificate as a separate course of study while others have the CLAD certificate embedded within the regular teacher training courses.

To learn more about these programs and other details associated with the credential process, contact the school of education at any of San Diego's eight credentialed institutions.

Michael Stuckhardt is assistant professor and coordinator for the single subjects credential and master of arts in education degree programs at Chapman University's San Diego campus.

The number of credentialed teachers needed soon will exceed the available pool.
Looking at Pro Bono Work in San Diego

BY AMANDA DAGNINO
Staff Writer, San Diego Commerce

Some of Eduardo Castro's most vivid memories of childhood evolve around domestic violence. Dark, disturbing memories that could potentially damage an individual's psyche for years to come. Instead, Castro now hopes to lessen the pain and memories for others through his work at the El Cajon Domestic Violence Restraining Order Clinic. As a young lawyer and a single father, the sole practitioner donated more than 250 hours to the clinic last year, while also managing additional family law and AIDS law cases for the San Diego Volunteer Lawyer Program (SDVLP). All of this, though not planned, has netted him top honors as the program's Attorney of the Year with co-winner Laura Stuart Taylor.

As many climb the corporate ladder, volunteer work has become part of the daily ritual for many in San Diego's business society. For legal professionals, pro bono law work represents a way to volunteer their time, while remaining faithful to their career field. Some firms enter into the service privately, but many opt for a non-profit group such as the SDVLP, to make sure that they are putting their education to the best possible use as they pay back what many feel is a professional obligation to the community.

Incorporated in 1983 as a private charitable organization, the SDVLP offers legal services in civil matters to indigent residents of San Diego County. Operating with a budget of close to $700,000 in 1995, the center was able to generate more than $7 million in legal assistance and log 60,000 hours of donated time by more than 3,000 volunteers.

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members from the local legal field. Components of the center include the Children and Youth Law Project, Domestic Violence Prevention Project, Family Law Access Project, AIDS Law Program, SSI Appeals Project and Immigration Law Program.

"Our work here at the Volunteer Lawyer Program is invaluable to the community," said Executive Director Carl Poirot. "Although it wouldn't be possible at all without the support of local legal professionals. It's really the people who donate their time and efforts who make the program work." Poirot has set out annually to honor those who have made the program a success; the individuals, like Castro, who have gone above and beyond to support the community in which they practice. With the 'Justice For All Awards Banquet,' held this year on March 26 at the Grant Hotel, individuals and full firms were recognized for their contributions.

Originally nominated by their peers, finalist's records are reviewed by Poirot and his staff, with winners being chosen based upon their number of hours donated and the type of work they're involved in. Castro, a graduate of Yale and the University of San Diego School of Law, finds a great amount of satisfaction from donating his time and education to those who are experiencing the effects of domestic violence, however he said that he was "literally floored" by the honor bestowed upon him.

"Based upon my personal history it was an area that I was literally gravitated to," said the attorney. "And since then it's really taken on a life of its own. "It's always been my personal philosophy that a person should leave the world a little better than they find it," he added. "And inside I'd like to think that I've helped to do that."

A philosophy that also includes some reasoning into why all law graduates are not involved in pro bono work.

"One of the worst things about law school is the cost," said Castro. "And one of the things that most students also attain along with the degree are large student loans. I want to think that everyone's heart is in the right place, but their bank book isn't. For many people the goal is to graduate and start making money as fast as they can to pay back the loans. I'd like to think that they intend to get involved but by their debts they're limited as far as what they can do."

At the other side of the spectrum, Sue Hodges, managing partner for Pillsbury, Madison & Sutro's San Diego office, a finalist for Law Firm of the Year, said that many people in the legal community don't feel like pro bono work is an obligation.

"It's really a refreshing trend," he added. "Pro bono work is much more formalized now, and also much more accepted to be something that all lawyers should be involved in."

As a three-time winner of the coveted Law Firm of the Year Award, the firm was once again nominated along with Pillsbury, Madison & Sutro and Latham & Watkins firms that Poirot said have all made significa-