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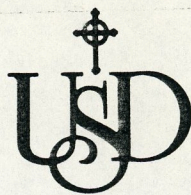
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University of San Diego

July/Aug 1988

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JUL 31 1988

Allen's P. C. B. Est. 1888

From the Wall Street Journal

Why the liberal senators rejected Siegan's ascending ideas

Commentary

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With very little fanfare, the Supreme Court and the Reagan administration have begun to repair 50 years of erosion of a fundamental right granted American citizens by the Constitution, the protection against unwarranted seizure of their property by agencies of government. The Supreme Court led the way some months ago with the first of several rulings against uncompensated "takings" through regulation. In compliance with the new jurisprudence, President Reagan in March issued an executive order to curtail such actions. This month, his order was implemented by the Justice Department with a tough new set of guidelines for federal agencies.

Such actions to protect the civil rights of Americans against high-handed federal, state and local bureaucrats were long overdue. But before we celebrate, it might pay to look at what appears to be a well-camouflaged effort in the U.S. Senate to undermine this noble restoration of an essential protection of free citi-

zens against governmental tyranny.

Two weeks ago, Teddy Kennedy, Joe Biden and the like-minded colleagues of the Senate Judiciary committee quietly lynched the President's nominee for a judgeship on the Ninth Circuit Court of Appeals in San Diego. The nominee, as it happens, was the man who began the campaign for economic civil rights more than a decade ago, Bernard Siegan of the University of San Diego law school.

With Mr. Siegan's ideas so clearly in the ascendancy, the senators chose not to engage him on the merits of his views. Indeed, Alan Cranston of California refused even to meet with his home-state nominee. We can ascribe this only to an unwillingness by the senators to publicly defend property seizures. Instead, they simply delayed action on the nomination for an unconscionable period.

Over the past 20 years, the Senate has voted on judicial nominees on average within a month of their nominations; the 17-month delay in Mr. Siegan's case broke all records. In the end, when the nomination was finally rejected by a party-line committee vote, Teddy Kennedy simply asserted, without explanation, that Mr. Siegan was "out" of the mainstream.

Mr. Siegan, an able and articulate legal scholar who practiced law in Chicago for 20 years before beginning his academic career at the University of Chicago, actually is very much a part of today's mainstream — which was Teddy Kennedy's real problem. In 1976, Mr. Siegan introduced what were then dusty ideas on private property in his *Other People's Property*. This was followed by *Economic Liberties and the Constitution* in 1980. He argued that the Found-

ers through the Fifth Amendment takings clause and the contracts clause of Article I intended to protect economic rights to the full extent of all civil rights.

"Taking" of property, he argued, isn't confined to seizing someone's land to build a highway. There also can be "regulatory takings," where bureaucrats effectively take away property value through overly burdensome zoning or environmental regulations.

The Supreme Court has upheld the Siegan view in several cases. In *Nolan v. California Coastal Commission*, California had tried to withhold permission for a homeowner to build an addition to his beach house unless he granted a public right of way. The high court said this was taking camouflaged as a regulation and that it required compensation. In another case, the court ruled that the government must compensate for delays against the federal government in while takings are challenged.

These decisions are milestones in the move back to the pre-New Deal



Bernard Siegan

era when economic rights got the same protection as other civil liberties. The government is now on notice that regulations that limit how property can be used also can require compensation. There are suits against the federal government in the Court of Claims for some \$1 billion for such regulatory takings.

Many are the result of unnecessarily draconian regulations by the Environmental Protection Agency.

President Reagan's Executive Order 12630 requires a "Takings Implication Analysis" before federal regulators affect private property and thereby risk "undue additional burdens of the public fisc." Attorney General Meese issued a thick stack of guidelines for all agencies to follow. States and localities would be wise to adopt similar rules to make sure they don't saddle their taxpayers with bills for takings.

We have not heard the last from Mr. Siegan. He plans to keep teaching and writing on economic rights. He also plans a book on his experience with the Judiciary Committee. This might again mean debating a blank wall. But the unwillingness of the senators to engage in a public discussion of economic civil rights and their reasons for rejecting Mr. Siegan probably tell us as much about their positions as we'll ever need to know.

Imperial Beach
Chula Vista
National City
Star News

Mayor, principal: the Cox family's dynamic duo



Cheryl and Greg Cox with their two children, Ellie, (left), 8 and Emily, 4.

By Peggy Jo Holly
Contributor

Chula Vista residents may not have suspected it, but when they elected Greg Cox as mayor in 1981, they got two for the price of one.

Greg and his wife Cheryl form one of the most formidable husband-and-wife teams in South Bay politics. By themselves, each would be a major community power. Together, they reinforce

each other with city and even state-wide clout.

Their backgrounds show many parallels. Both work full-time: He as one of the few full-time mayors in California, she as principal of the new Chula Vista Hills Elementary School. Both have masters degrees, but Cheryl one-ups her husband with a doctorate. Both have been teachers in community schools.

Both Republicans, the Coxes

have been involved in politics for years, only he has chosen it as a profession. They deal with the public every day. While they each work to better the South Bay community, their jobs demand different approaches to this goal.

Cheryl, a graduate of USD with a degree in political science, began teaching second grade at Sunnyside Elementary School. Still interested in politics, she was a volunteer to a number of political campaigns.

In 1971, while working on then-San Diego mayoral candidate Pete Wilson's campaign, she met the young Greg Cox when he volunteered to drive for the Wilson campaign. Cheryl is fond of telling the story of how she met her future husband when Wilson, now a U.S. senator, insisted on climbing into the back seat of Cox's Volkswagen Karmann Ghia to let her in the front to sit by Cox.

After graduating from SDSU with a degree in social science and emphasis in political science, Greg followed in the footsteps of both his mother and father and became a teacher. He began his teaching career at Montgomery Junior High School and soon transferred to the position of ASB advisor at Bonita Vista High School.

The two teachers dated nearly five years before they graduated to the altar. Both taught up until the day before their wedding on December 20, 1975.

"Our students even attended the wedding," said Cheryl.

It was a few weeks later that the mayor pursued another new venue. During a week-long basketball tournament that kept Greg Cox on the move from 6 a.m. to 11 p.m., he announced to his wife his decision to run for public office.

"That was a surprise," said Cheryl. "One night he just came

in and said, 'By the way, I think I'll run for city council.'"

He did just that, and won too. In 1976, the 27-year-old Greg Cox became the youngest member ever elected to the Chula Vista City Council. After serving his two-term limit, Greg Cox decided to pursue a position as mayor of Chula Vista.

"My first intention was to run for State Assembly," said Cox. "When Will Hyde did not want to run for re-election, and that position opened up, I had to evaluate. The Assembly was a two-year term, a move to Sacramento, and a lot of travel. The position of mayor was a four-year term, in Chula Vista, and not a lot of travel."

"Ellie (the eldest of Cox's two daughters) was one year old at the time and I certainly weighed in favor of staying as close to home without the travel," he said.

The decision to run for mayor was not much of a surprise to his wife; she felt it was a great opportunity.

"I was glad to help work on a campaign for someone in the family," Cheryl Cox said. "It was a great opportunity and it was something he really wanted to do."

With the mayor's salary of \$13,000, a year Cheryl Cox became not only a political and emotional support but a financial help to her husband as well.

"She became the breadwinner," Greg said candidly. "Cheryl provided financial stability for the family, which she continues to provide."

"When you have the opportunity, it's good to have people around you to support you; emotionally, physically, financially, etc.," Cheryl said. "When I had to go up to USC to work on my doctorate for two or three days at a time, Greg supported me. Tur-

nabout is fair play."

"He's a pretty good guy," she said. "He makes it easy."

The new mayor continued his assignment at Bonita Vista; going to school, the office and back to school. When May, 1982 rolled around, Greg found himself swamped working on both the city budget and the pomp and circumstance of Bonita Vista's graduation. Time with his wife and daughter became scarce.

"The only time I saw Cheryl or Ellie was when I was getting ready at 7 a.m. or home at 11 p.m.," Greg said. "After two weeks of that I said 'That's it.'"

He then applied for a leave of absence from the school district in 1982 and soon after the mayoral position became full-time. The same year, Cheryl Cox was promoted to principal of Hilltop Elementary School. With their new responsibilities, the Cox family found themselves even more busy.

"I noticed a change in the tremendous amount of reading that Greg had to do," added Cheryl. "When he first became mayor, he came home with a manila folder of reading to do. Over the years that has grown into a three-ringed binder to two binders and a brief case too big to even carry."

The Coxes spend evenings together with their two daughters, Ellie, 8, and Emily, 4, as well as reading and preparing for the next day, sometimes into the wee hours of the morning.

Due to their busy schedules, the Coxes say they sometimes call each other on the phone at work to plan their calendars.

"That way no one can interrupt us because we are on the phone," said Cheryl Cox.

"I read that married people spend less than forty minutes a week alone together, and I said, 'That's about right.'"

The success of their marriage has been credited to mutual respect and support for each other.

"It's all called IOU's," said Cheryl with a grin.

She says that she has found support from her job as well when she is allowed to take time to attend some city functions.

One function she attended at City Hall was on behalf of the school; Cheryl went before the council to protest ice cream vendors around schools after dismissal. The council agreed, and imposed regulations recognizing the safety hazards and traffic.

"It was just like having any other citizen come before the council," Greg said.

The mayor, who just recently celebrated his 40th birthday, says that he has no definite plans for the future after his second term ends in 1990.

"That's when he is going to get a real job," Cheryl said.

Although Greg has a guaranteed position of a job with the school district if he wants it, he appears to be leaning toward continuing in politics.

The mayor said he sees his political options as running for State Senate if there is an opening, State Assembly or United States Congress.

"Half of politics is being at the right place at the right time," Greg said.

"It's good to keep your options open," Cheryl said.

But whatever their plans are, the Coxes plan to approach the future with the same dynamism that has brought them this far. It's summed up by their family motto, borrowed from entrepreneur Ted Turner. Cheryl had it made into a magnet that sits in the Mayor's car. It simply reads: "Lead, follow or get out of the way."

San Diego, CA
(San Diego Co.)
San Diego Magazine
(Cir. M. 20,324)

JUL 1988

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"Eileen Whitaker Watercolors"—Exhibition
of works by watercolorist Eileen Whitaker is on
view at Founders Gallery, USD, thru June 3.
Mon.-Fri. noon-5. USD, Linda Vista Rd.
260-4600, ext. 4261.

Artifacts

2955 ✓

New York, NY
(New York Co.)
Wall Street Journal
(Western Edition)
(Cir. 5xW. 426,863)

JUL 1 - 1988

Allen's P.C.B. Est. 1888

Dukakis Is Coming Under Stepped Up Attacks By Bush Campaign on Issue of Prison Furloughs

2955 Complimentary
By DAVID SHRIEMAN
Staff Reporter of THE WALL STREET JOURNAL

McCOOK, Ill.—Two weeks ago, Gov. Michael Dukakis traveled through the South in triumph, his tour taking on the character of a campaign for sheriff as he stressed law and order and the fight against drugs.

This week, as he tours the dust and rust of the Midwestern farm and industrial

states, Republicans see the likely Democratic nominee vulnerable on the questions of prison furloughs and the siting of a new corrections facility in a tiny farming town in the central part of Massachusetts.

In recent days the Bush campaign has stepped up the drumbeat, hoping to make the names Brendan Boyd, Willie Horton and Eugenio Torres part of the 1988 presidential debate. The three men—a convicted rapist, a murderer and a drug user, respectively—are charged with a variety of crimes, including two rapes, two stabbings and a murder, while on furlough from Massachusetts correctional facilities during the Dukakis administration.

They are the latest weapons in the Bush campaign's effort to paint Mr. Dukakis as soft on crime and to charge that his policies are, in the words of Bush campaign manager Lee Atwater, "endangering the lives of Americans with murderers, drug dealers and rapists who have been permitted to escape" from Massachusetts prisons.

The Bush campaign is so eager to publicize details of the Massachusetts furlough system that it provided a sheaf of documentation—some of it flawed—and urged a reporter to visit the Bush headquarters to discuss the program further. "They're going after this issue," says Harrison Hick-

man, a Democratic political consultant, "like dogs in heat."

But the tactic troubles some Republicans who believe that Mr. Bush trivializes his campaign by mounting a negative attack against the Massachusetts governor, especially on an arcane peripheral issue like prison furloughs, before he sets out a positive case for his own election.

"This might work if it were the icing on the cake, but it can't be the cake," says political analyst Kevin Phillips. "Right now it's only emphasizing that Bush doesn't have anything else to say."

Even so, Bush campaign researchers have been poring over Massachusetts

prison records, chronicling the growth in prison furloughs for drug offenders and rapists in the hope that they might undercut Mr. Dukakis's claims that he has been tough on crime and underscore his opposition to the death penalty. "Every time he talks about being tough," says GOP political consultant Eddie Mahe, "we'll talk about this."

The issue first surfaced after Willie Horton, a first-degree murderer on life sentence without parole who had been on 10 successful furloughs, escaped in 1986 and was arrested in April 1987 and charged with the brutal assault of a Maryland couple. Gov. Dukakis, responding to the Horton rampage, signed legislation this April ending the practice of permitting first-degree murderers sentenced to life imprisonment to participate in the furlough program.

But Massachusetts, like 32 other states that permit furloughs for lifers, remains

committed to the release program, which is used on the federal level and is regarded as sound corrections procedure by many criminal-justice experts. "With the conditions inside prisons so horrendous, it's both a humane and sensible policy to relieve pressure by letting people outside," says Sheldon Krantz, dean of the law school at the University of San Diego and an expert in sentencing and furloughs.

Massachusetts corrections officials, moreover, say that the overall escape rate of 0.5% argues that the program has been a success for the 10,835 inmates who were on the 121,713 furloughs granted in the state between 1972 and 1987. The Dukakis campaign notes that the program was begun under Gov. Francis Sargent, the Republican who preceded Mr. Dukakis, and that a furlough program was in effect in California during the years Ronald Reagan was governor. (Some drug dealers and some murderers were eligible for furloughs in California under Gov. Reagan. In fact, a forger and two burglars committed murders while on furlough during the Reagan years. But unlike the Massachusetts program, furloughs for murderers in California were available only to prisoners who were within 90 days of being released from prison on parole.)

Dukakis Anti-Crime Record

Moreover, the Dukakis anti-crime record is impressive. Crime in Massachusetts dropped 13.4% between 1982 and 1986, the second largest decline in the country; the state's homicide rate is less than half the national average. Paul Doherty, executive director of the Massachusetts Chiefs of Police Association, expresses "strong objections" to the former furlough policy but generally praises Gov. Dukakis's record on fighting crime.

At an airplane-wing factory here in McCook yesterday, Mr. Dukakis said the furlough policy wasn't a mistake. He argued that 45 states had some sort of furlough program, said the federal policy was far more lenient than his state policy and asserted: "The issue is what have we done to cut crime? What are we doing about drugs?"

Mr. Dukakis also has been put on the defensive by an imbroglio surrounding a decision to place a new 500-bed minimum-security prison on a rural tract of land once used as a school by the Seventh-day Adventist Church.

The Federal Bureau of Investigation is examining the handling of the decision to buy the 780-acre site in New Braintree, but the bureau's announcement last week that the governor wasn't a subject of the investigation wasn't enough to defuse the issue.

Dukakis Cites Executive Privilege

First Mr. Dukakis denied any acquaintance with the owners of the land, but one turned out to be a Dukakis campaign contributor who grew up near the governor. Then, compounding his political problems and building suspicions, he is clinging to an "executive privilege" claim that kept key documents in the episode from becoming public.

Dorothea Thomas-Vitrac, New Braintree Selectwoman, meanwhile is questioning Mr. Dukakis's remark that he didn't have "the slightest idea who owns the property and could care less." She says that in a meeting in the governor's office in May 1986, Mr. Dukakis "pointedly asked who the developer was" and was told it was Daniel Striar.

Mr. Striar and his partner, Dr. Gary Jacobson, told the Boston Globe this week they had no relationship with the governor, denied having any inside information and said they didn't know at the time they purchased the land that the state was eyeing it for a prison.

Stephen Rosenfeld, who was the gover-

nor's legal counsel and a strenuous advocate of placing the prison in New Braintree, says Mr. Dukakis was "ambivalent to negative" on placing the facility in the community, which vigorously opposed it. "He preferred to expand an old site," says Mr. Rosenfeld, now a senior campaign adviser. "He agreed only when it was very clear we needed an entirely new facility."

To counter Mr. Bush's use of the fur-

lough and prison-site issues, the Dukakis camp is trying to focus attention on the vice president's record, including his direction of the South Florida drug task force. "This whole barrage is an effort to divert attention from his own failures with the drug task force," says Dukakis press secretary Dayton Duncan. "He was put in charge of the drug war and tried to fight it with photo opportunities and, not surprisingly, the war was lost."



Michael Dukakis

San Diego, Calif.
Southern Cross
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USD

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"Creative Kids '88," a program to help students stretch their creative abilities, will be held July 11-22 and July 25-Aug. 25. Cost is \$55-60 plus \$150 for special afternoon activities. Call 260-4585.

Sports camps for boys and girls ages 8-18 will be held in June, July and August. Cost is \$295 resident camp per week or \$165-\$200 day camp per week. Sessions in tournament and basic tennis, competitive swimming, basketball, soccer, football, volleyball, baseball and outdoor wilderness will be offered. For more, call 260-4593.

San Diego, Calif.
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Monk demonstrates 'tuning into' God

By Maureen Nuesca
Southern Cross

ALCALA PARK — Over 100 people "tuned out" to experience centering prayer at a three-night lecture series given by Father Basil Pennington, OCSO, a Cistercian monk, at the University of San Diego June 21.

Father Pennington spoke about Thomas Merton, a fellow monk, spiritual model and author, citing his contributions to the Catholic Church and society.

Through his presentations, Father Pennington shared Merton's contemplative form of prayer and put into context his spiritual journey, key moments in that journey and how participants might apply Merton's experiences to their own lives.

"This ancient form of prayer dates back to the 5th century," explained Father Pennington. "It was known as prayer of the heart, with heart meaning the deepest place within us. Through Merton, it received a new name — centering prayer — to go to the deepest center of oneself, pass through it and be with God," he continued.

Various letters from Merton have enabled Father Pennington to capture the essence of this prayer. Merton wrote his method of meditation "is centered entirely on the presence of God, his will and his love."

Clarifying Merton's thought, Father Pennington said, "This does not mean imagining God. It means to be all there."

In Father Pennington's words, centering prayer is "a very simple way of prayer which can be used by anyone who wants to be with God, to experience his love and presence. It is a prayer of longing that leads into a prayer of presence."

The speaker gave three steps in centering prayer:

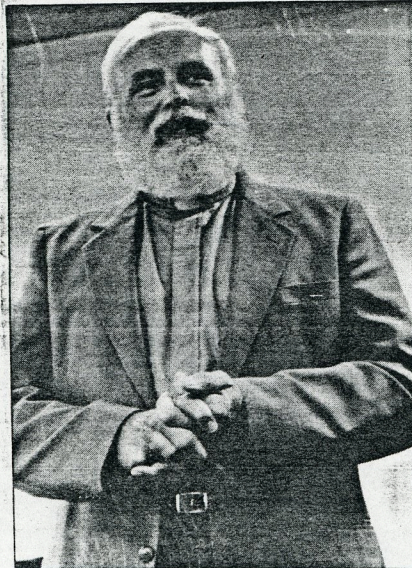


Photo by Maureen Nuesca

Father Basil Pennington interpreted Thomas Merton's form of contemplative prayer during a three-night lecture series at the University of San Diego.

- Be in faith and love of God who dwells in the center of our being.

- Use a meaningful love or prayer word to remain present. Begin to repeat this word inwardly.

- During the time of prayer, if distractions occur, use the love word to return to the Lord.

Father Pennington recommended using centering prayer about 20 minutes twice a day. "It is a prayer of experience, so we can only know it by experience," he said.

Because the prayer takes place at another level of consciousness (other levels being waking, sleeping and dreaming), the rational mind cannot judge it. It must be judged by its fruits, he said.

Some participants questioned the fact that centering prayer may not be suitable for all personality types.

Father Pennington responded, "Contemplative prayer is a prayer of being and we all be, no matter what personality type."

It is through this contemplative prayer that Merton found freedom "from those things which enslave us," Father Pennington explained, adding Merton's spiritual journey was this quest for freedom.

"What matters is the freedom to be in contact with the center," the source of all freedom, Merton wrote.

Freedom lies in the capacity to choose what really is, Father Pennington explained.

Rick Egan, a youth minister at St. Francis Church in Vista who also participated in the lectures, said he had tried contemplative prayer before and wanted the opportunity to be taught in person.

"I need prayer every day for the work I do. I know it works because there is more peace in my life; my body and spirit become one," Egan added.

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Los Angeles Times

Saturday, July 2, 1988 / Part I 15

Prison Furloughs: Campaigns Obscuring Complex Issue

By DAVID LAUTER, Times Staff Writer 2955

WASHINGTON—As the presidential campaign serve and volley over prison furloughs continued this past week, Massachusetts Gov. Michael S. Dukakis' spokesman accused Vice President George Bush of having "his facts wrong." Bush campaign manager Lee Atwater, in turn, accused Dukakis of having his facts wrong.

And, as most voters who are listening to the charges and countercharges already probably suspect, both sides have been shading—and in some cases flatly ignoring—the facts on a complex correctional issue in their quest to score rhetorical points.

Bush's aides, for example, have made much of the fact that Massachusetts released 12 drug dealers on weekend furloughs in 1986. The Reagan Administration, however, which also runs a large prison system, gave furloughs—in some cases as long as 30 days—to more than 2,000 people convicted of drug offenses that year, according to federal prison officials. How many of those people were dealers is unclear, but most probably were. Prosecutions are almost never initiated in federal court simply on drug-possession charges.

ference between the federal and the Massachusetts systems, one which Dukakis' aides have been eager to play down.

Until April, when Dukakis reluctantly signed new legislation changing the Massachusetts furlough rules, Massachusetts, alone in the nation, considered murderers sentenced to life without parole eligible for furlough. The policy stemmed from a state Supreme Judicial Court decision allowing furloughs for murderers.

The decision was issued shortly after Dukakis' Republican prede-

cessor, Francis Sargent, pushed the furlough law through the state Legislature in 1972. Whether Horton would have been released on furlough had he been jailed in another state is unclear. Nearly every state has a furlough program, and 33 allow furloughs for murderers serving life terms with the possibility of parole.

In Massachusetts, Horton was sentenced to life without parole because that is the state's automatic penalty for first-degree murder. In many other states, which allow parole for murderers, Horton

might, also, have been eligible for furlough release.

The fact that Horton escaped, Bush aides insist, shows that Dukakis' much-touted management skills are an illusion. "Michael Dukakis has to answer for Willie Horton," said Bush spokesman Mark Goodin. "If Michael Dukakis had been managing his system the way he should have," the Horton case would not have happened. "It's good management, not good luck" that has spared the federal system a similar disaster, Goodin said.

But many chief executives, Ronald Reagan among them, might have to disagree with that argument. While Reagan was governor of California, several prisoners granted furloughs escaped and committed highly celebrated crimes.

In the most widely publicized case, in 1972, David Brennstahl, a 26-year-old burglar with a lengthy juvenile record, escaped while on a 72-hour furlough and murdered Los Angeles Police Department officer Philip J. Riley. After that incident, and two others in which furloughed inmates murdered people in Orange and San Bernardino counties, Reagan defended the state program as a "model in

correctional systems for the whole nation" that has "had great success."

And that, said University of San Diego School of Law Dean Sheldon Krantz, undermines a basic point about all prison release programs. "It's understandable to pick out a few horrendous cases," said Krantz, an expert on furlough programs, but corrections experts insist that the risks of furloughs are small, particularly in comparison to abolishing furloughs in the current era of vastly overcrowded prisons.

"It's very easy for a politician to point the finger at a furlough program and say someone is 'soft on crime,'" Krantz said. "They have an added responsibility to talk about the alternatives."

Statistics Incomplete

Full statistics on the federal furlough program are not available. Earlier this week, Bureau of Prisons officials said they were preparing a statistical report in response to numerous requests from news organizations. Thursday, however, prisons spokesman Joseph Scibana said the bureau, which is part of the Justice Department, had completed the report but had been "instructed" to send it to department headquarters rather than release it.

Friday, Justice Department spokesman Patrick Korten said he had "problems" with numbers in the report that did not add up properly. "I'm just not going to release it" until those problems can be straightened out, a job which would be finished Tuesday, Korten said.

Even so, available information on the federal system leads to a bottom line that is rather uncomfortable for Bush: On prison furloughs, at least, the records of the Dukakis Administration and the Reagan Administration are not that far apart.

Both the federal system, which jails about 46,000 prisoners, and the Massachusetts system, which has just under 7,000, give furloughs to 10% to 15% of their inmates each year. Federal officials between January and May of this year granted some 2,500 furloughs, Scibana said.

Both systems grant the releases for the same reasons. As the federal Bureau of Prisons' guidelines put it, furloughs are not "a reward" or "a means to shorten a criminal sentence" but a way to help rehabilitate inmates and a lever to help control inmate behavior.

Both systems provide furloughs to prisoners who have been convicted of a huge variety of crimes—from drunk driving to murder, although, on the whole, the federal system tends to have less violent inmates and more white-collar criminals, than state systems.

And both have fairly strict controls that, on paper at least, are designed to prevent release of prisoners who pose a severe risk to the community. "Nobody gets even close to consideration for furlough" in the federal system "if they are even the slightest danger to the community," Korten insisted.

In both systems, a prisoner must have been incarcerated long enough and be judged sufficiently rehabilitated to have been moved into a minimum-security prison before he can be considered for furlough. And, in both, prisoners with bad disciplinary records are supposed to be ineligible for release.

But those paper controls are not, of course, foolproof in either system. Both Massachusetts and the federal prisons have suffered escapes by people released on furloughs, on the order of a dozen a year in both cases.

The most disastrous failure of the Massachusetts system is the case of Willie Horton—a convicted murderer sentenced to life in prison without parole, who was released on a furlough in 1986, escaped and raped a woman in Maryland. The case underlines the one major dif-

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Saturday, July 2, 1988

The San Diego Union B-9

School learns lesson in faith

By Rita Gillmon
Staff Writer

Three years ago a Christian school in Solana Beach was being closed down by the Christian Unified School District, which operated it then. This June the school, renamed the Santa Fe Christian School, graduated 44 seniors — 34 percent of whom are members of the National Honor Society — and school officials announced it will purchase the property it sits on for \$3.9 million.

The Christian school district has agreed in principle to sell the 17-acre site, which overlooks the ocean, together with the buildings and swimming pool to the parent-run non-denominational school. Previous plans to develop the property for income were stymied by the Solana Beach City Council's objection to apartments at that location.

John Couch, chairman of the parent-directed board, said this year's graduating class, who were freshmen when the school was threatened with closure, have learned a lesson in what can be accomplished through faith.

"They have seen us take a bad situation, and through faith and hard work, turn it around completely," Couch said.

Ninety-one percent of the class will be attending college in the fall. Scholarships and awards have gone to 15 students.

The kindergarten-through-12th-grade school is run by parents and staff with a curriculum that emphasizes an explorer's mind-set and decision making, rather than rote memorization. In the past two years, enrollment has grown from 265 to an expected 600 in September.

The Scripps-Fleet Memorial Financial Assistance Fund is assisting about 25 percent of the school's students with tuition payments.

• The First Southern Baptist Church in San Diego will hold a Freedom Celebration at 10:15 a.m. tomorrow at the Balboa Park Organ Pavilion. Pastor Michael L. Prince will deliver the message.

• The Newlight Singers and Orchestra will present a concert at 7 p.m. Thursday at Wesley United Methodist Church featuring contemporary and traditional music.

• Jim Bell, director of Ecological Life Systems, and Carl Gamez, peace activist, will discuss ecological technology for a sustainable global future at 7 p.m. July 9 at the San Diego Baha'i Center on Alcalá Knolls Drive.

Religion News

... in brief

• The Rev. Jose Enrique Ayerra, canon of the Cathedral of Seville in Spain and a frequent organist for the King and Queen of Spain, will give a concert at 8 p.m. Friday at All Soul's Episcopal Church in Point Loma. He will play Bach, Buxtehude and Spanish compositions from the 16th to 20th century.

The following day, July 9, he will conduct two workshops for organists and church musicians. The workshops on Spanish Organ Music and the Organs of Spain are co-sponsored by the University of San Diego Liturgical Music Program and All Soul's. Registration and the morning session will be held at USD's Camino Hall and the afternoon session at All Soul's. For information, call Nick Reeves at 260-4456 or John Nunes at 260-4682.

• St. George Serbian Orthodox Church Choir will present a choral festival featuring Sloboda of South Chicago at 4 p.m. July 9 at USD's Camino Hall.

At 10:30 a.m. July 10 a liturgy will be celebrated at St. George's with Sloboda singing the responses. A banquet will follow at 1:30 p.m.

• Judith Linzer, a member of the New Jewish Agenda, will discuss solutions for Middle East problems at 7:30 p.m. Friday at the Henry George Center on Morley Street.

• The James Dobson film series, "Turn Your Heart Toward Home," will continue at First Baptist Church of Mira Mesa at 6 p.m. tomorrow and on Sundays through July 31. The showings are sponsored by First Baptist and First Filipino Southern Baptist Church of San Diego.

• The Chapel of the Inner Journey meets at 10 a.m. Sundays at the Far West Bank Building on La Jolla Boulevard. Janet S. Little is the minister of the holistic church where prayer, meditation and healing are practiced.

• Michelle Bauermann will speak at a fellowship breakfast for North San Diego Aglow at 9:30 a.m. Tuesday at the Cafe on the Bay at Camp-Land in Mission Bay. Bauermann is a native of The Netherlands involved in international ministry.

• The Church of Today will present Steve Osborne, vocalist and theater performer, at its 10 a.m. service tomorrow in the Pacific Beach Middle School on Ingraham Street.

East

Vista La Mesa Christian Church will hold what has been called a "healing acupuncture of the earth" following the 10:30 a.m. worship service tomorrow.

The Rev. Don Dewey, pastor of the church, said the congregation will dedicate a Peace Pole in its sanctuary garden that will carry the legend "May Peace Prevail on Earth" in English, Spanish, Japanese and Russian, one on each of four faces of the pole.

• The California District of Wesleyan Churches will hold the 20th annual Spiritual Life Crusade Wednesday to Friday at Skyline Wesleyan Church in Lemon Grove. Thomas Hermiz, president of the World Gospel Mission, will speak at 7 p.m. Wednesday, 11 a.m. and 7 p.m. Thursday and 11 a.m. Friday at the church.

• The Hosanna Chorale from Rolling Hills Covenant Church will present "The Vision," a Christian musical, at 7:30 p.m. tomorrow at the First United Methodist Church of El Cajon.

North

A Christian concert featuring groups from several North County churches will be held from 1 to 7 p.m. Monday at the corner of Ivy and Main Street in Fallbrook.

Musicians will be from Trinity Chapel Foursquare Church, Mission San Luis Rey Church of Carlsbad, New Covenant Fellowship of Rancho California and Calvary Chapel of Vista and Oceanside.

• Hope United Methodist Church will hold a Freedom Fair from 11 a.m. to 5:30 p.m. at the church and participate in the Rancho Bernardo Let Freedom Ring parade Monday. A youth art festival, video, food and games will be featured.

• Mandy Evans will introduce the Option Process at 7:30 p.m. Tuesday at the North County Church of Religious Science in Encinitas. She will also lead a workshop on the process from 10 a.m. to 4 p.m. next Saturday at the church.

South

Clinical psychologist Paul Kelly will discuss "Satan and the Vulnerable Adolescent" at 7:30 p.m. Wednesday at Marie Callendar's Restaurant on G Street in Chula Vista.

• Jose Pascua, international coordinator for the Full Gospel Businessmen's Fellowship, will speak at a dinner meeting at 7 p.m. July 11 at the South Bay Golf Club.

San Diego, CA
(San Diego Co.)
San Diego Business
Journal
(Cir. W. 7,500)

JUL 4 1988

Allen's P. C. B Est. 1888

University of San Diego has applied for a permit to build a 5,055-square-foot building at 1475 Cushman Ave. The structure would have an assessed valuation of \$237,585 and has been designed by **Roger Leonard Architects**. A contractor was not listed on the application.

Escondido, CA
(San Diego Co.)
Times Advocate
(Cir. D. 32,195)
(Cir. S. 34,568)

JUL 5 1988

Allen's P.C.B. Est. 1888

2955

Political File



Heidi H. Holmblad/T-A staff writer

Packing their conventional wisdom

A few North County residents will be among the hundreds of conventioners packing their bags and marching to Atlanta or dancing to New Orleans to officially choose presidential nominees.

Fallbrook resident Carlton Poling will be among those pledged to Jesse Jackson. Also going to Atlanta is Herbert B. King of Vista. He will attend as an at-large alternate.



George Bush Packard, R-Oceanside, who hosted Bush during his recent Escondido campaign stop.

Karin Murphy, an Escondido political activist, will serve as an alternate in New Orleans.

OK, now explain it: A new group has entered the slow-growth scene with the idea of giving suggestions on how to preserve San Diego's economic and environmental balance.

Coalition for a Balanced Environment is chaired by former congressman Lionel Van Deerlin, a Vista resident who has been keeping an eye on the San Diego City Council's struggle with its proposed slow-growth measures.



Burgener

Heading for New Orleans to give Vice President George Bush the official OK are former congressman Clair Burgener and Rep. Ron

Sara Katz, spokeswoman for the coalition, said the group is an education foundation. Its members include representatives of the United Domestic Workers, the Building Trades Council, the San Diego Chamber of Commerce and the San Diego Taxpayers Association, Scripps Clinics and many other private and public institutions.

"We're all one big happy family," Katz said.

The coalition will be studying both the proposed city and county measures and decide which parts of which measures they can support.

"We realize there are growth concerns and traffic concerns," Katz said. "But to address them on an emotional level will not work."

Figuring them out on a non-emotional level could take some doing. There are conceivably three countywide measures that will be decided in November by all county voters. San Diego city voters could be given two more to ponder.

Katz said the coalition hopes to have translations available for the public — "as soon as we can figure them out for ourselves."



Bergeson

Let's get physical: State Sen. Marian Bergeson has been named the "most fit female legislator" by the California Association for Health, Physical Education, Recreation and Dance.

The Newport Beach Republican, whose rambling district includes Fallbrook, received several other awards in the past year, including Legislator of the Year by the League of California Cities and the California School Boards Association.

Bergeson is running for her second senate term and is expected to pirouette to victory.

Please see File, page B2

File

Continued from page B1

Teach the seniors: The Bilbray view of managing growth will be among the classes offered by the University of San Diego's University of the Third Age.

Supervisor Brian Bilbray, who recently called for regional planning of industrial, commercial and residential land, is among the lecturers at the college for those 55 and older.

Bilbray has had plenty of practice lecturing to active seniors. A majority of them make up the Board of Supervisors.

Blame the wife: The California Republican Assembly,

a 10,000-member conservative organization, recently met to call for the pardon of Lt. Col. Ollie North, protest any new tax increases and to support Nicaraguan freedom fighters.

The group also passed a resolution to censure and remove Assemblyman Tom Hayden from office for his un-American action during the Vietnam War. And it all appears to be Jane Fonda's fault.

The reason for the censure resolution: "Jane Fonda's recent apology on the TV show '20/20' is unacceptable to American veterans."



Ollie North



Jane Fonda



Tom Hayden

San Diego, Calif.
(San Diego Co)
DAILY TRANSCRIPT

JUL 5 1988

Allen's P. C. B Est. 1888

Supervisor Brian Bilbray will talk about regional growth management, Dr. John Donnelly will analyze whether mercy killings should be legalized, Joni Ecklund will give tips on traveling for the elderly, and Donna Wilson will tell how to shop the new market of long-term health care insurance. These are among classes offered at University of the Third Age, July 11-28, at the USD Manchester Conference Center. In its ninth year, the U3A is designed for those 55 and older. The fee is \$55 for a day that begins at 8 a.m. with an exercise class, followed by two hours of lectures. U3A meets Mondays through Thursdays. 2955

* * *

Los Angeles, CA
(Los Angeles Co.)
Los Angeles Times
(Cir. D. 1,076,466)
(Cir. S. 1,346,343)

JUL 7 1988

Allen's P.C.B. Est. 1888

White House Weighs Choices for Atty. Gen.

By RONALD J. OSTROW
and JAMES GERSTENZANG,
Times Staff Writers

WASHINGTON—The White House on Wednesday began weighing the names of possible successors for departing Atty. Gen. Edwin Meese III, and Vice President George Bush told reporters he would not rule out having the choice stay on if he is elected President.

Bush's comment could add some attraction to what otherwise would be at most a six-month job. But White House spokesman Marlin Fitzwater said there are "many candidates" interested in the post.

Among the names immediately mentioned by Administration officials as possible successors are former Pennsylvania Gov. Richard L. Thornburgh, former House Republican leader John J. Rhodes of Arizona and former Sen. Paul Laxalt (R-Nev.), a longtime friend of President Reagan.

Meese, who announced on Tuesday that he would leave by early August, met with Reagan on Wednesday to discuss Meese's plans but Fitzwater said the two

Please see MEESE, Page 12

12 Part I/Thursday, July 7, 1988

MEESE: White House Studies Choices

Continued from Page 1
2955
"didn't spend any time going over candidates."

However, Patrick S. Korten, Meese's chief spokesman, said the attorney general had discussed "appropriate criteria" for his successor with Reagan and had suggested "a couple of names." Korten said Meese would not disclose those he proposed.

Assistant Atty. Gen. William Bradford Reynolds predicted the announcement of a nominee would come soon, possibly by next week.

Tom Lorranger, a Laxalt spokesman, said the former senator had told him there is "absolutely no truth" to speculation he would head the Justice Department.

Senate Republican leader Bob Dole of Kansas raised the names of former White House Chief of Staff Howard H. Baker Jr. and Judith Richards Hope, daughter-in-law of comedian Bob Hope. Mrs. Hope's nomination to succeed Judge Robert H. Bork on the U.S. Circuit Court of Appeals in Washington is awaiting Senate action.

A Lot of Names

Bush and Reynolds said the selection process had not yet reached the "short list" stage.

Fitzwater said Reagan had directed that "a lot of names" be pulled together for consideration. "He wants to see what the universe looks like. We don't have criteria that will narrow it down to one or two people. There are so many candidates—people who want the job. . . I guarantee you they'll be lined up at the gates," Fitzwater said. Meanwhile, Meese's lawyer, Nathan Lewin, said he had not yet received a copy of the 830-page report submitted by independent counsel James C. McKay to a federal court Tuesday on the 14-month investigation he conducted into several allegations against Meese, most involving dealings

with his longtime friend, E. Robert Wallach.

Lewin and attorneys representing others mentioned in the report, which was submitted under seal to a special three-judge panel, have asked for as much as two weeks to review and reply to the lengthy report before it is made public.

Reynolds and Lewin, in separate interviews, said they could not rule out a move by Meese to oppose public release of McKay's report on the grounds it was based on secret grand jury material or that McKay had overstepped his function in issuing such a lengthy report. Previous reports issued by independent counsels on investigations have been much shorter.

But Lewin emphasized that he was not trying to signal that he will oppose release of the document, "because I have to wait until I see it." Lewin said he was responding as "any good lawyer and not ruling anything out."

Meese has said he considers McKay's report a "complete vindication" of his conduct, because the filing of it signaled that McKay had found no evidence to seek his indictment.

Reynolds likened Meese's being the subject of a lengthy report to being an unindicted co-conspirator "where you never have a chance to mount a defense."

A 'Perfect Window'

Terry Eastland, Meese's former spokesman who was fired for what he said was not defending the attorney general aggressively enough, said Wednesday that he thought Meese had picked a "perfect window" to announce his departure. By making the announcement before the report is made public, Eastland noted, Meese has been able to capture the headlines with his claim of being "completely vindicated."

"He doesn't have to face ques-

tions of 'What's on Page 634 and Page 429?' from reporters," Eastland said.

Former associates of Meese in San Diego expressed surprise at the news of his resignation and said they did not expect the attorney general to move back to the West Coast any time soon. Meese has said only that he plans to consider job opportunities in the private sector.

Plans to Stay in East

LeRoy Knutson, an attorney who first met Meese when the two were neighbors in the San Diego suburb of La Mesa, said Meese indicated recently that he plans to remain on the East Coast, at least temporarily, to be close to his children.

"I would say their hearts are on the West Coast but, practically speaking, they feel they should be out there for the time being," said Knutson, who has remained in close contact with Meese through letters, telephone calls and visits over the years.

Retired Superior Judge Gilbert Harrelson, who has maintained his friendship with Meese and visited him in Washington, said Meese has been "very cautious and close-mouthed" about his plans.

Knutson predicted that the attorney general would "hit the speaking circuit" after leaving office and ultimately join an East Coast law firm. He called Meese an "extraordinary speaker" and said he expects he would be in great demand.

Meese's ties to San Diego date to 1975, when he took a job as vice president for corporate administration with Rohr Industries. His tenure there lasted just a year, after which he became associated with Knutson's law firm in La Mesa.

In 1977, Meese founded the Center for Criminal Justice Policy and Management at the University of San Diego School of Law. Before it folded in 1986 because of funding problems, the center sponsored seminars, conducted research and published studies on major issues in the criminal justice field. While running the center, Meese also taught criminal justice on a part-time basis at the law school.

A campus spokesman said he was unaware of any plans by Meese to return to the USD faculty.

Staff writers William J. Eaton in Washington, David Lauter in Dallas and Jenifer Warren in San Diego contributed to this story.

La Jolla, CA
(San Diego Co.)
La Jolla Light
(Cir. W. 9,040)

JUL 7 1988

Allen's P. C. B Est. 1888

Father Jose Enrique Ayarra,
professor of organ at the Conser-
vatory of Music in Seville, Spain,
and Canon of the Seville
Cathedral, will conduct a
workshop July 9 at 10 a.m. at the
University of San Diego. For in-
formation, call 260-4600, Ext.
4456, or 260-4682.

Los Angeles, CA
(Los Angeles Co.)
Times
(San Diego Ed.)
(Cir. D. 50,010)
(Cir. S. 55,573)

JUL 7 1988

Allen's P. C. B Est. 1888

2955 □
Richard Trestrail, an assistant coach at the University of San Diego, has been named head coach at St. Mary of the Plains in Dodge City, Kan.

Trestrail succeeds Charlie Giangrosso, who resigned after two seasons to accept an assistant coaching job at Northwest Missouri State.

Trestrail had been defensive line and quarterbacks and receivers coach at USD.

San Diego, CA
(San Diego Co.)
Penasquitos News
(Cir. 2xW. 4,000)

JUL 7 1988

Allen's P. C. B Est. 1888

Organ workshop at USD

Father Jose Enrique Ayarra, professor of organ at the Conservatory of Music in Seville, Spain and Cannon of the Seville Cathedral will conduct a workshop at the University of San Diego on July 9 at 10 a.m.

The cost for this day-long workshop, designed for organists and church musicians, is \$15. Registration will begin at 9:30 a.m. in Room 131 of Camino Hall on the campus of USD.

For information call Fr. Reveles at 260-4600, ext. 4456, or John Nunes at 260-4682.

San Diego, Calif.
(San Diego Co)
DAILY TRANSCRIPT

JUL 7 1988

Allen's P. C. B Est. 1888

Soon to be on the job market,
Edwin Meese probably won't be
coming back to USD. "The attor-
ney general has not approached us
about coming back nor have we
approached him," said a spokes-
man. More likely, the a.g. will seek
a high-powered job in corporate
America or join a major law firm,
he predicted.

2955

San Diego, Calif.
(San Diego Co)
SAN DIEGO TRIBUNE

JUL 8 1988

Allen's P. C. B Est. 1888

USD — Father Jose Enrique Ayarra, professor of organ at Conservatory of Music in Seville, Spain, conducts workshop for organists and church musicians, 10 a.m. July 9, Room 131 Camino Hall. Admission: \$15. Information: 260-4600, ext. 4456. 2955

San Diego, Calif.
(San Diego Co.)
SAN DIEGO TRIBUNE

JUL 9 1988

Allen's P.C.B. Est. 1988

CHURCH ROUNDUP

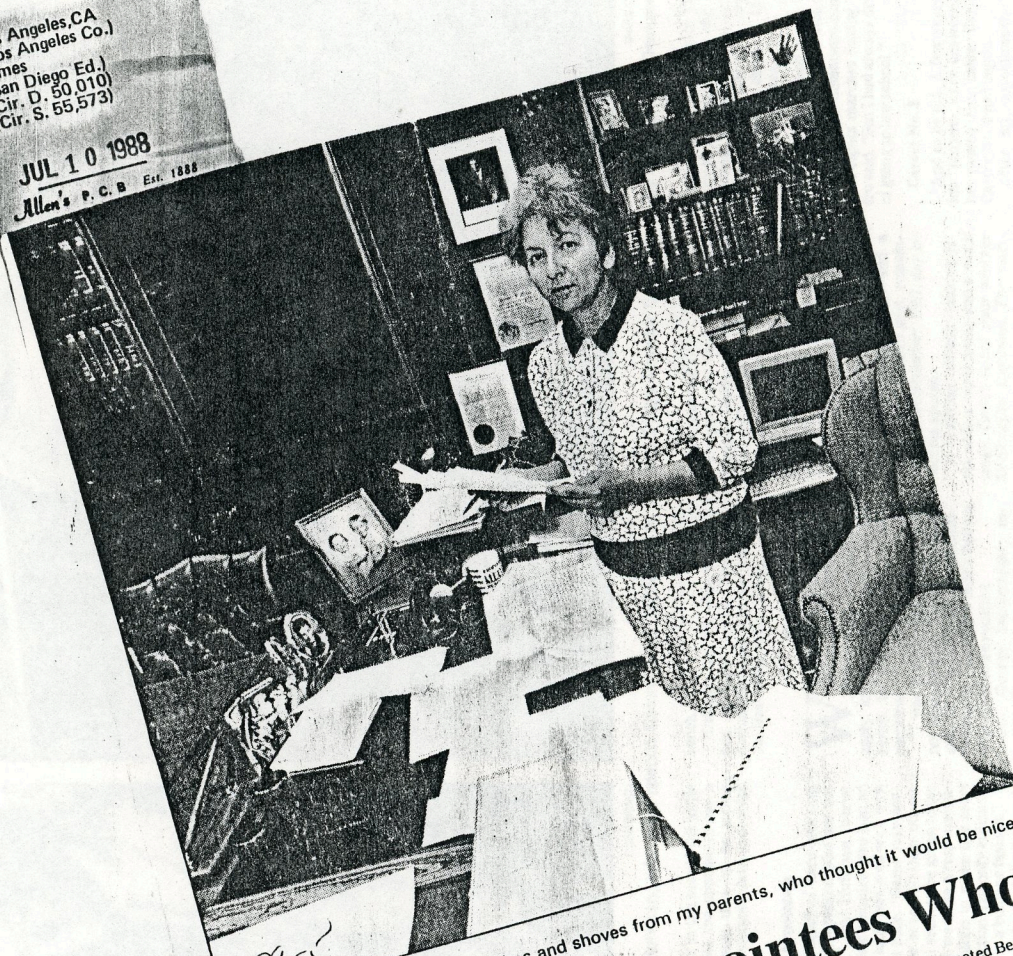
United Methodists will elect new bishop

²⁹⁵⁵
United Methodists in 12 Western states, including Alaska and Hawaii, will elect a new bishop for the San Francisco area at a Western Jurisdictional Conference being held Tuesday through Saturday at the University of San Diego. Bishop Leontine T.C. Kelly is retiring as bishop of the Northern California Conference after four years in office. She was the first black woman to be named a bishop in the 9.1-million-member denomination. The new bishop will be consecrated at 2:30 p.m. Friday at the First United Methodist Church, 2111 Camino del Rio South. With 517,000 members, the Western Jurisdiction is the smallest of the six jurisdictions in the denomination.

Los Angeles, CA
(Los Angeles Co.)
Times
(San Diego Ed.)
(Cir. D. 50,010)
(Cir. S. 55,573)

JUL 10 1988

Allen's P. C. B. Est. 1888



255
E20
Justice Patricia Benke: "I got pushes and shoves from my parents, who thought it would be nice t

3 Deukmejian Appointees Who

During the 5½ years he has served as governor of California, George Deukmejian has made 64 appointments to the trial and appellate court benches in San Diego County. Here are three appointees—Patricia Benke, Richard Huffman and Federico Castro—who stand out in various ways.

By JENIFER WARREN,
Times Staff Writer

Few of Gov. George Deukmejian's San Diego judicial appointees have attracted as much attention as Patricia Darlene Benke. Benke's rise from relative obscurity to one of the county's most coveted judicial seats in the county has occurred over just five years—an ascent considered nothing short of meteoric by local legal pundits. The oddest thing is, Benke herself professes to have no idea how it

all happened. "I've been lucky," she says with a shrug. Back in early 1983, the Pennsylvania native was toiling quietly as a lawyer at the state attorney gener-

Deukmejian again promoted Benke, making her the first woman to hold a position on the appellate bench in San Diego. "My first love has always been

"Nobody called me up from the governor's office and said, 'Hey, Pat, put your application in,' I just went through the process, and it worked."

Justice Patricia Benke

al's office—where she had worked for nearly a decade. Then came an appointment to the Municipal Court in July of that year. Her stay there was a brief one; Deukmejian elevated her to Superior Court in 1985. Benke didn't last long on that bench, either. A year ago last May, an inviting opening on the 4th District Court of Appeal popped up.

appellate work," said the gregarious justice, whose Syrian heritage is visible in her olive skin and deep brown eyes. "I like time to think, and I've always considered myself a reflective person. I spent so much time doing appellate work over at the [attorney general's] office, coming here was really like coming home."

THREE: Governor's Appointees to Bench

Continued from Page 1

requisite for those seeking reshapes in the Deukmejian era. Needing that her philosophy may and "naive," she says her quest for a spot in the judiciary was made with "very little attempt to pressure the system" and virtually no knowledge of "people in high places."

Early Lesson

One thing may have been working in her favor: Benke started her climb up the legal ladder while young. In ninth grade, her social studies teacher established a mock courtroom to teach students about the law. Benke played the prosecutor.

"I knew law was for me," said Benke, who was graduated from the University of San Diego School of Law. "I got pushes and shoves from my parents, who thought it could be nice to have a lawyer in the family."

Lawyers who monitor the court appeal say that Benke—like other Deukmejian appointees on the court—clearly has a more conservative bent than justices selected by former Gov. Jerry Brown. Defense attorneys say they must work somewhat harder to prove their case when arguing before a panel that includes Benke and her Deukmejian brethren.

"But I can't say Benke or any of them have been political in the sense of reaching for a conclusion, regardless of the law and the facts," said Elaine Alexander of Appellate Defenders Inc., which handles appeals for indigent defendants. "We get a fair hearing."

Although the shot at a seat on the state Supreme Court was a tantalizing opportunity, Benke says she is content with her present lot of life: deciding appeals and teaching criminal-procedure courses part time at California Western School of Law.

"I'm happy right where I am," said Benke, who is married to a production supervisor at KPBS television and has two young sons.

□
You'd never guess that Richard Huffman, one of the most respected minds on the San

Diego Superior Court bench, was once labeled unqualified to be a judge.

In 1978, a State Bar commission that evaluates judicial applicants rejected Huffman—then a deputy district attorney—based on anonymous comments from attorneys who called him ill-tempered and vindictive. The commission concluded that Huffman was "too vigorous a prosecutor" and thus poorly suited for judicial service.

My, how times change.

Today, the bespectacled Huffman—perhaps most famous for his role in former Mayor Roger Hedgecock's first perjury and conspiracy trial—is widely respected not only for his vast background as a criminal prosecutor but for his quick mastery of civil law.

'That Man's a Jewel'

Since Gov. Deukmejian appointed him to the Superior Court in May, 1985, Huffman has built a reputation as a meticulously even-handed jurist, among prosecutors and defense attorneys alike. His colleagues on the bench give him high marks, too: "That man's a jewel," Presiding Superior Court Judge Michael Greer said. "I love him."

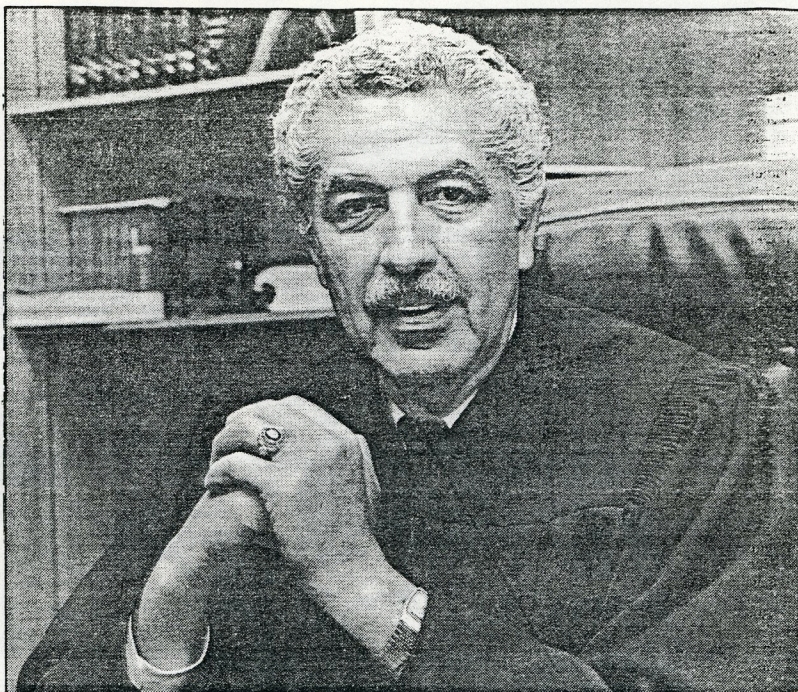
Outside the courthouse, Huffman sits on an influential committee that screens local judicial applicants for Deukmejian. The jurist also is considered the favorite among four contenders vying for a spot on the 4th District Court of Appeal, which has had a vacancy since Edward T. Butler retired earlier this year.

Perhaps the only wrinkle in Huffman's reputation came recently when defense attorneys criticized him for a series of pro-prosecution rulings in the retrial of Craig Peyer, the former CHP officer convicted of murder last month. Critics said the rulings indicated that Huffman's sympathies in the case lay with the district attorney's office. Prosecutors called the allegations nonsense.

Cited as a standout among Deukmejian's appointees, Huffman said he has met the governor a few times but does not know him well. Asked about charges that Deukmejian has appointed too many former



STAN HONDA



MARK CROSSE

Richard Huffman, left, and Federico Castro were appointed to the San Diego Superior Court bench by Gov. George Deukmejian.

prosecutors to the bench, the judge insisted that the appointees are a diverse group that by no means espouses a common law-and-order philosophy.

View on Appointees

"I see a bunch of hard-working professionals—people who are not ideologues," said Huffman, whose silver-frosted temples give him an avuncular look that goes well with the judicial robe. "Some may sentence more severely than others, but they all seem to be given to the notion that we have a responsibility to the public to make this court system function, not only efficiently but also in a humane fashion."

A 1965 graduate of the University of Southern California's law school, Huffman spent his early career years with the state attorney general's office. In 1970, he signed on with the district attorney and held the No. 2 job in that office when he was appointed to the

bench.

Huffman and his wife, Caroline, live in Point Loma. Their son, Richard, is a senior in law school at the University of San Diego.

□
When Federico Castro got a call in mid-1986 from a friend who urged him to apply for an appointment to the bench, he was more than a little surprised.

"I was a registered Democrat—not intending to switch parties—and this was a Republican administration, so I figured I didn't have a chance," Castro recalled.

Gov. George Deukmejian's record of appointing minorities wasn't too encouraging, either. At the time, the governor had not named a single Latino to the San Diego bench since taking office in 1983. Furthermore, Deukmejian had shown a definite preference for prosecutors, and Castro had a fami-

ly-law practice.

Despite the daunting circumstances, Castro decided to go forward with an application. Thirteen agonizing months later, he got a phone call from the governor's office: Would he be interested in a spot on the San Diego Superior Court?

'A Great Honor'

"It was a great relief—and a great honor," Castro said, remembering the September, 1987, day he became a judge.

A towering, athletic-looking jurist with a warm smile and a quick laugh, Castro is not your average Deukmejian appointee. For starters, there are the party affiliation and ethnic heritage. Counting Castro, Deukmejian has appointed just 10 Democrats and two Latinos to the San Diego trial court bench.

The Del Cerro resident stands out in other ways as well. Before enrolling in law school at the

University of San Diego in 1968, he worked 14 years in the retail business, winding up that career as personnel director for a large department store chain in the San Francisco Bay Area.

"I loved personnel work, and it was a fascinating time, with all the anti-Vietnam demonstrations and civil rights marches flaring," Castro said. "But I had always dreamed of going to law school."

Career No. 2

And so he did. A few years later, his "prayers were answered" and he passed the State Bar exam. Career No. 2 had begun.

After his appointment, Castro served briefly at the central San Diego courthouse. But, given his 14 years of experience as a divorce lawyer, his ultimate destination was the family-law branch. Once criticized as a weak link in the

Please see THREE, Page 18

THREE

Continued from Page 4

county's criminal justice system, the family court in recent years has been bolstered by appointees with expertise in that area of the law.

Castro further strengthened the roster.

"For a long time the family court was probably the least attractive judicial slot, a place you dumped the new kid on the block," said Judge Thomas Murphy, the presiding judge there. "Experts like Fred Castro have changed the picture considerably."

Although reluctant to criticize the governor, Castro says that "there's no question that more minorities should be appointed" to the bench. He also said that criticisms of Deukmejian's early appointments as too heavily weighted in favor of prosecutors were valid.

"But that's changed," he added. "After all, I got through. I think the governor is now aware of the needs of the community and sensitive to the criticisms."

A hiking and tennis enthusiast whose household includes a dog, a cat and his daughter, Cory, Castro hails from the Kern County community of Tehachapi. His initial education was at a two-room schoolhouse in the neighboring town of Monolith, where, he says, a teacher first inspired his quest for professional success.

BRAIN: Scientists uncover disease clues

Continued From Page 1

Human brain hides secrets in complexity

Scientists seek keys to causes of diseases in maze of neurons

By Scott LaFee
Tribune Staff Writer

SOMEWHERE deep within the human brain are answers to why victims of Lesch-Nyhan syndrome compulsively chew and tear their own flesh and why Parkinson's disease patients are racked by tremors, paralysis and dementia.

Although scientists have studied it for centuries, the brain does not give up its secrets easily. Science cannot yet explain how it works or why it fails.

But that is beginning to change. The mysteries of diseases long buried in the brain's intricate weave of neurons are unraveling. Scientists at the University of California at San Diego and elsewhere are inching closer to being able to treat — and perhaps cure — a host of cataclysmic neurological diseases.

These men and women are working on the edge, pushing against the barriers of knowledge and ethics. Can they induce the brain to repair itself? Should they experiment with fetal tissue, one of the most promising avenues of brain research, when the bulk of their supply comes from abortions?

Questions without clear, easy answers.

"It's absolutely unknown territory," said Theodore Friedmann, a UCSD professor of pediatrics and molecular genetics. "The brain is such a difficult organ to imagine doing anything with."

Using technologies unimagined a decade ago, Friedmann and others are attempting to restore brain functions destroyed by disease by implanting altered genes or foreign tissue into the brains of humans and animals.

Last year, a team of Mexican surgeons made international headlines by transplanting tissue from the adrenal gland into the brains of patients suffering from Parkinson's disease.

Parkinson's sufferers (up to 1.5 million in the United States) experience tremors, muscle rigidity, loss of speech, mobility and dementia because their brains lack dopamine, a hormone manufactured only in the brain and adrenal gland.

The Mexican doctors reported dramatic successes. Researchers in China, Sweden, Cuba and the United States followed with more than 200 similar experimental operations, half of them in this country.

Surgeons at UCSD Medical Center and at Scripps Clinic and Research Foundation conducted similar operations, beginning last September.

UCSD neuroscientist Fred Gage reported no significant improvement in his first patient, and the medical center has not pursued further operations.

Scripps doctors, on the other hand, have conducted five operations with results. Symptoms in two pa-

Patients on Page A-8
Morrow following early cloudiness.
Forecast — Mostly sunny to-

tors has wilted with the realization that adrenal implants are not a perfect solution to Parkinson's disease.

The brain, once again, had proved Friedmann right. It is an exceedingly difficult and complicated organ.

Yet, Gage, Friedmann and others persevere. Indeed, Gage and his team recently won a \$500,000 grant to continue their brain-implant research.

Scientists chose to work with Parkinson's first because it is a relatively simple disease, involving a single chemical deficiency and a cell type in the adrenal gland that could lessen the symptoms. But most genetic diseases are infinitely more complex. The onslaught of Alzheimer's disease, for example, may involve hundreds, perhaps thousands, of chemical reactions, biological relationships and other factors.

The challenge of even treating such diseases seems overwhelming. Solutions lie in discovering flaws in the genes themselves, uncovering the infinitesimally small bits of misinformation that often lead to tragic results.

A decade ago, gene therapy — splicing healthy genes into cells that then produce other healthy cells inside the body — was unheard of, said Friedmann. The idea that it might eventually help defeat diseases was the stuff of fantasy.

"The impressive thing over the last couple of years is how the discussion over gene therapy has quieted down and become credible. It's not only technology but the fact that it has an inevitable place in medicine," said Friedmann.

There are 3,000 genetic diseases known to medicine; only a half-dozen can now be treated effectively. Gene therapy offers extraordinary promise for many more, from hemophilia and cystic fibrosis to leukemia and Lesch-Nyhan.

In some areas, research is well-established with hundreds of working scientists. Friedmann, for example, helped pioneer a number of gene-therapy techniques, including injecting corrective genes into bone marrow. But fewer scientists are devoted full time to gene therapy and the brain.

Friedmann now is collaborating with Gage at UCSD to implant genetically engineered genes into the brain in an effort to induce new nerve growth or control an existing disorder. Their work is still experimental and conducted only with animals.

Generally, it works like this: Scientists chemically carve out a cell, converting it to a simple, benign holding tank that will accept new genetic material with instructions to produce the appropriate neurotransmitter — dopamine in the case of Parkinson's disease. The cells are implanted into the brain where, it's hoped, they will grow and bathe the surrounding tissue with dopamine.

The direct implantation into brain of these cells is necessary because a blood-brain barrier prevents most chemicals from entering the brain from the body and perhaps damaging or contaminating its delicate tissues.

At the moment, Gage said, Parkinson's is the only disease for which neurological intervention holds promise.

"And still we don't know the cause of the disease. We know the effect of the disease, which is the death of these cells (that produce dopamine). But we don't know the cause of the death. Any therapy isn't a cure, it's a treatment of the symptoms. It's not even repairing. I mean, it's putting the cells not even where they should be."

With current technology, producing enough of the right cells is difficult. Consequently, UCSD researchers are exploring the possibilities of exploiting tumor cells that divide and reproduce endlessly in the

lab.

"The disadvantage of this obviously is that when you put them in the brain, what makes you think they won't keep dividing and make a tumor?" said Gage.

"So you find a (type of cell) that makes some chemical you're interested in, stop it from dividing and hope that once you've stopped it, that it is still making the chemical. And once you've put it in the brain, you hope and pray that it doesn't start dividing again," said Gage.

"What we are doing now is making sure we can put the genes into the cells and transplant the cells into the brains and get those cells to express the gene product. That's as far as we are."

It seems to work in some Parkinson's patients, but the technique still

"The brain is a much more complicated organ than any of the others. It's such an imponderable maze of connections and functions that no one really understands at all. It's as black a box as exists."

— Theodore Friedmann

is relatively crude, and it is only a treatment. Much more research is required to find cures, to induce implanted cells to sprout the necessary connectors that weave the brain together and make it function.

"There are lots of complications in the brain," said Friedmann. "The brain is a much more complicated organ than any of the others. It's such an imponderable maze of connections and functions that no one really understands at all. It's as black a box as exists."

Scientists learn something new every day, Gage said. For example, that the assumption the brain was immunologically safe from the introduction of foreign material is false.

"It can reject foreign tissue," said Gage, but the brain seems to respond slower and less dramatically than other organs.

The success of brain implants is also affected by how well blood flows through the implanted tissue, where the implanted cells settle, the age of the cells involved, and whether the brain will respond by scarring or promoting new growth.

If the complications sometimes seem unending, so too are the possibilities. Gage said researchers are exploring the use of altered oncogenes — cancer genes with terrific abilities to reproduce; chemically scoured herpes viruses; and elements from skin cells that can be modified to meet different needs.

But perhaps the most promising research is also the most controversial.

Fetal tissues and cells, like those from the human placenta, hold enormous potential to serve as "bridging material," according to Gage. The chemical composition of these materials makes them particularly able to transmit gene information without being rejected by the body's immune system.

The controversy comes from the origin of the material: abortions.

"It's a good example for separating the controversy over how the tissue is acquired from the controversy about what's to be done with it," said

Charles Wiggins, a law professor at the University of San Diego who specializes in biomedical ethics.

"As long as Roe vs. Wade (the 1973 Supreme Court decision legalizing abortions) is the law of the land, and a woman has the right to an abortion through the second trimester, the question becomes: What to do with the product of that abortion?"

From a scientific standpoint, there is no controversy. The material represents a collection of cells that could dramatically benefit mankind.

"Whether the products are from a spontaneous abortion or an induced abortion really doesn't make much difference to the person who's going to implant them into the brain of a Parkinson's patient," Wiggins said.

But, he added, "The ethical issues of abortion tend to overwhelm everything they touch."

Prompted by the Reagan administration, the National Institutes of Health recently banned all experiments using aborted fetal material until national guidelines could be established.

The immediate reaction among some scientists was outrage. They said the ban would disrupt, even halt, important research. But other scientists and politicians have voiced fears that an increasing demand for fetal tissue would create a market in which women would produce fetuses for money.

Some said it would lead to fetal farming.

Gage welcomed the "moratorium," saying it was better that the federal government set guidelines than each state. But he said predictions of fetal farms are outlandish, that most scientists would not be so irresponsible.

Friedmann, who is part of the congressional advisory panel that will examine the issue, was less certain.

"I don't think the issues have been really teased out yet. I think there are lots of problems with using human fetal tissue," Friedmann said.

The argument that permitting even limited use of fetal tissue makes it easier to take the next step is valid, he said. "The slippery slope argument, that is, you start with little steps and sooner or later you'll find yourself doing more and more unacceptable or marginally acceptable things. And eventually you'll lose track of the fact that it all started with an apparently innocent step."

"I think it's an argument that one has to take into account. Major mistakes (begin as) small miscalculations. I don't know if this is one of them, but clearly it's got to be discussed as high public policy. It can't be a scientific decision alone."

It can't be decided alone because the ethical dilemmas created by gene therapy are astoundingly difficult. Consider the story of a Southern California woman obsessed by her father's losing fight with Parkinson's disease. The woman believed the disease was ruining their lives. A brain implant, particularly one using fetal tissue, was the best hope for improvement.

The woman wanted to produce the necessary fetal tissue since that would improve the chances that her father's immune system would not reject the implant. But more than that, she wanted to be impregnated with her father's sperm since that would provide an even closer biological match.

On ethical grounds, her doctors refused.

Other even thornier dilemmas will undoubtedly surface. Nonetheless, the potential of gene therapy and the brain remains compelling. Gage said research will continue.

After all, gene therapy is in a sense the ultimate challenge. The possibilities are monumental, and so is the fundamental limitation: How far or well can the brain understand itself?

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Local MBA programs ride strong demand

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Only SDSU, USD have
national accreditation;
NU claims other virtues

By SUSAN SCHENA

On Wall Street, masters of business administration no longer carry the carte blanche they did before last year's stock market crash. Nevertheless, demand for a seat in San Diego classrooms offering MBAs is at an all-time high.

San Diego State University, for instance, turns away 67 percent of its graduate program applicants. "We could expand with the demand in the area, but we don't have the resources," says William F. Barber, director of graduate programs for SDSU's college of business.

About 2,500 students are enrolled in the four local graduate schools. The vast majority, roughly 2,000, are working professionals chipping away at MBA requirements with weekend and evening classes.

Part-time programs take 1½ to 2½ years to complete, depending on the institution's format and the student's course load. MBA classrooms in San Diego typically are 60 percent men and 40 percent women, and the average age is 27.

Tuition varies dramatically. Least expensive is SDSU, charging about \$1,300. The school also has the highest admissions standards locally, drawing students with undergraduate grade point averages of 3.2 or better and Graduate Management Admission Test scores averaging 580 out of a possible 800. The SDSU program includes 10 courses and a thesis or comprehensive exam at the end.

For \$8,200, National University offers a 15-month, one-course-a-month format. University of San Diego's tuition is \$9,000 for 10 courses, and United States International University has the highest tuition, at \$10,200, for its 12 courses.

The number of required courses, along with tuition, doubles at most universities if a student's undergraduate degree is not in business administration.

Despite high tuitions, local students are flocking to graduate business schools. Local college administrators couldn't say exactly how much earnings rise for the average MBA holder, but they agree that business school graduates are able to command higher salaries, especially in the fields of accounting, finance and consulting.

"It's your union card to admission to higher management, and you've got to be a member," says Irvin Lande, dean of NU's management and business school.

Some school officials even see the MBA as a future requirement for certain industry positions.

"Like everything else in this world, we're stepping up and people are getting more educated," says Carmen Barcena, assistant dean of the school of business at USD, an independent Catholic university. "Eventually a graduate degree will be a must in certain areas."

But let the buyer beware, says Charles



USD's Carmen Barcena: the MBA may become a necessity for some fields.

Brian Phelps

Hickman, director of projects and member services for the American Assembly of Collegiate Schools of Business. "MBA programs are not created equal. And employers are able to distinguish among them."

He says accreditation from his organization is one of the best indicators of an MBA program's quality.

The AACSB, a non-profit organization based in St. Louis, is the only national accrediting agency for undergraduate and master's degree programs in business administration recognized by the U.S. Department of Education and the Council of Postsecondary Accreditation, said Sharon Barber, assistant director of communication for the group.

Colleges voluntarily submit their programs for a review based on minimum standards, including curriculum, faculty qualifications, financial resources, admissions policy and library and computer facilities. The number of MBA programs offered nationwide jumped from 389 in 1974 to more than 650 now. Hickman says 261 of those have AACSB accreditation.

Only SDSU and USD now have AACSB accreditation, and USIU is applying for the distinction.

"There's tremendous temptation to treat business schools as a cash cow. Accreditation is an incentive for schools to provide resources to their business schools to meet minimum threshold standards," Hickman says.

The importance of AACSB accreditation is widely disputed locally. Representatives of USD and SDSU agree it's a stamp of quality. They also note that credit transfers from one institution to another are more readily accepted when both schools have the AACSB rating.

NU, however, has no intention of pursuing an accreditation from the group. "We never will be (AACSB-accredited), and I don't want us to be," Lande says. "AACSB has a philosophy unless you are a research institution, you will never get AACSB accreditation."

Lande distinguishes NU as a teaching institution, not a research facility. Its MBA courses take a case-study, practical-problem-solving approach to business with less emphasis on theoretical teaching. Nearly 90 percent of professors are adjuncts working in the field and teaching part time.

MBA graduates from more prestigious schools may be too theoretically oriented, he says, while NU's faculty fills businesses' immediate requirements by teaching graduates working knowledge.

NU is working with nearly 2,000 institutions to form a rival accrediting organization, the Association of Collegiate Business Schools and Programs. This group would overlook research criteria, he says. He expects it to be on track in late 1989.

Hickman defends AACSB's standards, saying that business schools are "created to provide a framework of theory illustrated from time to time by examples of practice and case work by visiting guest

Please turn to next page

SAN DIEGO'S MBA PROGRAMS

	San Diego State University	University Of San Diego	National University	United States International University
Total enrollment at San Diego campuses	34,000	5,600	3,230	2,500
Total MBA enrollment	950	364	895	150
Full time/part time MBA enrollment	285 665	121 243	not applicable	127 23
Average GMAT scores of MBA students	580-out of possible 800	553-out of possible 800	not required	440-out of possible 800
Approximate undergraduate GPA for admission	3.2	2.9-3.0	2.5	3.3
Percentage of total applicants accepted	33	56	na	65-70
Average age of MBA student	27	27	32	23-24
MBA requirements for students with undergraduate business degrees	10 courses plus thesis or comprehensive exam	10 courses	15 courses	12 courses
Cost per course	\$257 for 2 classes or less	\$900	\$545	\$850
Approximate time to complete MBA program on a part-time basis	1½-2½ years	1½-2 years	15 months	2 years
MBA first offered	1959	1975	1971	late 1960s
Number of MBA graduates each year	200	125-150	285	40
Course times	days/ evenings	days/ evenings	evenings/ weekends	evenings/ weekends
Source: The schools				

MBA: UCSD eventually may join the pack

Continued from preceding page
speakers. 2955

"There are now 261 AACSB-accredited schools and clearly not all have research as their primary mission. AACSB does expect a research component. People that don't research stop being effective teachers," Hickman says.

"One problem with non-AACSB-accredited schools is they could have problems in various areas," SDSU's Barber says. "They could be selecting students in background and skills that are not ready for an MBA course."

Yet Lande says while the community may have had misperceptions about NU in the past, the school's graduates are changing that. "There's a growing body of people, based on performance of our graduates, that are looking at NU differently."

Of the four MBA programs offered locally, NU has the loosest admissions standards. Students are not required to take the GMAT and need only an undergraduate grade point average of 2.5 from an accredited university, says Edward Kubow, NU dean of students.

But if an applicant's undergraduate GPA is lower than 2.5, Kubow says there's a chance the individual will be admitted on a provisional basis "to see if they can do graduate-level work." If the provisional student does not maintain a "B" average in the first three classes, a GMAT may then be required, serving as a placement exam to assist NU advisers in fitting the student in at the proper level, he says.

The University of California, San Diego considered starting an MBA program years ago, says Harold Ticho, vice chan-

"MBA programs are not created equal. And employers are able to distinguish among them."

— Charles Hickman

cellor of academic affairs. But the school decided instead to start its Pacific Rim Graduate School of International Relations and Pacific Studies. "Maybe in five years we may want to think of a business school again," Ticho says.

USIU produces general managers with an international background, says Ordean Olson, USIU graduate adviser. The majority of the student body and faculty is foreign, and the emphasis in many MBA areas is on international business.

USIU is the smallest of local business schools, and 85 percent of its students are full time. The school's size is a reason USIU is seeking AACSB accreditation. "We're small, and it'll give us some pull," says Olson.

Despite the lack of accreditation, however, he says USIU's faculty is at the doctorate level and highly qualified. "We'll put our staff up against any school," Olson says.

While college officials acknowledge that a part-time program, which allows a student to combine school and a source of income, is often more practical, they say the preferred route is the concentrated focus of full-time attendance.

"The education experience has to be abstracted from the real work," says SDSU's Barber. "If you expect an immediate transfer of experience to the real work, your expectations are wrong. The transferability is not on a day-to-day level, but on a total level of subtlety."

Yet some college administrators say they often prefer a student with some work experience. "A person that's worked for three or four years can apply themselves and they know what they want to do," says USD's Barcena. "They bring something to the classroom and get more out of the courses."

Schena is a North County-based freelance writer

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Two S.D. delegates span spectrum of activism

By Michael Smolens, Staff Writer

One is a student, a political activist only since the last presidential election.

The other is a grandmother whose family history is steeped in grass-roots organizing.

Maria Elena Murphy, 24, a graduate student at the University of San Diego, has never met Paradise Hills resident Sofia "Minnie" Ybarra, 60. They will be among San Diego County's 25 delegates and alternates at next week's Democratic National Convention in Atlanta.

At first glance, the worlds of these two first-

time delegates seem far apart. However, they have several common denominators — not the least of which is uncertainty about what it is delegates actually do.

"I'm anxious to find out," said Murphy, a supporter of presidential candidate Jesse Jackson.

To Atlanta she will bring idealism, optimism and a sense that regardless of whether Jackson is offered the vice presidency, he has made his mark by expanding the Democratic Party.

"So many new people are participating (because of Jackson) — that's winning," she said.

Ybarra will cast her vote for Massachusetts Gov. Michael S. Dukakis, who has a numerical lock on the nomination. More than a matter of politics or philosophy, her participation will represent a personal milestone of just how far her family has come in the last generation.

When she was a toddler, her impoverished family became involved in the landmark school segregation case commonly known as the Lemon Grove Incident of 1930, in which Hispanic families fought to keep their children from being sent

See Delegates on Page A-3

Delegates: They span spectrum

Continued from A-2955
to a separate school. She said her late father aided the attorney who handled the case.

Ybarra said she is excited about joining a son and a daughter-in-law as Dukakis delegates in Atlanta — but she nearly bursts with pride when talking about the role of another son, Richard Ybarra, 39, who is Western states director for Dukakis.

"Did I ever dream that my son would be this close to a presidential candidate?" she said.

She first shook Dukakis' hand eight years ago when he was Richard's professor at the John F. Kennedy School of Government at Harvard University. Now, when the presidential candidate makes a West Coast swing, she sometimes gets a hug from him.

"Whenever I see him, he says, 'Thank you for Richard,'" she said.

The political ties in her family abound. Richard's wife, Anna, is a daughter of farm-labor organizer Cesar Chavez.

Convention delegates are selected in a variety of ways. Both Murphy and Ybarra were selected by mini-caucuses within their congressional districts.

Minnie Ybarra and Maria Elena Murphy may be what Democratic leaders are talking about when they say members of their party are diverse but share common ground.

Murphy, born in San Diego and raised in Chula Vista, now lives in the funky coastal community of Ocean Beach. Two years ago she started the Association of Progressive Students at USD, where she is pursuing a master's degree in education with an emphasis on political science.

Her easy manner belies strong views. Not long ago she went to Nicaragua to help build schools and, in her words, "to see for myself what is really going on."

Admittedly, she wasn't about to find out just by visiting the Central American country that has been a thorn in the Reagan administration's side. She said she saw "a lot of human suffering. I found that the problem was not communism but that people were hungry."

Her reasons for supporting Jackson were echoed across the country



The San Diego Union/Bruce K. Huff

'(Jackson) spoke about issues no one else spoke about. He had the courage to raise issues others avoided.'

— Maria Elena Murphy



The San Diego Union/Jim Baird

'(Dukakis) seems to be the most prepared for the job. He's got the qualities.'

— Sofia "Minnie" Ybarra

as the civil rights leader showed unexpected strength in the early primaries.

"He spoke about issues no one else spoke about," she said. "He had the courage to raise issues others avoided."

In particular, Murphy said she likes Jackson's views about the Mideast and his push for a national health-care policy.

Ybarra seems more at ease discussing her family — and the fact that she has 10 grandchildren — than Dukakis' politics. In addition to her son's position on the candidate's staff, she said, her support for Dukakis is largely based on his background and experience.

"He seems to be the most prepared for the job," she said. "He's got the qualities."

Noting that she is of Mexican descent, Ybarra said she likes the fact that Dukakis is the son of Greek immigrants. She was particularly moved by the Massachusetts governor when he responded in kind to

questions asked in Spanish at a press conference at the Hotel del Coronado last fall.

"He answered them eloquently," she said. "I didn't know he could speak it that well."

It was the only time she could recall a top presidential candidate speaking fluent Spanish.

Mexican heritage and exposure to life's inequities have made strong impressions on both Ybarra and Murphy.

Murphy, whose mother is a native of Mexico, is the third of five children. Her father, a meatcutter, is a union man.

She said her views were partially shaped as a youngster on trips south of the border. Her father was also a karate instructor in Tijuana and charged fees on a sliding scale, depending on what people could afford.

"So, I spent a lot of time with people who were very poor," she said.

She said Jackson's message to the underprivileged and workers hit home.

Ybarra's experience came firsthand as one of 14 children in a poor family. She was baptized Ermina, a name that quickly became Minnie to family and friends and has stuck with her ever since.

Now, as a social worker, she attempts to help the poor and homeless, and is active in San Diego's Hispanic community through her affiliation with the Chicano Federation.

From her roots in poverty in Lemon Grove, she eventually raised four sons, two of whom graduated from Harvard. One, Daniel, is a Bakersfield attorney who is a delegate along with his wife, Lori Huerta Ybarra.

So, as her family holds something of a family reunion on the chaotic convention floor, Minnie Ybarra, like Murphy, said she will be trying to figure out what she is supposed to do.

"I know there's a lot of voting and there's a lot of action," she said. "And I'll be part of it."

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Pro Bono Legal Services Need More Attorneys

SDVLP Seeks More Help
From Large Firms' Staffs;
Mandatory Pro Bono Ahead?

By MARTIN KRUMING
San Diego Daily Transcript Editor

In the mid 1970s, when Gary Wright was fresh out of Columbia Law School and working for New York's Milbank, Tweed, Hadley & McCloy, his days were spent on banking and corporate law.

While he loved the work, he also relished the domestic and housing cases that didn't earn him or the firm one dime.

"I found (those) to be really enjoyable," said Wright, now a partner with Procopio, Cory, Hargreaves & Savitch. He recalled the "immediate impact" of his work and the night meetings with tenant groups.

"I feel proud to be in a profession where public service is important," said Wright, who in 1983 became a founding director of the San Diego Volunteer Lawyer Program and still serves on its board. "It's important to my self respect. It makes life more interesting."

But not all lawyers — especially those in large firms where there's immense pressure to log billable hours — have the time and energy for pro bono work as they hope to move from associate to partner.

Pro bono involvement varies.

According to a recent survey by the State Bar Office of Legal Services, only about 10 percent (9,526) of California's 91,587 active State Bar members volunteered in organized pro bono programs.

"I would suspect it's higher than that," said John Hedges, coordinator of the Pro Bono Project in Santa Clara County and chair of the Bar's newly formed Committee on Private Bar Involvement. "A lot of people didn't respond (to the survey)." Also not included were many of the services offered by private firms.

At present, there is no pro bono program in 24 of the state's 58 counties.

According to the American Bar Association, only 17.7 percent of the 659,000 private attorneys in the country are doing pro bono work.

In Maryland, where a proposal on mandatory pro bono will be decided by the Court of Appeal this fall, the range of involvement is 50 to 90 percent.

In San Diego, between May 1987 and May 1988 the San Diego Volunteer Lawyer Program (SDVLP) served 1,700 clients, which

(Continued on Page 3A)

Pro Bono Services —

(Continued from Page 1)

translates into about 20,000 hours. If you multiply that by \$125 an hour (the State Bar's figure), that's \$2.5 million worth. About 800 attorneys are involved, the majority of whom are sole practitioners or with small firms.

One of the SDVLP's priorities, said executive director Carl Poirot, is trying to get participation from more large firms, something which has not been a great success in the past.

Last month Bar President Ned Huntington wrote about 40 firms asking managing partners to "give Carl (Poirot) 15 minutes of time to discuss the establishment of a regular volunteer program or legal services committee" within the firm. Alberto Arevalo of Luce, Forward, Hamilton & Scripps chairs the recruitment committee.

"We need volunteers," said Huntington. "One of the best places to get them is out of the big firms. There's never been any program to do it on an active basis in San Diego."

"The first and second year people are not really that valuable to the firm at that point," he said, adding that these would not be the "rookie divorce lawyers and rookie p.i. lawyers trying to hustle cases."

Procopio, Cory has a pro bono coordinator whom SDVLP can call when it needs a volunteer. "The head of the litigation department knows who is busy and who has the time," said Wright. "It's really just common sense."

"That kind of in-house support makes our job easier," said Poirot. "It burns up our time to try and find an attorney." When his group does finally reach one "the last thing they're thinking about is taking another pro bono case." But generally, "once we connect we get a yes."

Procopio, Cory's "system wouldn't work if the whole firm wasn't committed to pro bono," said Wright.

SDVLP began in 1983. Two of the prime movers were former University of San Diego Law School Dean Sheldon Krantz and Gregory Knoll, director of the Legal Aid Society of San Diego.

Today it's co-sponsored by the County Bar, the University of San Diego Law Center, the Legal Aid Society and Lawyers Club. Sixty percent of its cases are domestic, 30 percent immigration and 10 percent bankruptcy and consumer. It doesn't handle any criminal matters.

The work is "not always glamorous," said Poirot. "It's day-to-day living issues" — child custody, child support, guardianships, bankruptcies, immigration hearings, not to mention helping people simply work through bureaucracies. "These are our major clients."

Since Poirot, a graduate of McGeorge Law School, arrived two years ago, SDVLP has set up panels dealing with AIDS; the homeless, particularly the mentally impaired; and immigration, including juveniles.

The articles about the idealism of the late '60s and early '70s giving way to declining attorney involvement today haven't escaped Poirot, who holds a master's degree in social work and spent eight years as deputy director of the state Employment Development Department.

But "I'm very optimistic that San Diego is moving in the opposite direction."

In addition to SDVLP, organized pro bono programs here include the American Civil Liberties Union, the Center for Women's Studies and Services, Legal Clinic for Bat-

tered Women, the YWCA's Bat-tered Women's Legal Referral Panel and the USD Law Center.

Wright, for one, believes that helping the disadvantaged and the poor is "part of a professional commitment when you become a lawyer. It's not just dollars and cents. There is a commitment to legal services as a whole."

He and others recognize the tremendous competition at law firms to attract top students and sign them on for high salaries.

"It's understood that they will have to bill 2,000 hours of work a year or more. There is no time left for pro bono work," he goes on.

But it's the large law firms that have the resources. Some are already involved.

Luce, Forward's Tim Pestotnik is a prime mover in providing legal services for AIDS victims, a project which has involved other attorneys at the firm. Gray, Cary, Ames & Frye offers free legal assistance to the Society of Professional Journalists, Sigma Delta Chi.

In New York, Skadden, Arps, Slate, Meagher & Flom announced recently that beginning next June it would spend \$10 million over a period of five years to pay the salaries of new lawyers willing to help poor people deprived of civil or human rights. Twenty-five Skadden Fellows will earn about \$32,500 plus benefits for a two-year commitment.

Last month Lawyers Club here formally applied to the American Bar Association for a \$10,000 grant to establish and fund a pro bono program in conjunction with SDVLP.

One issue which bears close watching in the months ahead is mandatory pro bono.

If approved in Maryland this fall, it would be a first, although North Dakota also is studying it.

According to Janet Eveleth, director of communications for the Maryland Bar, the Board of Governors has taken no formal position yet but is to hear a final report from a special committee in September.

"It's hard to guess which way it will go," said Eveleth.

If passed, Maryland attorneys would be required to handle one civil case a year for free.

Supporters of mandatory pro bono say there are 1 million low-income or poor people in need of legal services — and growing — said Eveleth, and not enough lawyers. Also, there has been a decrease of federal funding.

Opposition to mandatory pro bono varies. Some say it would simply create another bureaucracy, including one to administer the program; what does a corporate attorney, let's say, know about a divorce? and "there are some who just don't like to be told what to do."

In California, "we're studying that," said Santa Clara's Hedges. "I think it's going to get a bit of play."

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SAN DIEGO TRIBUNE

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Allen's P.C.B. Est. 1888

Senate panel turns down Siegan for appeals court

By Mark Ragan²⁹⁵⁵
Copley News Service

WASHINGTON — Citing his lack of experience in the federal courts and his conservative interpretation of the U.S. Constitution, the Senate Judiciary Committee today rejected San Diego law professor Bernard Siegan for a seat on the 9th Circuit Court of Appeals.

The committee, voting along party lines, rejected Siegan's nomination to the federal bench by a vote of 8 to 6 and later turned down an attempt to send the nomination to the Senate floor without a recommendation.

Siegan's rejection came as no surprise to committee members, the liberal lobbying groups that lobbied against him or to officials in the Reagan administration, who for months had encouraged Siegan to withdraw his name from consideration.

"The handwriting's been on the wall for quite some time," said Vermont Democratic Sen. Patrick Leahy. "The committee knew it, the administration knew it and the nominee knew it."

"I wish (Siegan) could have been spared the pain of all of this."

Siegan, a professor at the University of San Diego Law School whose nomination has been pending before the committee for 18 months, could not be reached for comment today.

Liberal Democrats on the committee — including Leahy and Massachusetts Sen. Edward Kennedy — expressed strong personal regard for Siegan but added that his views on the law were too "out of the mainstream" for their liking.

But Wyoming Republican Sen. Alan Simpson, who voted to confirm Siegan, said he was not surprised by the rejection.

Please see SIEGAN: A-25, Col. 1



BERNARD SIEGAN
Rejection came as no surprise

SIEGAN²⁹⁵⁵

Continued From Page 1

Siegan, accused the committee of trying to soften its rejection of the 63-year-old law professor on ideological grounds by praising him as a person.

"I hope we don't shroud this in too much good will," Simpson said. "We ought to just state this was a hammer job and he (Siegan) got it right in the chops."

Sen. Orrin Hatch, R-Utah, offered the most spirited defense of Siegan, saying objections to his lack of experience ignore "the whole raft" of federal court appointees who made it to the federal bench with little or no courtroom experience.

Kennedy, who said he knew Siegan personally, said, "There's no question about his integrity and character, but I strongly oppose his nomination."

Kennedy, citing Siegan's lack of courtroom experience, said, "He has never conducted a jury trial and appeared only once in his career in federal court." Kennedy added that Siegan's belief that the Supreme Court should apply more scrutiny to economic regulation "deeply troubled" him.

Finally, Kennedy said he disagreed with Siegan's view that the Supreme Court's ruling on Brown vs. the Board of Education, the 1954 ruling that "separate but equal" public schools violate the 14th Amendment's guarantee of equal protection, "is not based on original understanding."

Siegan has maintained that the case should have been decided on other grounds.

San Diego, CA
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San Diego Union
(Cir. D. 217,089)
(Cir. S. 341,840)

JUL 14 1988

Allen's P. C. B. Est. 1888

Clergy here to select new bishop

Methodists hope
to make selection
at USD tomorrow

By Rita Gillmon
Staff Writer

One of six men who arrived in San Diego earlier this week as Methodist pastors is expected to go home a bishop after United Methodists of the Western Jurisdiction Conference elect a replacement for a San Francisco bishop who is retiring.

Balloting began yesterday among the lay and clergy delegates from eight annual conferences (regional governing bodies) who will elect a leader for some part of the jurisdiction, which extends from Alaska to the Mexican border and from the Rockies to Hawaii.

Meeting at the University of San Diego, the United Methodists hope to have a selection by tomorrow, but they will continue the balloting until one candidate wins a two-thirds majority.

That winner will take the place of Bishop Leontine T.C. Kelly, who has served in San Francisco since 1984.

However, the new bishop will not necessarily be assigned to that particular conference. Assignments for all the bishops in this jurisdiction will be announced later this week.

The first black woman to become a bishop of the 9.1-million-member United Methodist Church, Kelly told delegates yesterday that the openness and diversity of the church in the West has so impressed her that she intends to continue her ministry in this area, rather than return to her home town of Washington, D.C.

"Here on the Pacific Rim, the mission field has come home to us and challenges us to be all that we have proclaimed to be," Kelly said. "There are ethnic minorities who have long been part of the church and have yet to be heard from."

Kelly said the Korean church in America, for instance, is the fastest growing part of the denomination. "We need to talk to them and find out how they are doing it."

The church needs to prioritize the needs of children, which she identified as the fastest growing segment



The San Diego Union/Roni Galgano

Bishop Leontine T.C. Kelly sings with others at United Methodists Jurisdiction Conference being held in San Diego.

of poor in the country.

"A denomination that built a great education system for its children is falling down on the job, just as the larger society is," she said.

Bishop candidates nominated by regional conferences include the Rev. Richard W. Cain, president of the Claremont School of Theology; the Rev. James M. Lawson Jr., pastor of Holman United Methodist Church in Los Angeles; the Rev. Willard R. Stevens, district superintendent from Tucson, Ariz.; the Rev. W. Franklin Summerour, pastor of Ed-

monds United Methodist Church in Washington; the Rev. William O. Walker, pastor of First United Methodist Church of Eugene, Ore.; and William W. Dew Jr., pastor of San Ramon Valley United Methodist Church in Alamo.

Nominations also may be made from the floor.

A consecration service for the newly elected bishop will be held at 2:30 p.m. Friday at First United Methodist Church in Mission Valley, where the conference held its opening ceremony Tuesday night.

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(San Francisco Co.)
Recorder
(Cir. 5 x W. 5,346)

JUL 15 1988

Allen's P. C. B. Est. 1888

Democrats on U.S. Senate Committee Kill Siegan Ninth Circuit Nomination

2955

ASSOCIATED PRESS

WASHINGTON — The Democratic-run Senate Judiciary Committee voted along party lines Thursday to kill the appeals court nomination of Bernard Siegan, a conservative California professor whose free-wheeling views often differ from U.S. Supreme Court precedent.

The 8-6 vote recommended that the full Senate reject Siegan, a University of San Diego constitutional law professor. But Sen. Strom Thurmond, R-S.C., the committee's ranking Republican, said Siegan's backers "will make no effort to take it to the floor. It's obvious that it's over."

After the initial vote, Republicans tried a last-gasp motion to report the nomination to the floor without a recommendation. It failed on a 7-7 vote, with Sen. Dennis DeConcini, D-Ariz., supporting the GOP.

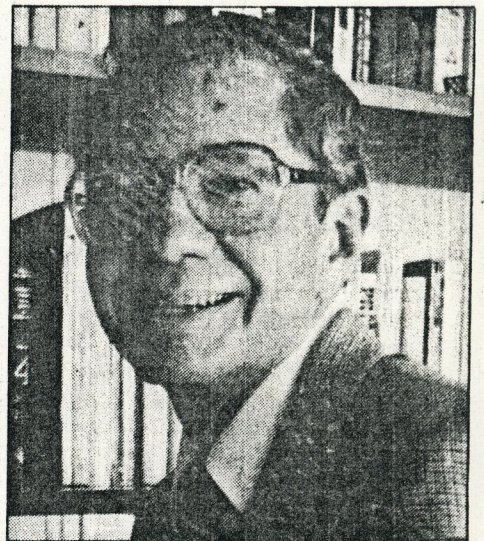
President Reagan nominated Siegan for the Ninth Circuit U.S. Court of Appeals. The court has jurisdiction over California, Alaska, Arizona, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, Guam and the Northern Mariana Islands.

The rejection of a prolific writer on the law, who expresses strong conservative views, was reminiscent of Robert Bork's unsuccessful attempt to win confirmation to the Supreme Court last year.

Although the writings of Bork and Siegan do not always coincide, both provoked an uneasy feeling among Democrats that they might try to impose their personal views over Supreme Court precedents.

Although the American Civil Liberties Union opposed Bork's nomination, there was no reaction to Thursday's developments by the organization's San Francisco-based Northern California

SEE SIEGAN PAGE 4



UNION-TRIBUNE PUBLISHING CO.

BERNARD SIEGAN: "If a case comes where I can't observe the law of the land I would resign."

Siegan Down by U.S. Senate Panel

CONTINUED FROM PAGE 1

chapter.

"The ACLU can never comment on judicial selections. The only exception was Bork and that was because we thought he was so awful," said Elaine Elinson, the local ACLU's public information director.

In Sacramento, the conservatively-oriented Pacific Legal Foundation public interest law group has similar reservations about commenting on the Siegan rejection.

"We try to stay out of the political arena," said John Findley, PLF's director of litigation. "But if indeed he was rejected because he believes in such things as the right to reasonable use of private property, then it would be most unfortunate."

But criminal defense lawyer Ephraim Margolin was eager to comment. Margolin said he was not at all surprised Siegan was rejected and he expects any other Reagan nomination to the post will also fail.

Since the Democrats regained control of the committee in January 1987, Bork was the only other judicial nominee to be rejected by the panel. His nomination reached the Senate floor anyway because lawmakers believed a nominee for the highest court deserved a full Senate vote.

Sen. Edward M. Kennedy, D-Mass., who offered the motion to reject Siegan, criticized the nominee's almost total lack of experience before federal courts — he had one case three decades ago — and said the nominee practiced "judicial activism in the extreme."

Thurmond defended Siegan, saying his judicial philosophy "should not be the single criteria" for judging him. He added that "nothing about his character, experience or background" should disqualify him from serving on the court.

Siegan went far afield of the Supreme Court when he wrote that the 1954 decision outlawing school segregation was correct, but was decided by faulty reasoning.

The landmark ruling, he said, should have been based on the right of black students to travel to the schools of their choice. His critics said this would have left students at the schoolhouse door, without guaranteeing a seat inside.

Siegan said prayer in schools could be constitutional, although the Supreme Court has said otherwise. He wrote that equal weight should be given to property rights and human rights. And he said framers of the 14th Amendment, which guarantees basic freedoms, never intended its scope to be as broad as that defined by the Supreme Court.

Siegan, 63, tried to save his troubled nomination at a hearing in February, when he told the committee he would follow Supreme Court rulings and not his own feelings, if approved by the Senate.

"If a case comes where I can't observe the law of the land I would resign," Siegan said then. "There are times I will rule contrary to my own feelings."

During debate on the nomination Thursday, Sen. Patrick J. Leahy, D-Vt., complained about Siegan's lack of federal court experience, saying, "He hasn't handled a case since I was 12 years old — 36 years ago."

Sen. Arlen Specter, R-Pa., who voted against Bork and some other administration nominees, said he disagreed with Siegan's writings. But he added that law professors should have the freedom to write what they choose "even if the writings are extreme."

Sen. Orrin G. Hatch, R-Utah, said he "could name a whole raft of top judges and justices" who were confirmed for federal courts — including the Supreme Court — without federal court experience.

"It's a red herring to shoot down a man of great integrity," he said. "I know it's political."

Recorder staff writer Victoria Sind-Flor contributed to this report.

San Diego, Calif.
(San Diego Co)
SAN DIEGO TRIBUNE

JUL 15 1988

Allen's P. C. B. Est. 1888

A-8 THE TRIBUNE

San Diego, Friday, July 15, 1988

National news

Senate committee rejects Siegan nomination to 9th Circuit Court

By Mark Ragan
Copley News Service

WASHINGTON — Citing his lack of experience in the federal courts and his conservative interpretation of the U.S. Constitution, the Senate Judiciary Committee yesterday rejected University of San Diego law professor Bernard Siegan for a seat on the 9th Circuit Court of Appeals.

The committee, voting along party lines, rejected Siegan's nomination to the federal bench by an 8-6 vote and later turned down an attempt to send the nomination to the Senate floor without a recommendation.

Siegan's rejection came as no surprise to committee members, the liberal lobbying groups that lobbied against him or to officials in the Reagan administration, who for months had encouraged Siegan to withdraw his name from consideration.

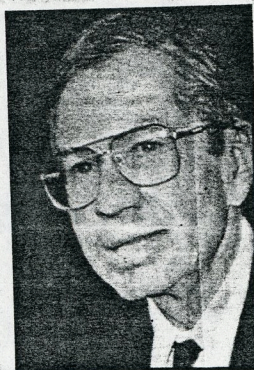
The 9th U.S. Circuit Court of Appeals covers nine Western states.

"The handwriting's been on the wall for quite some time," said Sen. Patrick Leahy, D-Vt. "The committee knew it, the administration knew it and the nominee knew it."

"I wish he (Siegan) could have been spared the pain of all of this."

Siegan, whose nomination had been pending before the committee for 18 months, could not be reached for comment.

Liberal Democrats on the commit-



BERNARD SIEGAN
San Diego law professor

tee — including Sen. Edward Kennedy, D-Mass., and Leahy — expressed strong personal regard for Siegan, but added that his views on the law were too far "out of the mainstream."

But Sen. Alan Simpson, R-Wyo., who voted to confirm Siegan, accused the committee of trying to soften its rejection of the 63-year-old law professor on ideological grounds by praising him as a person.

"I hope we don't shroud this in too much good will," Simpson said. "We

ought to just state this was a hammer job and he (Siegan) got it right in the chops."

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Kennedy, who said he knew Siegan personally, said, "there's no question about his integrity and character, but I strongly oppose his nomination."

Kennedy, citing Siegan's lack of courtroom experience, said, "He has never conducted a jury trial and appeared only once in his career in federal court." Siegan's belief that the Supreme Court should apply more scrutiny to economic regulation "deeply troubled" him, he added.

The Senate panel's rejection of the Reagan court nominee was often compared to the rejection last year of Supreme Court nominee Robert H. Bork.

Like Bork, Siegan wrote often on the law, and — like Bork — his views often were contrary to precedents set by the Supreme Court.

But while senators decided a Supreme Court nominee deserved a full Senate vote, Siegan's supporters said no such effort would be made for him.

Sen. Strom Thurmond, R-S.C., whose motion to report the nomina-

tion without recommendation failed on a 7-7 tie, said afterward that Republicans "will make no effort to

take it to the floor."

Siegan was only the second judicial nominee to be rejected by the

Judiciary Committee since the Democrats regained control in January 1987. Bork was the first.

San Francisco, CA
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Examiner
(Cir. D. 158,722)

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Senators reject judge 2955

Right-wing San Diegan
is a judicial maverick

By Larry Margasak

ASSOCIATED PRESS

WASHINGTON — The Democratic-run Senate Judiciary Committee voted along party lines Thursday to kill the appeals court nomination of Bernard Siegan, a conservative University of San Diego professor whose views often differ from Supreme Court precedent.

The 8-6 vote recommended that the full Senate reject Siegan. Sen. Strom Thurmond, R-S.C., the committee's ranking Republican, said Siegan's backers would "make no effort to take it to the floor; it's obvious that it's over."

President Reagan nominated Siegan, a constitutional law professor, for the U.S. 9th Circuit Court of Appeals. The court has jurisdiction over Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, Guam and the Northern Mariana Islands.

The rejection was reminiscent of Robert Bork's unsuccessful attempt to win confirmation to the Supreme Court last year.

Although the writings of Bork and Siegan do not always coincide, both provoked suspicion among Democrats that the nominees might try to impose their conservative personal views over Supreme Court precedents.

Sen. Edward Kennedy, D-Mass., who offered the motion to reject Siegan, criticized Siegan's near-total lack of experience before federal courts — he argued one case 36 years ago — and said the nominee practiced "judicial activism in the extreme."

Thurmond defended Siegan, saying his judicial philosophy "should not be the single criteria" for judging him.

"Nothing about his character, experience or background" should disqualify Siegan from serving on the court, Thurmond said.

Siegan went far afield of the Supreme Court when he wrote that the 1954 decision outlawing school segregation was correct but was decided by faulty reasoning.

The landmark ruling, he said, should have been based on the right of black students to travel to the schools of their choice. His critics said this would have left students at the schoolhouse door, without guaranteeing a seat inside.

Siegan has also said prayer in schools could be constitutional, although the Supreme Court has said otherwise. He wrote that equal weight should be given to property rights and human rights. And he said framers of the 14th Amendment, which guarantees basic freedoms, never intended its scope to be as broad as that defined by the Supreme Court.

Escondido, CA
(San Diego Co.)
Times Advocate
(Cir. D. 32,195)
(Cir. S. 34,568)

JUL 15 1988

Allen's P.C.B. Est. 1888

USD prof's judgeship bid rejected

WASHINGTON (AP) — The Democratic-run Senate Judiciary Committee voted along party lines Thursday to kill the appeals court nomination of Bernard Siegan, a conservative California professor whose free-wheeling views often differ from Supreme Court precedent.

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Although the writings of Bork and Siegan do not always coincide, both provoked an uneasy feeling among Democrats that they might try to impose their personal views over Supreme Court precedents.

Since the Democrats regained control of the committee in January 1987, Bork was the only other judicial nominee to be rejected by the panel. His nomination reached the Senate floor anyway, because lawmakers believed a nominee for the highest court deserved a full Senate vote.

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Siegan, 63, tried to save his troubled nomination at a hearing last February, when he told the committee he would follow Supreme Court rulings and not his own feelings, if approved by the Senate.

San Diego, Calif.
Southern Cross
(Cir. W. 27,500)

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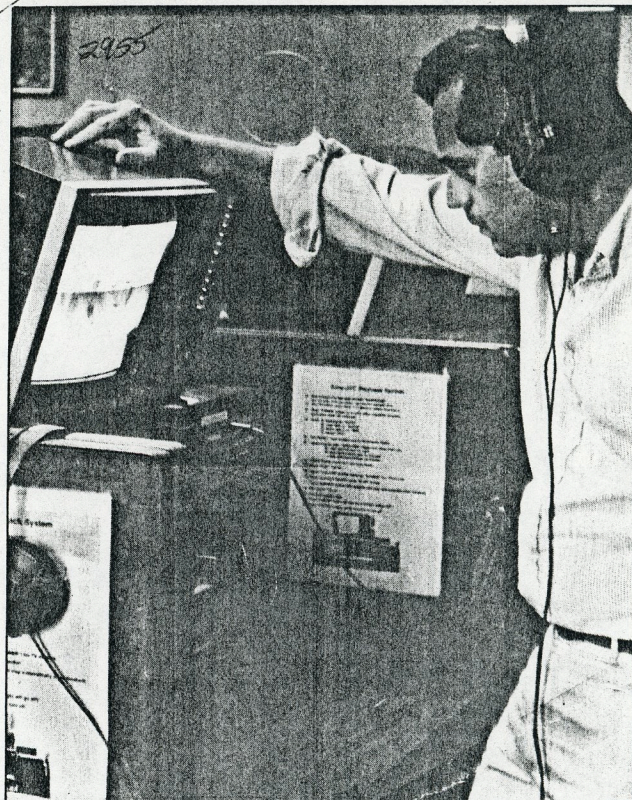


Photo by Maureen Nuesca

QUIET ON THE SET — Father Ron Pachence reviews a tape for the videodocumentary series "The Church in Transition." A professor of religious studies at the University of San Diego, Father Pachence is writing, hosting and producing the eight-part series that focuses on important issues facing the church. The show will be broadcast by the Catholic Television Network in Menlo Park, Calif.

Local priest uses TV to address key issues

By Maureen Nuesca
Southern Cross

ALCALA PARK — Father Ron Pachence, a University of San Diego religious studies instructor, has put away the chalk and schoolbooks for cameras and scripts.

As part of a sabbatical project, Father Pachence is the writer, host and program director of an eight-part videodocumentary entitled, "The Church in Transition."

Produced by the Catholic Television Network (CTN) in Menlo Park, Calif., the series will explore different ways in which the church has grown and developed over the past quarter century.

"The church has always been growing. 'The Church in Transition' seeks to help Catholics better understand the church," explained Father Pachence.

The series will address eight issues of concern through historical background, questions, interviews and theological reflection, he said.

The eight topics are the concept of change in the church; trends in biblical studies; developments in thinking about the local church; the sacraments presented as living signs of God's real presence in the world; sin; the obligation of ministry incumbent on everyone; the role of women in the church; and peace and justice.

Each program runs 28 minutes and consists of a statement of the issue at hand, field interviews, studio interviews and historical reflections. Each show will offer suggestions and solutions, he said.

For each segment, people from the San Diego and San Jose dioceses were interviewed. Father Pachence has interviewed professors, youth ministers, secretaries, teen-agers and journalists.

By the time the production is completed sometime in December, Father

Pachence will have spoken with over 50 people, obtaining the widest possible cross section.

In the studio interviews, Deacon Marvin Threath from Christ the King parish in San Diego, and Father Douglas Regin, pastor of St. Francis Church in Vista, will comment on peace and justice.

The targeted audience is "high school level to people in the pews," said Father Pachence.

Although "The Church in Transition" will only be seen in the Bay area, Father Pachence is exploring the possibility of marketing the series for distribution to individuals, parishes and media centers.

The program would be useful to youth groups, the Rite of Christian Initiation for Adults, or any type of discussion group because it poses questions about important and timely issues, said Father Pachence.

The priest said that any capital he receives from marketing the video will be returned to CTN to cover production costs and help similar programs.

Although his duties in this project are quite extensive, Father Pachence said he is not hesitant about undertaking the task. Previous involvement with broadcast television has given him the capabilities to produce the show.

His credits include writing and on-camera experience with "Sunday Focus," a local ecumenical religious news program and an audio series published by WinterSun. Father Pachence was also Channel 10's commentator for Pope John Paul II's ten-day visit in September 1987.

Despite the current problems televangelization has experienced, Father Pachence believes it is a much needed ministry in the church.

"The Catholic Church has a golden opportunity to get into telecommunication, particularly for religious education. If we don't, we're missing the boat," he said.

Siegan Rejected for U.S. Appeals Court

By DAVID G. SAVAGE, *Times Staff Writer*

WASHINGTON—The Senate Judiciary Committee Thursday voted down the nomination of University of San Diego law professor Bernard H. Siegan to serve on the federal appellate court in California, making Siegan the first of President Reagan's appeals court nominees to be defeated.

Eight Democrats voted against Siegan, a conservative scholar and friend of outgoing Atty. Gen. Edwin Meese III, and six Republicans voted for him. A Republican effort to send the nomination to the Senate floor with an unfavorable recommendation failed on a 7-7 vote.

For the 63-year-old Siegan, the committee action meant the end of a lifelong dream to be a federal judge. Nominated 18 months ago, Siegan refused to withdraw despite repeated signals from the committee that he would not be approved.

For Reagan, the vote may mean that the Democratic-controlled Judiciary Committee will no longer

approve controversial court nominees.

The rejection of Siegan "marks the end of the Meese era in judicial selection," proclaimed People for the American Way, a liberal lobby group that has fought several Reagan court nominees.

"By voting against Bernard Siegan, the Senate Judiciary Committee has once again made clear that nominations made on the basis of ideology—not merit—are unacceptable to the American people," said Melanne Vermeer, vice president of the group.

In response, the conservative Free Congress Research and Education Foundation charged that Siegan was a victim of a "multimillion-dollar political campaign of lies, distortions and half-truths." Jeffery D. Trout, a director of the group, said: "Bernie's only sin is that he believes that the Constitution means what it says."

After a successful real estate career in Chicago, Siegan made a



Associated Press

Bernard H. Siegan

name for himself at the University of San Diego through a series of books and articles contending that environmental and economic regulations such as zoning are unconstitutional.

A student of constitutional history, Siegan also argued that the Supreme Court was wrong in 1871

Please see SIEGAN, Page 25

LOS ANGELES, CALIF.
(Los Angeles Co.)
Los Angeles Times
(Cir. D. 1,076,466)
(Cir. S. 1,346,343)

JUL 15 1988

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SIEGAN

Continued from Page 3

when it agreed to permit the printing of paper money because the Constitution itself refers only to the making of "gold and silver coin."

More recently, Siegan said that the high court was wrong when it outlawed state-sponsored school prayers and that the 1954 ruling banning school segregation was faulty.

Acting Senate Judiciary Committee Chairman Edward M. Kennedy (D-Mass.) said that Siegan's views are extreme and "out of the mainstream" of American law. Moreover, he said, the law professor's libertarian approach to issues such as zoning would allow courts to get involved in all manner of local and state government decisions. Other Democrats cited Siegan's lack of federal court experience in voting against him.

Republicans denounced the action as political. "It is a shame not to have someone of his qualifications and ability on the federal bench," said Sen. Orrin Hatch (R-Utah).

In 7½ years, Reagan has named 273 of the 575 judges in the three-tiered federal court system, according to the Congressional Research Service. In the middle tier—the appellate courts—81 of 164 judges have been appointed by Reagan.

Despite the liberal furor over some Reagan court nominees, few have been rejected. The Judiciary Committee blocked district court nominee Jefferson Sessions of Alabama in 1986, and the Senate defeated Supreme Court nominee Robert H. Bork last year. Daniel Manion of Indiana failed to win Judiciary Committee approval for his appeals court nomination in 1986, but he won by a single vote on the Senate floor.

Siegan's defeat leaves three vacancies on the U.S. 9th Circuit Court of Appeals, which covers California and eight other Western states.

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Senate Panel Rejects Reagan Court Nominee

2955
By Larry Liebert

Chronicle Washington Bureau Chief

Washington

The Senate Judiciary Committee voted yesterday to kill the nomination of conservative law professor Bernard Siegan to the U.S. Court of Appeals in San Francisco.

It was the first rejection of one of President Reagan's judicial choices since Robert Bork's nomination to the Supreme Court was defeated last year.

Defeating the nomination on two votes that divided close to partisan lines, Democrats on the committee charged that the 63-year-old University of San Diego law professor lacks experience and holds extreme views.

Republicans countered that the rejection of a Reagan nominee was politically motivated.

Siegan's nomination had languished in the Democratic-dominated committee since February 1987. Members of both parties said yesterday that the "handwriting was on the wall" for his rejection, but Siegan had steadfastly refused to with-

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From Page 1

draw from consideration.

He did not respond to messages at his home in San Diego seeking comment after yesterday's vote.

Siegan, who is a friend of outgoing Attorney General Edwin Meese, has written voluminously and provocatively over the years. He has argued that courts have been too timid in defending "economic liberties" of property owners against legislative restrictions and that "there is no fundamental or natural right to education, nor to an integrated education."

Over the years, the law professor had questioned the constitutional validity of zoning laws, paper money and the minimum wage.

At hearings of the Judiciary Committee, however, Siegan testified that he would follow court precedent and not impose his personal views. "The only consideration I would have as a judge is what is the law of the land," Siegan said.

Senator Edward Kennedy, D-

Massachusetts, chairing yesterday's hearing, described Siegan's views as "out of the mainstream," the same argument used to defeat Bork.

Senator Patrick Leahy, D-Vermont, shied away from such an ideological argument, concentrating instead on the fact that Siegan has never been a judge and has only argued one case in federal court.

Leahy said Siegan has not been in federal court "since I was 12 years old. I'm 48 now. For well over a generation, he's been an observer, a bystander, that's all."

Republicans scoffed at such doubts about Siegan's lack of judicial experience, arguing that legal scholars have made some of the nation's most distinguished jurists.

"I think it's a red herring issue to shoot down a man of this kind of integrity and ability for no good reason," said Senator Orrin Hatch of Utah. "I know that it's basically political."

"It's a hammer job, and he got it right in the chops," added Senator Alan Simpson of Wyoming.

The committee voted along party lines, 8 to 6, against a motion to send Siegan's nomination to the full Senate with a favorable recommendation. Then moderate Democrat Dennis DeConcini of Arizona switched sides, and the committee deadlocked, 7 to 7, on sending the nomination to the Senate with no recommendation. With no recommendation, the nomination died in committee.

Committee chairman Joseph Biden of Delaware, who has been out since February recovering from surgery, cast his vote by proxy — the first time since his illness that he has done so.

William Niskanen, chairman of the Cato Foundation, a libertarian-

think tank that shares many of Siegan's views, called the Senate rejection "a tragedy. What they're anxious about is that Bernie takes the Constitution seriously."

Civil rights groups that had opposed Siegan were delighted. "He has an extremely restrictive view of the Constitution, especially the provisions protecting individual rights and freedoms," said Ralph Neas of the Leadership Council on Civil Rights.

Of Reagan's 340 judicial nominations, Siegan's was only the third to be rejected by the committee. The others were Bork and Jefferson B. Sessions, who was nominated for a trial court in Alabama.

Siegan had been nominated for a vacancy on the U.S. Court of Appeals in San Francisco, which covers nine Western states. The vacancy probably will be filled by the next president because the Judiciary Committee has a fat backlog of stalled Reagan nominees.

In contrast with Siegan's rejection, the Judiciary Committee unanimously approved yesterday the nomination of Superior Court Judge Fern Smith as a U.S. District Court judge in San Francisco.

If confirmed by the Senate, as expected, Smith, 54, will replace Judge Samuel Conti, 65, who moved to senior status.

Smith was appointed to the Superior Court by Governor Deukmejian in August 1986 after 10 years in private practice in the San Francisco law firm of Bronson, Bronson & McKinnon. As a lawyer, she specialized in aviation law and represented A.H. Robins Co. in the Dalkon Shield intrauterine device cases.

A native of San Francisco and the mother of two grown daughters, Smith graduated from Stanford Law School at the age of 41.

SAN DIEGO PROFESSOR DENIED JUDGESHIP

New York, NY
(New York Co.)
Wall Street Journal
(Western Edition)
(Cir. 5xW. 426,863)

JUL 15 1988

Allen's P. C. B Est. 1888

For Court of Appeals Post

By a WALL STREET JOURNAL Staff Reporter

WASHINGTON, July 14, 1988 — Splitting along partisan lines, the Senate Judiciary Committee yesterday rejected the controversial nomination of Bernard Siegan to the Court of Appeals for the Ninth Circuit in San Francisco.

It was only the third time the committee has rejected one of President Reagan's nominees to the federal courts; he has appointed 340 federal judges.

The committee also recommended confirmation of four district court nominees: Richard Voorhees, for the Western District of North Carolina; Karl Forester, for the Eastern District of Kentucky; Fern Smith for the Northern District of California; and Jan DuBois, for the Eastern District of Pennsylvania.

Mr. Siegan, a professor at the University of San Diego Law School, was vigorously opposed by the same coalition that helped defeat Robert Bork's nomination to the Supreme Court last year. Following the Siegan nomination early in 1987, those groups made his defeat a top priority and yesterday were quick to claim victory.

"The committee's action, together with the recent resignation of Ed Meese, marks the end of the Meese era in judicial selection," said Melanne Verveer, a spokesman for People for the American Way.

JUL 15 1988

Allen's P. C. B Est. 1888

USD

2955

"Spirituality and Theology," a summer lecture series begins July 18, 7-9 p.m., at Manchester Conference Center. Bishop Kenneth Untener from the Diocese of Saginaw, Mich., will be the keynote speaker. On July 20, 7-9 p.m., Bishop Thomas Gumbleton of Detroit will be the keynote speaker. Archbishop Thomas J. Murphy, Coadjutor archbishop of Seattle, Washington, will speak July 25-26. On July 27, Bishop Carl Fisher, auxiliary bishop of the Archdiocese of Los Angeles, will be the guest speaker. Sponsored by the Office of Continuing Education. Cost is \$15 per night or \$80 for the four lectures. Call 260-4585 for details.

Dick Braun Orchestra presents a 13-piece traditional Dixieland jazz band July 21, 7:30 p.m., at Manchester Auditorium. Free. Sponsored by the Office of Continuing Education. For further information, call 260-4585.

"Creative Kids '88," a program to help students stretch their creative abilities, will be held July 25-Aug. 25. Cost is \$55-60 plus \$150 for special afternoon activities. Call 260-4585.

Sports camps for boys and girls ages 8-18 will be held in July and August. Cost is \$295 per week for resident camp or \$165-\$200 per week for day camp. Sessions in tournament and basic tennis, competitive swimming, basketball, soccer, football, volleyball, baseball and outdoor wilderness will be offered. For more, call 260-4593.

San Diego, CA
(San Diego Co.)
San Diego Union
(Cir. D. 217,089)
(Cir. S. 341,840)

JUL 17 1988

Allen's P. C. B Est. 1888



The San Diego Union/Scott Linnett

Coordinator Jeff Carroll, left, talks to students Shanita Duncan, Joanna Whitley and Shannon Jones about next year's school

work. The students, formerly of Kennedy Elementary, participate in "Project I Believe," which promises them a college education.

Jones' college pledge is making 'Believers'

By John Gaines
Staff Writer

Sandra Huff knows what it's like to see opportunity slip away. About 17 years ago, as a San Diego High School senior, she won a college scholarship. She was six months pregnant at graduation, however, and never earned that coveted university degree.

Now the Southeast San Diego woman's youngest son, Marlon McWilson, has an even grander opportunity: at the age of 12, Marlon has a guarantee that his college education, like those of his former classmates at Kennedy Elementary School, will be paid for. All Marlon has to do is stay out of trouble, and make the kind of grades college requires.

"It's there, on a silver platter," Huff, a single parent, has told her

son. "You'd be a fool to throw it away."

Getting youngsters like Marlon — a capable boy who in the past has been known to run with the wrong crowd, his mother says — in a position to take advantage of that opportunity is what Year One of "Project I Believe" has been all about.

The project, announced in 1987 by

See College on Page B-4

College: Jones plan is making 'Believers'

Continued from B-1 ²⁹⁶⁵

former San Diego City Councilman William Jones, promised to pay for the post-secondary education of 68 students in last year's sixth-grade class at Kennedy, a Southeast school in an area plagued by a high dropout rate and gang activity.

This Saturday at the Town and Country Hotel the remaining 67 students of Kennedy's class of '87 — one girl has moved out of the area — will be honored at a dinner that should help raise part of the substantial sum of money still needed to back up Jones' grand promise.

Jones, 33, who spent the year at Harvard University in the school's Master's of Business Administration program, says he is satisfied with the project's progress.

"It's been a big year, for the students and for me," says Jones, a soft-spoken man who currently is working with an investment firm in San Francisco.

"Some students have been at every single event we've had," he says. At the same time, "There are some parents who I don't think have recognized the importance of this for the student."

Efforts like that of Jones and the organization have become widespread since New York multimillionaire Eugene Lang launched the "I Have a Dream" Foundation at his old elementary school in Harlem seven years ago. Tony Lopez, director of support services for Lang's Foundation, says there are at least 62 similar projects in cities throughout the country today.

The most difficult years in those endeavors are the early ones, Lopez says. "The first years are when the bonding... takes place," Lopez says.

In San Diego, the early signs have been good, but it has been anything but easy.

When the students graduated from Kennedy they spread out to junior highs across the city. Most attend nearby Gompers Secondary School or Standley Junior High, but together the 67 students are scattered among 11 schools. That has made it more difficult to create a sense of camaraderie for which the project is striving.

"The change from the sixth grade to the seventh grade is a big one," says Jeff Carroll, a former Marine



File photo

William Jones Project founder

officer who is now the project's coordinator. "They're going from the prestige of being at the top of the line at Kennedy to being low man on the totem pole" on a new campus.

Some of the Kennedy families moved — the neighborhood is highly transient — but did not notify the project of their new addresses. Carroll, operating at times by word-of-mouth, had to track them down.

Kennedy has become a more ethnically diverse school since Jones attended there more than 20 years ago. About 22 percent of the class is Laotian. While Carroll says those families are among the project's most ardent supporters, a language barrier slowed the work. The project has since hired a translator.

During the year, the "Believers," as Carroll calls them, had several activities. They had a retreat at the University of San Diego to get a firsthand sense of life at college, and some of the students had never been on a university campus before.

There were parties and picnics, and a study skills workshop to improve the students' work habits. A family support group was inaugurated, because getting parents involved "is winning more than half the battle," Carroll says. And the students also heard a talk by a teen-ager who was involved in gang activity — and caught himself in time to become a good student.

All the while, Jones flashed in and out of their lives on whirlwind visits from Cambridge, or telephoned the youngsters with advice. Sometimes, the advice traveled both ways.

"They asked me how I was doing at Harvard and I told them, 'Boy, it's tough,'" Jones recalled. One of the

students recommended that Jones "work out a schedule" which would help him get his work done and ease the pressure, and Jones agreed that he certainly should.

As for the youngsters, Carroll has seen most of their report cards and says that all of those students were successfully promoted to the eighth grade. There have been no problems at juvenile court, he said.

And Edward Cain, the principal at Kennedy, says he was encouraged when a few parents of the class of '87 called for help in finding tutors for their youngsters. Cain referred them to the project, and a tutor was found.

Jones and his organization have several plans for Year Two. Contracts are being drawn that reflect both what the project expects from parents and students and the financial commitment the organization is making.

Barry Schultz, a project trustee and an attorney, says the documents are intended somewhat as friendly agreements but says also they will have some clout. Project officials add that the contracts will help bolster their credibility with any skeptical parents.

Tutorial and support efforts for parents and students also are being sought, and Jones says he wants the students to have more say in the workings of the group.

And while the effort is primarily

intended to provide support for the youngsters and get them through high school successfully, there is the matter of money.

Prior to the money raised from ticket sales for Saturday's dinner, Project I Believe had spent slightly less than \$10,000 in the past year and had \$124,000 in its coffers. Schultz says the latest estimate is that it will take about \$2 million to see the promise through, although a number of variables — whether to include room and board, for example — are undetermined.

In the meantime, a few parents say they are seeing a small change in their children's lives. Marlon's family, with Carroll's help, has moved away from some of the kids his mother didn't want her son hanging around. Marlon says he has more incentive to perform well, in school and out.

And, as a single parent, Huff says the help the organization is providing is invaluable.

"We are communicating better, and I'm doing more 'mother stuff' because I'm feeling less pressured," she said. "I have someone — I can pick up the phone — who cares about my child."

Los Angeles, CA
(Los Angeles Co.)
Times
(San Diego Ed.)
(Cir. D. 50,010)
(Cir. S. 55,573)

JUL 17 1988

Allen's P. C. B Est. 1888

Spirituality And Theology—Bishop
Thomas J. Gumbleton, pastor of St. Leo's
parish, will discuss opposing nuclear
deterrence from 7 to 9 p.m. Wednesday in
the Manchester Center at the University of
San Diego. Admission is \$15. For reserva-
tions, call 260-4585.

San Diego, CA
(San Diego Co.)
San Diego Union
(Cir. D. 217,089)
(Cir. S. 341,840)

JUL 18 1988

Allen's P. C. B. Est. 1888

'Partisan hatchet job'

2955
Ever since President Reagan nominated Bernard Siegan, Distinguished Professor of Law at the University of San Diego, to the 9th Circuit Court of Appeals a year and a half ago, a liberal lynch mob has left no stone unturned to discredit and defeat him. Finding nothing whatsoever in his exemplary personal life, the opponents were forced to savage this noted constitutional scholar on no other grounds than that he believed in a literal reading of the U.S. Constitution.

Such strict constructionism is anathema to liberal Democrats who dominate the Senate Judiciary Committee that rejected Professor Siegan last Thursday. Sen. Edward Kennedy, D-Mass., characterized the Siegan views as being too "out of the mainstream." As though troubled to base this first defeat of a Reagan appeals court nominee on purely ideological grounds, the Democrats who constituted the 8-6 majority went out of their way to praise Professor Siegan as a person.

Recognizing this cynicism for

what it was, Wyoming Republican Senator Alan Simpson expressed the "hope we don't shroud this in too much good will. We ought to state this was a hammer job and he (Professor Siegan) got it right in the chops." And Justice Department spokesman Pat Koren appropriately called the committee action a "purely partisan hatchet job on a man with a very fine legal mind ..."

This was, indeed, the tragic reality. During the 18 months the committee Democrats held the Siegan nomination in limbo, they went through the motions of two perfunctory hearings that most of them didn't even attend.

No better proof of the partisan hatchet job is to be found than in the disgraceful conduct of Professor Laurence H. Tribe of the Harvard Law School. He led the savage attack on Mr. Siegan that early on doomed the nomination. On April 19, in a letter to the committee, Professor Tribe belatedly recanted: "... After further reflection on the two books written by Professor Siegan, I

have come to believe that his views with respect to economic liberty ... are not quite as extreme as they had seemed to me on first reading ... I believe, moreover, that Professor Siegan's views of *Brown v. Board of Education* ... are considerably less hostile to constitutional protections for racial equality than they initially seemed to me to be ..."

Taking back the cruel, false accusations against Professor Siegan may assuage Professor Tribe's conscience, but it could not undo the initial damage that proved lastingly destructive to his nomination.

Professor Siegan is not a quitter and he was correct not to withdraw his name in the face of almost certain defeat; he was right to hold his partisan foes responsible for their debasement of the constitutional confirmation process. This dark chapter in the work of the Senate Judiciary Committee is one the narrowly partisan members of the Democratic majority will not wish to be remembered by.

San Diego, CA
(San Diego Co.)
San Diego Business
Journal
(Cir. W. 7,500)

JUL 18 1988

Allen's P. C. B Est. 1888

University of San Diego has been issued a permit to build a 25,799-square-foot structure at 5904 Marian Way. The permit has an assessed valuation of \$2.18 million. **Trepte Construction Co.** will build the structure which was designed by Eliot Schulnik. 2955

JUL 18 1988

Allen's P. C. B Est. 1888

"Mr. Siegan will ~~make~~ no comment," a USD spokesman said Friday, and indeed, Bernie Sigen, 63, didn't respond to a call to his La Jolla home. The USD law professor didn't get the appointment to the Ninth Circuit Court of Appeals he fought for the past 18 months. The Democratic-led Senate Judiciary Committee voted 8-6 along party lines to reject Siegan, a friend of outgoing Attorney General Edwin Meese. A Republican attempt at least to send the nomination to the full Senate with an unfavorable recommendation failed on a 7-7 vote.

* * *

Siegan's rejection marks President Reagan's first defeat in a

nomination to the appeals court level, while one waits before the full Senate with a "no recommendation" from the committee. The president has named 273 of the 575 judges in the federal court system and has lost only in the case of Jefferson Sessions, nominated to the federal trial court in Alabama, and Robert Bork, his choice for the Supreme Court. Siegan refused to withdraw despite clear signs the committee would spurn him for his views — he wrote that environmental and economic regulations such as zoning are unconstitutional, for example — and lack of federal courtroom experience.

* * *

People for the American Way, the liberal citizens lobby group, said Siegan's rejection "marks the end of the Meese era in judicial selection." The conservative Free Congress Research and Education Foundation countered that Siegan was the victim of "a multimillion-dollar political campaign of lies, distortions and half-truths."

* * *

Sacramento, CA
(Sacramento Co.)
Union
(Cir. D. 93,501)
(Cir. S. 92,580)

JUL 18 1988

Allen's P. C. B Est. 1888

Senate plays judicial politics

Bernard Siegan is a University of San Diego professor of constitutional law who has excellent credentials to serve on the 9th U.S. Circuit Court of Appeals.

His only problem, however, is that Professor Siegan is a conservative who, like former Judge Robert Bork, does not agree with all of the decisions handed down by the U.S. Supreme Court.

When President Reagan's nomination of Mr. Siegan to the appeals court was submitted last week to the Senate Judiciary Committee — which is dominated by Sen. Ted Kennedy and his liberal colleagues — committee members responded much the way a fighting bull reacts when a red flag is waved in front of it.

The Kennedy clones jumped on Mr. Siegan for not having already served on a lower federal court, although many appeals court justices have been confirmed even though they had no such prior experience. The 8-6 vote rejecting Professor Siegan's appointment to the court was enveloped in the typical liberal "lack of experience" smokescreen designed to hide their dislike of his conservative views.

Since taking over the Senate in 1986, Democratic liberals have submitted all of President Reagan's judicial nominees to the kind of political litmus test that makes a mockery of the entire confirmation process. Senators are supposed to look at the qualifications of judicial nominees, not their political views.

The professor told the senators that he would, as judges are supposed to do, follow the law as laid down by the Supreme Court. "There are times when I rule contrary to my own feelings," Mr. Siegan told the Senators.

Of course the Judiciary Committee Democrats — who would probably give quick approval to a nominee just out of law school if the proper liberal slant were part of the package — slammed the door on Professor Siegan's nomination. Numerous other appointments by Mr. Reagan are being held hostage by the Judiciary Committee, partly in the hope that fellow liberal Michael Dukakis will take over the White House. Senate Democrats are playing a crude game of partisan politics with Mr. Reagan's judicial nominees. This is something voters should remember when they go to the polls on Nov. 8.

San Diego, Calif.
(San Diego Co)
SAN DIEGO TRIBUNE

JUL 19 1988

Allen's P. C. B Est. 1888

Museum keeps 2955 Teamster, 86, trucking along

By Jimmy Thornton
Tribune Staff Writer

LAMBERT NINTEMAN stood tall and lean inside the barn-like museum, well-worn Stetson squarely atop his head. He could have passed for one of the good guys in an old cowboy matinee as he examined a 1902 Ohio Engine, built the year he was born.

Ninteman is chairman of the board, chief executive officer and land manager of the sprawling Antique Gas and Steam Engine Museum in Vista. He's also older than many of the exhibits.

In fact, Lambert Ninteman, 86, is a walking, talking museum himself.

"I grew up with this century," he said. "We were teen-agers together."

He's certified, too. In May, he was proclaimed a founder of the American trucking industry by the American Truck Historical Society, which presented him with a plaque recognizing a career that goes back to the days of Model T Fords.

He witnessed firsthand the transition from 20-mule teams to cumbersome motor trucks that required all the might a strong man could muster to steer them.

Today, Ninteman is semi-retired. He still heads the family business, L.J. Ninteman Construction Co., Escondido, the general construction firm he ran for 40 years. He built some of San Diego's landmarks, including the University of San Diego and the Immaculate Catholic Church in Linda Vista.

"Building the University of San Diego was my pride and joy," he said. His Stetson is a classy memento from R.E. Hazard, who supplied construction materials for the project.

"Pappy (R.E.) Hazard gave me this Stetson at the time. I ordered a million bricks for the university project (in 1950) — and Pappy's son, Bruce, presented the Stetson to me because it was the biggest order of bricks they'd ever had."

Another "pride and joy" of Ninteman is the muse-



Tribune photo by Thomas B. Szalay

Lambert Ninteman: "I grew up with this century"

um, where old tractors and large engines are displayed outdoors and in huge barns on the outskirts of Vista.

Ninteman, a seventh-grade dropout, devotes 35 hours a week to managing the museum.

"We're preserving a vanishing America," he said, then looked to see if that fact had been jotted down.

Many people have read about old times when engines replaced horses — or they heard the folk ballad of John Henry, the steel-driving man who died in a duel with a machine.

Well, Ninteman tells you how it really was — the way he lived it.

And that's what he has done for 18 years at the
Please see NINTEMAN: D-3, Col. 1

NINTEMAN: Remembers good old days

Continued From D-1

museum, which he and other history buffs developed on 40 acres of county land they lease for \$1 a year.

Ninteman is a native Minnesotan who went to school in Wisconsin and moved to Southern California in 1914.

Two years later in Monrovia (near Pasadena), he drove his first car while he was still 13.

"The last experience I had with horses or mules was at Big Bear Lake in 1924," he recalled.

He was road superintendent. The animals pulled grading equipment on a highway project.

"Just a few days after I learned how to handle a jerk line (for steering the lead mules), there was this

big accident."

His brother, a truck driver, was injured, and young Ninteman replaced him behind the wheel. His horse-and-buggy days were over.

The Ninteman family served as agent for Bekins Van & Storage.

At the Vista museum, he relives this colorful past when discussing exhibits like the millwright shop he designed and built.

Many visitors share the memories with him. Some stay all day, he said. About 50,000 people a year come to tour the museum, he said, most during the twice-a-year shows when the machinery is paraded on museum grounds. (The next show will be Oct. 15, 16, 22 and 23.)

Ninteman said the most memorable visitor he recalls was a retired Australian construction worker in his 90s. He had heard that the museum had a 1917 Hillside Harvester in running condition. The old-timer had operated one as a youth in the San Joaquin Valley.

A few years ago, the man flew in and spent the day driving it "for one last time."

"When the day was through," Ninteman recalled, "he said, 'Thank you, gentlemen,' and he took a plane and flew back to Australia."

Ninteman understood the old Aussie's nostalgia. He lives it himself every day.

Domestic Violence Law Gives Judges Added Hours

Under legislation which took effect July 1, Superior Court judges are now on call 24 hours a day to issue temporary restraining orders in domestic violence cases.

The county's 58 judges can expect duty about once every two months, including 5 p.m. to 8 a.m. on weekdays along with weekends and holidays.

"This imposes a much greater mandate on the judges," said Mike Roddy, director of branch operations for Superior Court who helped implement the program in San Diego.

One scenario might be as follows:

A police officer responds to a domestic violence call and after determining that someone is in imminent danger will contact the duty judge, who will either be at home or have one of four cellular phones if he or she is at a restaurant, let's say.

Based on information provided by the officer, the judge may then issue a temporary restraining order good only through the end of the next business day.

"It's a real back and forth process," said Roddy. "The officer becomes a real important conduit."

But, noted Lt. Lesli Lord, the San Diego Police Department's domestic violence liaison coordinator, so far it's a "logistical nightmare to try and implement in the field." In February Lord first became aware of Assembly Bill 1599 by Assemblywoman Jackie Speier of San Mateo.

Part of the "nightmare" is trying to coordinate implementation of the program countywide among all law enforcement agencies.

While it may be one thing to get an emergency restraining order, it may be another to serve the person; the defendant may have been in East San Diego early in the evening, moving on to Ramona later that night.

"We haven't gotten our program up and running," said Lord, who also learned that other agencies are looking to see how SDPD, the Sheriff's Department and the Marshall's Office implement the program.

The need for requesting a TRO seems pretty obvious to Lord, especially when there is reasonable fear on the part of the victim and "if you can find violence in the past."

"Liability-wise, we'd be hanging out a mile," if we didn't request a TRO, said Lord.

Other than mobility of the defendants, there is the problem of educating officers about the new law.

"They (800 uniformed San Diego officers) have to be trained," said Lord, who expects that this will be done through a department-wide videotape.

She felt, though, that there has "been a sensitization" among officers about the seriousness of the

domestic violence issue in recent years. "Officers are much more aware." One of the reasons, she noted, may be the practical aspect that if they're not sensitive to the issue they "may see their name in a suit."

Until July 1 over 120 Municipal and Superior Court judges only had bail review duty. Now they'll be combined for Superior Court judges. With bail review a judge could stack up the calls — maybe 10 or 15, said Roddy — but the new law "requires constant availability."

"They can expect bail calls and TRO calls," he said. Seniority is not a question, how-

ever; each judge takes a turn.

As for the Municipal Court judges, said Roddy, they're looking at the first 60 days of the program to see whether they are going to get involved.

So far the calls have averaged two a night, said Presiding Family Court Judge Thomas Murphy, who created the program in San Diego and set up a training session for the judges. Roddy believed that about five to 10 TROs have been issued since July 1.

That could change, however. Citing state figures, Roddy said that the SDPD responded to more than 1,000 domestic violence calls a month in 1986. "It continues to escalate," he said, although no statistics were available for 1987 or 1988.

Over the next two months the program will be closely watched and problems ironed out, hopefully.

One or two calls a night is no problem, said Roddy, but 30 or 40 a night creates a "much different problem."

"You may see a judge down in the courthouse sleeping on a cot."

They'll also be checking on when the calls come in. Are most of them at 10 at night or two in the morning? Is Friday, Saturday and Sunday the heaviest, requiring extra judges on those days? Is a cellular phone the best? What about pagers?

While judges do the duty, in San Diego, according to Murphy, Los Angeles has hired Conciliation Court personnel and Orange County has lawyers doing it.

"We (San Diego) have done ex-

actly what the Legislature told us to do," said Murphy.

All agreed that it's too early to tell how effective the program is.

"We will have to wait and see how useful it will be," said Elly Newman, coordinator of the legal support unit of the YWCA's Battered Women's Services.

Added Murphy: "We are slowly bumbling our way through."

And Lord noted that she's heard that certain jurisdictions won't implement the law just "waiting to get sued by women's advocacy groups."

How effective is the TRO? "Do restraining orders really do what they're intended to do?" ask-

over Fitzmaurice, Buchbinder & Steres. On July 10 it lost 12-9 to Delicious Intent.

Some highlights from the win: •George Andreos, Dan Broderick, Marc Adelman, Ned Huntington and Mark Andrews collectively went 12 for 15 with 2 sacrifice flies. Adelman had a grand slam, two doubles and 4 runs batted in pushing his season average to .667.

•Center fielder Broderick had the leadoff batter's fly ball sail "embarrassingly over his head for a homerun."

•Carolyn Danielsen went three for four giving her a .750 average for the year.

And the loss: •Marilyn Huff went four for four; Rick Benes was two for two; and Judy Haller got her first hit of the season.

How long does it take coach Dan Grindle to compile this stuff? He's even got cumulative statistics. Call him at McDougal, Love, Eckis, Grindle & O'Connor for more information.

Next game is 10 a.m. Sunday (Presidio Park) against Foul Balls.



Law Briefs

by Martin Kruming

San Diego County Bar Association Meetings, July 21-27

July 21
Estate Planning, Trust & Probate Law Section — Noon, Varsity Room of the University Club. Speaker: Theodore J. Cranston; Subject: "Creditors' Claims — New Law & New Procedures."

Executive Committee — Noon, Conference Room of the Bar.

July 22
"Second Annual Evidence Law Seminar" — 8:00 a.m. registration, 8:30 a.m. to 1:30 p.m., San Diego Princess Resort. Speakers: Hon. Victor Bianchini, Hon. Vincent De Figlia, Hon. Herbert Hoffman, Vincent J. Bartolotta Jr., Juanita Brooks, Charles Dick, Robert Grimes, Monty McIntyre, Milton J. Silverman & Dan Williams.

Association of Southern California Defense Counsel — "First Annual San Diego Mid-Summer Beach Party Seminar" also "The Effective Use of Exhibits in Trial," at Catamaran Resort Hotel. Panelists: Edward D. Chapin, Marilyn L. Huff & Peter L. Dean. Following the seminar will be a beach party; guests & children invited for a

(Continued on Page 4A)

San Diego, Calif.
(San Diego Co.)
DAILY TRANSCRIPT

JUL 20 1988

Allen's P.C.B. Est. 1888

Law Briefs —
(Continued from Page 3A)
nominal fee.

July 26 7:00 p.m.,
Voor Dire Committee — 5:00 p.m.,
Conference Room of the Bar.
July 27
Dicta Committee — 5:00 p.m.,
Conference Room of the Bar.
The Municipal Court Committee — Noon, Conference Room of the Bar.
Judges' Breakfast Forum for the Media in Conjunction with The Society of Professional Journalists/Sigma Delta Chi — 7:30 a.m. to 9:00 a.m. Main Conference Room, Gray, Cary, Ames & Frye, 401 B St., Ste. 1700. Topic: "Should Everything Be Fair Game For Journalists To Report In The Courts?" Panelists: Hon. Gordon Thompson Jr., Hon. Richard D. Huffman, Hon. Richard J. Hanscom, Bonnie M. Dumanis, Vincent J. Bartolotta, Lorrie Hearn

Imperial Beach
Chula Vista
National City
Star News
July 21, 1988

South Bay Seniors

Each month the 55 Alive Mature Driving Class is held at The Eye Physicians Medical/Surgical Center, 681 Third Ave., Chula Vista. This two-part class refreshes the driving skills of those 55 or older and is sponsored by the American Association of Retired Persons along with the San Diego County Area Agency on Aging.

The July classes will be held on the 26th and 28th from 8:30 a.m. until noon. Since class size is limited, prior reservations must be made by calling 560-2560 (collect calls accepted.) There is a small fee for materials and the California Department of Motor Vehicle Certificate, (\$7 materials, \$1 Certificate — Total \$8.)

Since The Eye Physicians Medical Surgical Center is where I am employed, it is my good fortune to have observed how very well attended these classes are. John Greene, who is one of the instructors, is a recipient of a Presidential Citation for his work with this program.

These July classes could be filled to capacity, but if readers are interested in taking one of these courses more information can be obtained by the aforementioned telephone number.

The Chula Vista Social Security office is moving to 380 Third Ave., Suite B, Chula Vista, CA 92010.

In an interview with Frances Morales, field representative of the Chula Vista District Office she said, "we will be open for business at our new location on Aug. 1. The office hours are from 9 a.m. to 4:30 p.m., Monday through Friday."

Frances, who recently retired has been called back to assist in her field work until Sept. 30.

"Most Social Security business can be handled by phone," Frances added, "To save yourself time, why not call before you visit. The telephone number is 238-1800."

Supervisor Brian P. Bilbray will be the guest lecturer at the University of San Diego's University for the Third Age Series on July 28. The supervisor's subject will be Growth Management.

This lecture series is designed primarily for seniors and features specialists in various fields as guest lecturers. For more information in regard to this course of San Diego University's Extension Division call 260-4585.

Aug. 7, has been selected for the annual presentation of "Sundae For Seniors." This fun get-together of South Bay seniors will be from noon until 3 p.m. at Lauderbach Community Center, 333 Oxford Street, Chula Vista. It features much good entertainment, many door prizes, delicious sundaes and much, much information helpful to our age group.

Besides the entertainment, the fire departments from Chula Vista and National City as well as the American Red Cross will be presenting exhibitions.

All seniors are welcome to attend. As in the past these fetes are presented by the assemblyman of this district, Steve Peace, his office staff and volunteers. Unlike most political events of this nature, there will be no politicking by the Assemblyman, nor is it limited to anyone of a special party. It is just a day for folks to enjoy.

Of the 30 million Americans who wear dentures, 10 percent, three million cannot wear con-

Anne
FABRICK



South Bay Seniors

ventional dentures.
Anyone who wears conventional dentures, or knows so-

meone who does, can learn about the benefits of permanent dental implants at a free lecture Aug. 16 from 6 to 7 p.m. Permanent dental implants is a new procedure that restores natural eating ability and improves appearances and self-confidence without the worry and discomfort associated with removable, ill-fitting dentures.

The permanent dental implant program will be presented by oral surgeon, Donald R. Garsh, in the

McMillan Community Room in the Terra Nova Shopping Center, 320 East H Street, Chula Vista.

For further information and reservations call Dr. Garsh, 420-3311.

* * *

This week, we have been privy, via T.V., to watch one of the National Party Conventions as candidates for president and vice-president of the United States are nominated. In another few

weeks, we can watch the opposition party select its candidates.

In the past, there was more surprise in these selections. This year, however, even the "VP" candidates seem to have received an official nod. Now we will be subject to pros and cons until November.

Within recent years, too many people have failed to vote when the time comes and many times we find ourselves burdened with

people who prove unable to govern this great country. It is more important than ever we all remember to go to the polls on election day and cast our ballot.

The California ballot this year is reputed to have more propositions for us to decide upon than ever. Please don't become discouraged, but please plan to vote. Failing to exercise our rights targets takeovers by undesirables.

La Jolla, CA
(San Diego Co.)
La Jolla Light
(Cir. W. 9,336)

JUL 21 1988

Allen's P. C. B. Est. 1888

Ministry conference slated

2955
Local Methodist and Presbyterian Campus Ministers from SDSU and UCSD will host this year's National Campus Ministry Association Conference in San Diego, July 22-26.

The theme, "Visions from the Border: Ministry for Wholeness in Higher Education in the 1990's," will address faith formation in higher education, and take a look at the challenges of the developing world. The 140 campus ministers attending the Con-

ference held at the University of San Diego represent ministries from various colleges and universities in 39 states.

On Monday, July 25th, the group will board the San Diego Trolley for a ride to the border. In Tijuana the chaplains will visit the Colegio de la Frontera Norte de Mexico and hear a presentation made by Dr. Jorge Bustamante, the college president.

Palo Alto, CA
(Santa Clara Co.)
Peninsula Times
Tribune
(Cir. D. 60,288)
(Cir. S. 60,011)

JUL 22 1988

Allen's P.C.B. Est. 1888

California's delegates had impact

By Mark Simon
Times Tribune staff

ATLANTA — For the last three presidential campaigns, Californians have gone to the Democratic National Convention as a dissident bloc, representing the largest single group of votes for the eventual loser in the race for the party nomination.

This week, Californians were the largest bloc of support for party nominee Massachusetts Gov. Michael Dukakis, and the reward was a thrill that some of the delegates will remember the rest of their lives.

California provided the delegate votes Wednesday night to put Dukakis above the number he needed to win the nomination.

It was a moment carefully stage-managed by the Dukakis

Please see IMPACT, A-12

IMPACT

Continued from A-1
campaign, planned over several hours and intended to symbolize the key status of California in the race for the presidency.

It put the delegation, and its chairman, Lt. Gov. Leo McCarthy, in the national spotlight, and delegates still were bubbling about the moment Thursday at the final session of the convention.

"It was unbelievable," said McCarthy.

"There is a unique sense of history about the nomination of a president. To play a significant role in that nomination was very exciting. ... In 24 years of public life, it's one of the nicest personal experiences I've ever had. I never want to grow blasé about this process," McCarthy said.

"It was one of the most exciting things I've ever done in my entire life," said Andrea Leliderman, chairwoman of the Santa Clara County Democratic Party and a delegate from the 12th Congressional District (Hillsborough to Scotts Valley).

Leliderman was preparing for the Thursday evening session. She was holding a sign that read, "Hi Mom and Dad."

"I'm never going to forget the feeling I had when that happened. It made us feel so special. We've always felt we were special, but we've not always been treated that way," she said.

For George Marcus of Los Altos Hills, the week at the convention has been a constant whirl of Greek-American parties, standing in line for convention sessions, weighty speeches and hurried evening meals of ice cream in the convention hall.

Marcus, of the Palo Alto real estate development firm Marcus & Millichap, is Northern California finance chairman for Dukakis, a re-

sponsibility that won him an appointment as a delegate to his first national convention.

"It was somewhere between probably the most serious and consequential act of my life, and Disneyland," Marcus said from his seat with the California delegation.

As he spoke, ice cream dripped down his hand.

Marcus said it took him some time to learn the ropes.

On Monday, he was instructed to arrive at the convention at 5 p.m., and he did, along with several other first-timers. And there they sat for three hours, until everybody else showed up and the convention business got underway.

Marcus, like Dukakis a Greek-American, said much of his schedule of spare time was spent at parties in which the Greek-American community expressed its support for the Democratic nominee.

"You can see it everywhere," Marcus said. "The pride is everywhere — in the handshakes, the hellos."

Former Assemblyman Lou Papan, an elected delegate from the 11th Congressional District (Daly City to Redwood City), and also a Greek-American, said he felt a similar pride.

"He's a candidate who is following the ideas sent over here by our forefathers," Papan said. "I think Thomas Jefferson would be proud of this convention, because he was a great scholar of the Greeks."

San Mateo County Supervisor Anna Eshoo, the Democratic nominee in the 12th Congressional District, met Dukakis Thursday at a meeting he held with candidates in key, targeted congressional races.

He moved to her, put his arm around her shoulder, squeezed and said her eyes and eyebrows made him think she must be Greek. No, but you're close, Eshoo told him.

"People say he's cold, but I'll tell you, he's got some fire in the furnace," Eshoo said.

Dukakis also proved conversant

on Eshoo's campaign, offering up details of the campaign without prompting.

"What cheered me the most was that the next president of the United States said I was going to win this seat," Eshoo said.

Eshoo, a delegate by virtue of her membership on the Democratic National Committee, spent a good portion of the week meeting members of Congress, meeting past and would-be campaign contributors and attending a number of receptions held for congressional candidates.

Eshoo also bowed out of attending two of the convention sessions — the session Tuesday at which the Rev. Jesse Jackson spoke, and Thursday's session at which Dukakis delivered his acceptance speech.

Eshoo's seat in the convention was occupied instead by her 19-year-old daughter Karen, a student at the University of San Diego, who was attending her first convention.

"With any birth there is both pain and joy," said Elena Becks, a Jackson delegate from East Palo Alto.

Wearing the lime green vest attendant with her position as a Jackson floor whip, Becks stood at her seat in the California delegation and contemplated the crowd around her, preparing for a celebration of Dukakis.

For Jackson delegates, the convention was a joy and a disappointment, it was history and a sense of history yet to be made.

As a whip, Becks and others worked late into the night, planning strategy on platform issues, preparing for the outcome of high-level negotiations, establishing uniform positions to be taken by Jackson delegates.

The Jackson delegates were praised universally for their sophisticated political discipline. If only a few Dukakis delegates defected on key platform issues, it is equally noteworthy that there were

no Jackson defections.

For Becks, that meant starting work at 6 a.m. and getting to bed at 4 a.m. the next day.

"I knew it was going to be busy. I did not consider that it was going to be this busy. It's going to take me two days to recover," she said.

But if she is physically tired, she views with vigor the future role of the Jackson coalition in the Democratic Party.

She will be watching closely to see how Jackson and key Jackson officials are included in party matters and the general election campaign.

And in the meantime, she said, a solid base has been formed for advancement of the Jackson forces within the party.

"I really believe the Democratic Party is ours and we need to reclaim it and expand it," she said.

Keith Archuleta, an assistant dean at Stanford and a Jackson delegate and whip, said the convention was a deeply personal experience.

Born in Denver, raised in North Carolina, Archuleta said he grew up in a segregated South.

Jackson's speech Tuesday night and his historic nomination for president Wednesday night "make you very proud and let you know things can change. It also lets you know how far there is to go," Archuleta said.

On Tuesday night, a number of Dukakis delegates gave up their passes to Jackson supporters so they could attend the speech.

"We appreciated it, too. It maybe hard for them to see that, but we do," Archuleta said.

"There is so much history to overcome. For so many people, just one night may not have been enough. It's just one night. Every one of the speakers got up and said how great a speaker Jesse Jackson was and how important the issues were that he raised. But they didn't support him. We appreciate that night, but it's just one night."

San Diego, CA
(San Diego Co.)
San Diego Union
(Cir. D. 217,089)
(Cir. S. 341,840)

JUL 22 1988

Allen's P.C.B. Est. 1988

Jackson backer droops as Dukakis delegate soars

By Michael Smolens
Staff Writer

ATLANTA — Minnie Ybarra of San Diego was cruising the Hilton mezzanine yesterday, hawking "Viva Dukakis" buttons.

She wasn't so much working the crowd as people were coming to her. The buttons — the proceeds of which will go to the Dukakis Hispanic campaign — were a hot item here, and Ybarra said she had sold hundreds.

Seemingly indefatigable, this 60-year-old grandmother from Paradise Hills has been going full tilt since she arrived at the Democratic National Convention on Saturday, attending meetings, receptions, convention sessions and selling buttons.

"I've got lots of energy left," she said, after giving two buttons to a fellow delegate for \$5. "My adrena-

line is going. This is me."

Across the street in the crowd outside the Marriott Marquis, Maria Elena Murphy was drooping a bit. It has been a week long on frustration and short on sleep for the 24-year-old Jesse Jackson delegate from Ocean Beach.

Adding to the frustration, she just missed her candidate as he mingled with the crowd before leaving the hotel.

"It's such mixed feelings because so many of us have worked so hard for Jackson," she said.

Before the convention, Murphy was exuberant and ready to march to Atlanta full of idealism and optimism.

On this last day of the convention, she was coping with the reality that had been hammered home the night

before. That's when the convention officially nominated Massachusetts Gov. Michael S. Dukakis as its presidential candidate.

Still, Murphy was wearing a T-shirt emblazoned with Jackson's refrain, "Never Surrender."

Sofia "Minnie" Ybarra was cautiously excited before she left San Diego for Atlanta. Yesterday she was brimming with optimism for Democrats, minorities and the disadvantaged.

She further revelled in her own family celebration. As one of 14 children of poor farmworkers in Lemon Grove, she now has a personal connection with the Democratic nominee. One of her sons, Danny, was also a Dukakis delegate. Another son, Richard, is a key Dukakis aide in the Hispanic campaign.

"I never knew what this would mean. Things will be better for our children. Things will be better in the future," she said.

The San Diego Union has periodically recorded the thoughts and perceptions of these two first-time delegates, from San Diego through the final night on the convention floor.

While the grandmother and student activist have experienced something of a reversal of outlooks, their moods also reflect the fortunes of their candidates.

Murphy was quick to say that she may just be momentarily deflated by Jackson's loss.

"I will definitely support the Democratic ticket," she said. "I don't know how much my heart will be in it. But those are just my emotions at this time."

Murphy, who was exposed to the very poor in Tijuana on frequent trips there as a child, has helped build schools in Nicaragua and founded the Association of Progressive Students at the University of San Diego.

She said many of the Dukakis supporters she met said they personally supported some of the unsuccessful Jackson platform proposals but feared the stands would have damaged the party's chances in November. "I understand the political reality, but we have to pay attention to the issues or there won't be any differences between the parties," Murphy said.

Ybarra may have received a boost of idealism during the convention, but her background and job as a social worker won't let her optimism

get out of hand.

"I know the homeless, I know the people with AIDS," she said. "Things will never be perfect, but we can at least strive to make things a little better."

Near the end of this month, Murphy, who is also Hispanic, will join Ybarra at a Chicano Federation fundraiser in San Diego, where they will discuss their experience in Atlanta.

On Monday Murphy will give a lecture to junior high school students about the convention.

Though at times a little grim, Murphy — who is seeking her master's degree in education at USD — brightened yesterday at the thought of becoming a teacher who has been to a national political convention.

Los Angeles, CA
(Los Angeles Co.)
Times
(San Diego Ed.)
(Cir. D. 50,010)
(Cir. S. 55,573)

JUL 24 1988

Allen's P. C. B. Est. 1888

Lectures

2958
Spirituality — Thomas J. Murphy, Roman Catholic coadjutor archbishop of Seattle, will talk about spirituality and ministry in a lecture from 7 to 9 p.m. Monday and Tuesday in the Manchester Conference Center at the University of San Diego. Admission is \$20. Call 260-4585.

San Diego, CA
(San Diego Co.)
San Diego Union
(Cir. D. 217,089)
(Cir. S. 341,840)

JUL 24 1988

Allen's P. C. B. Est. 1888

Professor Siegan's rejection

²⁹⁵⁵
Your editorial (July 18) on the rejection of Bernard Siegan is another example of distorted nonsense. Siegan holds economic views largely discounted by reputable constitutional scholars. He has negligible judicial experience.

He was put up for appeals by his California pals with the connivance of Ed Meese, whose praises you sang until it became embarrassing to do so, and you jumped on the dump-Meese bandwagon. Now that Siegan has been dumped as well, you cry about a "liberal" hatchet job.

There are hundreds of thousands of lawyers with better qualifications than Siegan. He just had more pull with the California Republican party. Rather than being a dark chapter, I consider his rejection quite appropriate, when one sees how he got the nomination in the first place.

MICHAEL SUOZZI
San Diego

"Once more the liberal-Democrat lynch mob in the Senate has "trashed" an eminently qualified candidate for the federal bench, Professor Bernard Siegan of the University of San Diego Law School.

As was true of Judge Bork, Siegan is a man of unquestioned integrity and impeccable character. It is interesting to contrast these two victims of cheap, partisan politics with the three leaders of the lynch mob:

The moral leper, Edward Kennedy of Chappaquiddick fame, "plagiarizing Joe" Biden, and Howard Metzenbaum, who achieved notoriety when he was caught soliciting payoffs from Washington developers.

God help our nation when politicians of this stripe are able to sit in judgment on the integrity and character of nominees for the federal bench. The federal judiciary should not be politicized.

The election of Gov. Dukakis will make this bad situation even worse.

FREDERICK W. DOW
Carlsbad

San Diego, Calif.
(San Diego Co)
DAILY TRANSCRIPT

JUL 25 1988

Allen's P. C. B Est. 1888

Siegan Works On ²⁹⁵⁵Book About His Judicial Quest

*Will Discuss Treatment,
Including 'Hostility' From
18-Month Senate Review*

By JOE NABBEFELD

San Diego Daily Transcript Staff Writer

Just a week after a Democrat-led Senate committee rejected his Reagan appointment as an appeals court judge, University of San Diego law professor Bernard Siegan has already begun writing a book — about the experience, of course.

The book, Siegan said in an interview Friday from his La Jolla home, will document his dealings as a Ninth Circuit Court of Appeals nominee with the press, the public interest groups that worked hard to oppose him during his 18-month Senate review, and the politicians involved, both those who supported him and those who opposed him.

The book, which would be 63-year-old Siegan's fifth, is merely in the outline stage now, he said, and no publisher has yet paid an advance for it. He'll relax and work on the book for the remaining 1½ months of his summer before returning to USD to teach constitutional law.

A tough interviewee who doesn't provide many details even when prodded, Siegan said little else about the book other than, "It's necessary for people to understand the experience. I will tell how they treated me ... the hostility that I experienced." Asked to recreate the press interview he most remembers, for example, he said none stick out and left it at that.

Siegan, who said he's a friend of both outgoing Attorney General Edwin Meese and fallen U.S. Supreme Court nominee Robert Bork, made it clear he still disagrees with the Senate Judiciary Committee's 8-6 party-line vote, attributes the rejection strictly to partisan politics and says that the system fails when it selects judges based on their political views instead of on their temperament, dedication and knowledge of law.

"I think the process has really been bent quite a bit — to its maximum — when people say they

(Continued on Page 2A)

Siegan Works On Book—

(Continued from Page 205)

don't like you and that's it," he said.

He acknowledged that "there is something to be said of my lack of experience" — he has never served as a judge. Yet, he said, "some other big" names received judgeships without experience: U.S. Supreme Court justices William O. Douglas and Felix Frankfurter and Washington, D.C., circuit court of appeals justices Ruth Ginsberg and Patricia Wall. The latter two "the Democrats themselves put on," he said.

To the suggestion that the Reagan administration could have neutralized the impact of political opponents and interest groups by mobilizing its own troops, Siegan said, "That sounds good," but it simply didn't happen. "The people on the right, Libertarians and so on, simply haven't organized. Very few people wrote letters," and people from the left seem to get more favorable treatment from the press.

To the notion that Meese and Reagan might have been too preoccupied with their troubles, Siegan said only, "I couldn't guess on that." His association with Meese "may have hurt, sure, but I don't know."

Siegan said there's a difference between "scholarly positions" and actual positions, that the committee didn't appear to consider this difference and that in doing so it took the risk of chilling scholarly writing.

In his frequently published "scholarly position," he said, he would recall what the framers of the constitution intended. An actual position, on the other hand, would be what Siegan would intend — and as a judge, he claimed, he would have bound himself to applying what current law intended.

"As a scholar, I'm kind of a messenger, as you are, saying what the framers said. It was taken (however) that these were my opinions. I gave mine, too, yes, but I guess they didn't believe me. I told everybody that as a judge I would simply try to enforce the laws as they are written. I would no longer be telling the story of the framers."

"You kind of get the impression that the politicians were really responding to pressure groups."

The American Bar Association's board, he said, unanimously found him qualified. "They don't go on ideology. They go on if someone is dedicated to a job, has the ability and is of even temperament. What do you want a judge to be? A perfect thinker? A thinker who satisfies Senator (Edward) Kennedy, who for many may not be in the mainstream?"

He agreed, of course, that he's politically conservative. Maybe not as conservative as some opponents may have implied, he said; but conservative.

During the battle, it became a published fact that Siegan had written that zoning was un-

constitutional and "environmental and economic regulations such as zoning are unconstitutional."

"I never said that. I said zoning should be subjected to a higher level of scrutiny when I wrote that. And it is subjected to a higher level now. There's been a change in the law through some Supreme Court decisions. I was right. There's been a sudden shift on the Supreme Court this past year."

What if the public decides it's not comfortable with that shift? Didn't the constitution's framers intend to allow the public at least the limited chance to occasionally redirect the courts through the public's ability to elect representatives who will approve only politically acceptable nominees? (After all, how much opportunity Reagan would have to rework the court was a main point of discussion when Reagan faced reelection, not a secret or a pejorative.)

Siegan responded that the way to change the direction of the Supreme Court is to take a case to the court and present stronger arguments than before as to why the court should interpret the law differently. He said the Senate should measure only nominees' fairness, integrity, dedication to duty and temperament.

Siegan said the experience hasn't embittered him. "Well, I'm not happy with (the outcome), but that's the will of the political process, what can I do? The process worked its will not to my liking, I respect it. I think as I look at it, I'm happy in some respects. I was looked at with intense scrutiny (including by the FBI). Everything I've ever written was looked at. My business dealings. I was asked about my fairness. What kind of person I am. ... Nobody accused me of unfairness, character problems or moral problems."

"I considered pulling out, sure, at one time, but if I did people might say, 'maybe they found out something about him, maybe he didn't pay his taxes or he cheated.' I thought it would leave questions unresolved. I felt the Senate owed not only me but everybody an answer why I was not suited. I don't agree (with the committee), but in many ways I'm satisfied."

His dental, long forecasted, naturally "didn't come as that much of a shock. I continued with my activities. I would say for a little bit I was upset." He didn't give any interview for a week and this is his first. He said he didn't feel comfortable publicly talking much about himself.

The day of the rejection, the Justice Department told him he was on the committee's agenda. So, about 1:30 in the afternoon, meaning about 4:30 p.m. in Washington, he called the Justice Department from a pay phone outside a Los Angeles restaurant. "They said you've been rejected. I was given a little description." He says he went inside and had his meal.

"I won't say what I ate."

New York, NY
(New York Co.)
Wall Street Journal
(Western Edition)
(Cir. 5xW. 426,863)

JUL 25 1988

Allen's P. C. B. Est. 1888

REVIEW & OUTLOOK

2955 Out of the Mainstream

With very little fanfare, the Supreme Court and the Reagan administration have begun to repair 50 years of erosion of a fundamental right granted American citizens by the Constitution, the protection against unwarranted seizure of their property by agencies of government.

The Supreme Court led the way some months ago with the first of several rulings against uncompensated "takings" through regulation. In compliance with the new jurisprudence, President Reagan in March issued an executive order to curtail such actions. This month, his order was implemented by the Justice Department with a tough new set of guidelines for federal agencies.

Such actions to protect the civil rights of Americans against high-handed federal, state and local bureaucrats were long overdue. But before we all celebrate, it might pay to look at what appears to be a well-camouflaged effort in the U.S. Senate to undermine this noble restoration of an essential protection of free citizens against governmental tyranny.

Two weeks ago, Teddy Kennedy, Joe Biden and like-minded colleagues on the Senate Judiciary Committee quietly lynched the President's nominee for a judgeship on the Ninth Circuit Court of Appeals in San Diego. The nominee, as it happens, was the man who began the campaign for economic civil rights more than a decade ago, Bernard Siegan of the University of San Diego law school.

With Mr. Siegan's ideas so clearly in the ascendancy, the Senators chose not to engage him on the merits of his views. Indeed, Alan Cranston of California refused even to meet with his home-state nominee. We can ascribe this only to an unwillingness by the Senators to publicly defend property seizures. Instead, they simply delayed action on the nomination for an unconscionable period. Over the past 20 years, the Senate has voted on judicial nominees on average within a month of their nominations; the 17-month delay in Mr. Siegan's case broke all records. In the end, when the nomination was finally rejected by a party-line committee vote, Teddy Kennedy simply asserted, without explanation, that Mr. Siegan was "out of the mainstream."

Mr. Siegan, an able and articulate legal scholar who practiced law in Chicago for 20 years before beginning his academic career at the University of Chicago, actually is very much a part of today's mainstream—which was Teddy Kennedy's real problem. In 1976, Mr. Siegan introduced what

were then dusty ideas on private property in his "Other People's Property." This was followed by "Economic Liberties and the Constitution" in 1980. He argued that the Founders through the Fifth Amendment takings clause and the contracts clause of Article I intended to protect economic rights to the full extent of all civil rights.

"Taking" of property, he argued, isn't confined to seizing someone's land to build a highway. There also can be "regulatory takings," where bureaucrats effectively take away property value through overly burdensome zoning or environmental regulations.

The Supreme Court has upheld the Siegan view in several cases. In *Nolan v. California Coastal Commission* California had tried to withhold permission for a homeowner to build an addition to his beach house unless he granted a public right of way. The high court said this was a taking camouflaged as a regulation and that it required compensation. In another case, the court ruled that the government must compensate for delays while takings are challenged.

These decisions are milestones in the move back to the pre-New Deal era when economic rights got the same protection as other civil liberties. The government is now on notice that regulations that limit how property can be used also can require compensation. There are suits against the federal government in the Court of Claims for some \$1 billion for such regulatory takings. Many are the result of unnecessarily draconian regulations by the Environmental Protection Agency.

President Reagan's Executive Order 12630 requires a "Takings Implication Analysis" before federal regulators affect private property and thereby risk "undue additional burdens on the public fisc." Attorney General Meese issued a thick stack of guidelines for all agencies to follow. States and localities would be wise to adopt similar rules to make sure they don't saddle their taxpayers with bills for takings.

We have not heard the last from Mr. Siegan. He plans to keep teaching and writing on economic rights. He also plans a book on his experience with the Judiciary Committee. This might again mean debating a blank wall. But the unwillingness of the Senators to engage in a public discussion of economic civil rights and their reasons for rejecting Mr. Siegan probably tell us as much about their positions as we'll ever need to know.

New York, NY
(New York Co.)
Wall Street Journal
(Western Edition)
(Cir. 5xW. 426,863)

JUL 25 1988

Allen's P. C. B Est. 1888

Notable & Quotable

2955 *compliment my*
Sen. Arlen Specter (R., Pa.), explaining his support for judicial nominee Bernard Siegan at a July 14 meeting of the Judiciary Committee: *

I intend to vote in favor of Prof. Siegan because I believe that for a circuit judge he possesses the requisite qualifications. There are many examples where professors have made outstanding judges, especially on Appellate courts, so that it seems to me that his background is adequate for the position.

I am concerned about some action that the Senate has taken, properly so, in this past year which may raise some questions or have some chilling effect on professorial writings. And I disagree with what Prof. Siegan has written; I think that he is wrong on his legal interpretation. But I believe that it is worthwhile in our society to

have law professors who have the freedom to write what they choose, even if their views are very extreme—and I think his have been extreme.

When you come to the critical question of what he would do as a Circuit judge, I am satisfied—and there was very close examination by Sen. DeConcini on this issue—that he would follow the Supreme Court rulings. I don't think he has any choice in any event, and I think he would follow.

If we were considering Prof. Siegan for the Supreme Court of the United States, I think my judgment would probably be different, but we would have much more extensive consideration of him than we have had for the Circuit Court.

A related editorial appears today.

Van Nuys, CA
(Los Angeles Co.)
Daily News
(Cir. D. 132,936)
(Cir. Sat. 119,818)
(Cir. S. 152,512)

JUL 28 1988

Allen's P. C. B. Est. 1888

2-L.A. LIFE / THURSDAY, JULY 28, 1988 / DAILY NEWS

HOT TIPS

By SUE REILLY

ON THE BEAM

A HOLOGRAM is not, to our amazement, a grandmother with no insides.

It is a photographic film or plate that is a record of the light wave interference pattern of an object illuminated by a split coherent beam of light, such as a laser beam.

But, of course, you knew that.

If you would like to join a class and learn how to do it, the Learning Tree University in association with the Los Angeles School of Holography will offer a three-day workshop, beginning Friday at the Learning Tree University, 20920 Knapp St., Chatsworth.

The workshop will include fundamentals of setting up a holography laboratory, a career-opportunities discussion, a comprehensive text and a complete package of holograms.

Students will be given hands-on training for their \$450 tuition. Enrollment is limited to 10 students.

For information, call (818) 882-5599.

BOOTY SHAKE

PEOPLE WHO exercise moderately to vigorously three times a week not only feel better and are healthier, they experience more sexual desire than non-exercisers, according to James White, exercise physiologist at the University of California, San Diego.

We thought you'd like to know.

BOOTY SHAKE 2

THEY "RUN" out of the water, wiggle their tails in the sand, deposit up to 3,000 eggs and they're off.

Unless, of course, you bare hand these little disco darlings.

The grunion are running Friday at Cabrillo Beach, and those with quick reactions, agility and a fishing license can catch them, but only by slight of hand. No nets, spears or hooks, please.

Cabrillo's grunion program, sponsored by the Department of Recreation and Parks, begins at 9 p.m. and includes films, lectures, exhibits — and the grunion grope.

For more information, call (213) 548-7562.

CREEP SHOW

FOR THOSE into 18-foot dragonflies and 20-foot caterpillars, enormous spiders, and other giant insects, lovingly recreated in wood sculpture, the Natural History Museum currently is displaying Yoshinori Shimazu's colossal insects in the Ralph M. Parsons Discovery Center at 900 Exposition Blvd. in Exposition Park.

We obviously have no input into what the museum selects to showcase, otherwise it would be showcasing race cars and couture instead of big bugs, but those who do input say these Shimazu insects are exquisite.

Admission is \$3 for adults, \$1.50 for seniors and students, \$.75 for children ages 5 to 12 and free for museum members and children under 5.

Go on the first Tuesday of the month. That's when everyone gets in free.

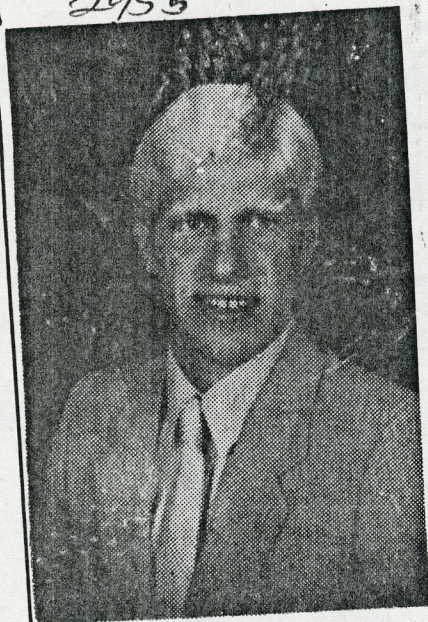
Garden Grove, CA
(Orange Co.)
Orange Co. News
(Cir. 3xW. 30,000)

JUL 29 1988

Allen's P. C. B Est. 1888

Dierking Gets Law Degree

2955



LAW DEGREE — Jim Dierking, son of Margot and Loren Dierking of Garden Grove, received a law degree and masters degree in international relations from the University of San Diego. He will study international law at the London School of Economics. A graduate of Bolsa Grande High School and Cal State Fullerton, he served at the U.S. Embassy in Seoul, Korea, as a political officer for the State Department during the summer of 1986. He also has worked for the U.S. Attorney's Office in San Diego.

JUL 29 1988

Allen's P.C.B. Est. 1888

SAN DIEGO DAILY TRANSCRIPT

FRIDAY, JULY 29, 1988



LYNN AYLWARD-BINGMAN

•Occupation: Attorney in private practice.
•Education: B.S. Nursing, University of Michigan; J.D. University of San Diego School of Law.
•Experience: Associate investigator in immunology research at Navy Regional Medical Center, San Diego; Staff nurse, University Hospital (UC San Diego) and Navy hospitals at Great Lakes, Ill., Memphis, Tenn., and Guam.
•Early years: Born in Long Beach, Calif., and grew up on East Coast and in Midwest.
•Family: Married to Terrence Bingman, managing partner for the San Diego office of Adams, Douc & Hazelton.
•Interests: "Anything that takes us away from work," she says.



TIMOTHY R. PESTOTNIK

•Occupation: Associate with Luce, Forward, Hamilton & Scripps.
•Education: B.S. Journalism, University of Colorado; J.D., American University College of Law.
•Experience: Law clerk with Arnold & Porter, Washington, D.C.; law clerk to the national chief counsel of Americans for Gary Hart; reporter for The Broomfield Enterprise.
•Early years: Grew up in Denver, Colo., and came to San Diego in 1986.
•Family: Single.
•Interests: Chairman of the San Diego AIDS Project and chairman of the County Bar Association's Committee on AIDS Policy and Law; sailing, volleyball, art and auto mechanics.

Q What does the American Medical Association proposal say regarding AIDS and confidentiality?

Renert: We're watching an epidemic grow. The major problem is that this is something we know so little about. In California a physician can inform a spouse if the patient does not and will not inform their spouse that they have AIDS. But that is as far as it can go under the confidentiality laws.

We feel a moral obligation that there are innocent people being exposed continuously, whether it's sharing needles or other sexual partners or cohabitation. Those innocent people, unsuspecting, are being exposed to the AIDS virus.

What our role should be — and what I think the AMA feels it should be — is that if that individual is informed that they test positive — not just the HIV test but the confirmatory test — they should have the opportunity to inform whoever they come in contact with. If they agree to inform their partner or partners, then that's fine. That's all we can expect at that point.

However, if they refuse then we have a moral and ethical obligation to inform that person. The mechanics of that are not clear at this point. I don't think the physician wants to accept the liability, the responsibility of picking up the phone.

I was an EIS (epidemic service intelligence) officer at a communicable center for two years in the '60s when there was syphilis, tuberculosis. We had people — so called gumshoes — who were out in the streets chasing down the contacts. I don't think the physician has the means nor the ability to do that. The Public Health Department may have to become involved. We're talking about a potentially monumental task. But there has got to be a mechanism where people are protected.

Q At present, is there any sort of mechanism?

Renert: There is no official setup right now. Under the laws of confidentiality there is very little that we can do if the patient test AIDS positive. They sign a document which protects them from any disclosure except for the spouse. Our hands are tied at this point.

There was a bill recently in the state Legislature that would have basically followed the recommendations of the AMA and allowed the physician to pursue those other contacts. That was killed in committee.

Q Was there any opposition to the AMA proposal within the AMA?

Renert: I'm not aware of much opposition. There are some splinter groups who are concerned. You walk a fine line between what is absolutely right and what violates certain canons; what violates individual rights.

You have to protect patient confidentiality as a supreme canon. The same with the attorney-client relationship. If you have a patient who's a seizure disorder and a school bus driver, you don't want to blow the lid on this individual if it's not going to interfere with his work. But if he hasn't told the state, has a license to drive and you know he's a seizure disorder — and he may or may not take their medication — you've got an obligation to inform somebody. The same things applies to the AIDS situation.

If this is handled improperly, all these people who test positively will go underground. If they suspect they have AIDS they may never come forward at all to be tested.

Q Does the AMA proposal fly in the face of California law or is it compatible?

Pestotnik: Current state law

would allow physicians, upon recognizing that his patient's propensity is not to tell the spouse, to tell the spouse. It does seem irregular to me that the same doctor can not tell the sexual partner who doesn't happen to be married to the patient.

The reason why we have the confidentiality law in California is because the Legislature three years ago struggled with a method by which we can encourage people to get tested. It wasn't enough to say we'll keep it confidential like we keep confidential other medical records. It isn't enough to say your employer probably won't find out; or your insurance company probably won't find out.

It's a crime in California to release those records willfully. You can be sued very rapidly, including attorney's fees, for doing it negligently. Every time we undercut the confidentiality we discourage people from getting tested.

In limited contact tracing, as I understand the AMA proposal, the public health officer, upon seeing a positive HIV test and a positive Western Blot Confirmatory Test, would ask the person to talk about their sexual contacts over the last — I don't know how long. It would be the public health officer's duty to investigate those people and tell them that they have had sexual contact with somebody who it is believed is HIV positive. They should then be tested so that they will know what their blood test is.

Confidentiality laws in California don't prevent that activity but they would prevent the contact learning what the index partner's name was; that was the guy who had it initially and was HIV positive.

The concern is that if the contact learns of enough details of the index's personality or traits, we then walk the very fine line of breaking confidentiality laws.

It's hard enough for us to keep track of the 100,000 or 200,000 HIV positive people we know about in California. Imagine what it would mean to pay for the investigation that would be required to follow up on all of the people that they list, even if you didn't do active tracing.

Active tracing means that you just don't stop with the list they provide. We interview those people and find out who they say index had sexual contacts with. That's what Colorado and Idaho are doing.

Other states simply aren't doing that. They're providing just passive or limited contact tracing. There are a lot of problems because not everyone is going to be honest about all the names; they're not going to provide all the names. They're going to provide false names and it is going to be an administrative nightmare.

New York and California have by far the greatest number of cases of AIDS in HIV positive of anywhere in the world. For us to implement this kind of idea would be far more expensive and far more time consuming.

Q Do any of you have any idea of the cost of implementing such a program?

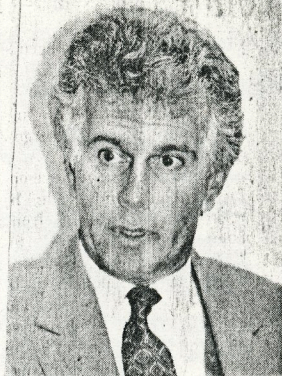
Pestotnik: Horrendous.

Aylward-Bingman: Astronomical. I don't think it even can be estimated given the potential victims anticipated by 1991. I suppose a statistician with a good computer could do it.

One of the most notorious cases was Roy Cohn's death when it was learned after he died that NIH (National Institutes of Health) had confirmed that he was zero positive back in 1985, and he told the people there that he did not plan on remaining celibate and that he wasn't about to advise partners.

That is the problem that a lot of physicians are dealing with on a first hand basis. Lawyers are going to see more of this because what happens when someone comes into you in a Tarasoff (Tarasoff v. Board of Regents of the University of California, 1976) type of case?

(They might say) I was the long-time co-habitant and sexual part-



WILLIAM A. RENERT

• **Occupation:** Doctor with X-Ray Medical Group in La Mesa; clinical assistant professor, Department of Radiology, UC San Diego.

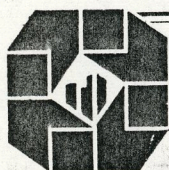
• **Education:** Hamilton College; Yale University School of Medicine.

• **Experience:** Assistant professor, Department of Radiology, University of Arizona; chief resident in diagnostic radiology, Columbia Presbyterian Medical Center.

• **Early years:** Born in Scranton, Pa., and grew up in West Hartford, Conn.

• **Family:** He and his wife have two sons.

• **Interests:** Board of Directors, Grossmont Hospital and Childrens Home Society; editor, San Diego Physician Magazine; golf and skiing.



SAN DIEGO FOCUS

AIDS And Confidentiality

San Diego Focus is a monthly feature of the Transcript which explores issues in business, finance, law, real estate, architecture, construction and a wealth of

areas in between. During round table discussions with editors of the Transcript, San Diegans discuss issues and trends that affect our community.

ner of this person and Dr. Jones did not tell me and should have because he knew that I was foreseeably at risk.

Most people are responsible. But if you're going to have a drug addict or a prostitute they're not going to be responsible. Those people generally aren't going to be in a doctor's care until it's way down the line anyway.

Technically, in someone's chart you can not write they're HIV positive. One health care facility that I'm aware of has gotten around that by saying something to the effect that the diagnosis is not incompatible with AIDS or testing is not incompatible with AIDS. In

some of the facilities a lot of the health care workers cannot be advised.

Q What is the status of California legislation on AIDS and confidentiality?

Pestotnik: There are about 10 bills pending right now that would abrogate part of the problems Lynn was just speaking about. They would allow the whole medical care team to have access to the HIV blood test results even though the patient has signed a waiver that says only Dr. Smith would get the

results. Those enjoy wide support on both sides of the aisle and I suspect they will be law by this time next year.

I don't think there's any reason to hide the ball from the health care team. If the doctor can know I see no reason to prevent the nurse from knowing and all the other people who come in contact.

Q How far does that health care team extend?

Aylward-Bingham: You're just the janitor who comes to empty the wastepaper baskets.

Pestotnik: It is that drafting that we've been watching very carefully. This bill is carefully defined. It says the health care team which is involved in the immediate health care of the patient; that would be defined by the physician who would have his liability on the line if he defined it incorrectly.

Renert: We have a certain group of physicians who feel damn the law, I have a moral and ethical responsibility. I'm going to tell those people he's come in contact with if I have the opportunity because it's a lethal weapon. Others go the other extreme and will not say anything to anybody.

Pestotnik: The legislation in California only prevents saying that Bill is HIV positive. It does not prevent saying that Bill has AIDS. That's a clear distinction. There aren't specific statutes which prevent you from saying that to the whole world. You can be sued for slander or libel if you're wrong, and you can probably be sued for emotional distress even if you're right. You can write in the medical record that Bill has AIDS as much as you want.

SPORTS

San Diego, CA
(San Diego Co.)
San Diego Union
(Cir. D. 217,089)
(Cir. S. 341,840)

JUL 7 1988

Allen's P. C. B Est. 1888

LOCAL BRIEFS

USD loses football assistant

2955
University of San Diego assistant football coach Richard Trestail has been hired as the head coach at St. Mary of the Plains college in Dodge City, Kan.

Trestail succeeds Charlie Giangrosso, who resigned after two seasons to become an assistant at North-

west Missouri State.

Golf — Chris Riley of San Diego shot a 1-over-par 73 to win the boys' 13-14 division at the Carmel Highlands junior tournament at Carmel Highlands Country Club. Steve Lynn (79) of La Jolla finished second.

Oceanside, CA
(San Diego Co.)
North County
Blade Tribune
(Cir. D. 29,089)
(Cir. S. 30,498)

JUL 13 1988

Allen's P. C. B Est. 1888

Steve
Scholfield

Sports Editor



N. County to have its own football camp

Notes and quotes:

North County is going to have its first youth summer football camp, starting July 25 at Oceanside High.

The Football Coaches Professional Growth Association will run the camp from 9 a.m. to 3 p.m. for five straight days.

Former USD football coach Bill Williams is running the camp and he will be getting plenty of help from Oceanside High coach Roy Scaffidi.

The association has put on numerous camps in previous years, but this is the first time one is being held in North County.

El Camino coach Herb Meyer and Point Loma's Benny Edens have been part of the camp in the past, although they will not be part of this one.

"Herb Meyer told me it is a class group to be with," said Scaffidi. "It seems to have real quality."

The camp is for youngsters ages 7 through 18. All who attend will get individual instruction in all facets of the game.

The cost is \$65 per person.

Scaffidi feels this would be a valuable camp not only for high school students but for Pop Warner players as well.

He encourages coaches from all levels to stop by and view the camp.

"Any coach who wants to come and see what we are doing is more than welcome to come at no charge," he said.

To sign up or for further information, call 433-4916.

Iannacone is Toreros' AD

²⁹⁵⁵
Tom Iannacone, athletic director at St. Francis (Pa.) College the past three years, was named to the same post at the University of San Diego yesterday.

Iannacone, 46, will replace the Rev. Patrick Cahill on Sept. 1. Cahill recently resigned after nine years as the Toreros' athletic director to become associate pastor at Guardian Angel Cathedral in Las Vegas.

"USD has the underlying concepts of education and the same athletic philosophy I adhere to," Iannacone said. "The university has a strong academic commitment, and the athletes are part of the student body. When I visited USD, I was inspired by the people and the institution."

Iannacone said he was impressed by the growth potential in USD's athletic program.

Before running the athletic program at St. Francis (1,750 enrollment), Iannacone was assistant athletic director for eight years at Fordham. He also was the offensive coordinator of Fordham's football team in 1975-78. His 1977 offense averaged a school-record 34

See USD on Page C-5

San Diego, CA
(San Diego Co.)
San Diego Union
(Cir. D. 217,089)
(Cir. S. 341,840)

JUL 20 1988

Allen's P. C. B. Est. 1888

COLLEGES

USD: AD sees similarities with his former schools

Continued from C-1
points.

A graduate of the University of Connecticut, Iannacone coached football and track in Connecticut high schools in 1964-75.

At St. Francis, Iannacone was involved in the overall expansion of the

athletic program.

"We built on to the existing facilities, increased the budget and added programs and personnel," Iannacone said. "One of the more important things we did was develop a master plan for the direction of the program. The only way you can target the fu-

ture of a program is to have a plan.

"I already have some ideas for USD. I think there are some similarities between USD and both Fordham and St. Francis."

— Bill Center

USD hires Iannacone as new AD

By Kirk Kenney
Tribune Sportswriter 2955

THEY keep sports in perspective at USD. Academics don't take a back seat to athletics. While the school conducted its nationwide search for a new athletic director, USD was looking for someone who could step in and fit in.

The hunt ended yesterday when USD vice president of student affairs Tom Burke announced that Tom Iannacone is the school's new athletic director. Iannacone replaces the Rev. Patrick Cahill, who resigned two months ago to accept a position as associate pastor at Guardian Angel Cathedral in Las Vegas.

Iannacone, 46, has been athletic director at Saint Francis College in Loretto, Pa., since 1985. Before that he spent eight years as assistant athletic director at Fordham. His assignment at USD is effective Sept. 1.

Like USD, Saint Francis and Fordham are Catholic institutions respected for their academics. Like USD, Saint Francis and Fordham are NCAA Division I athletic programs with Division III football programs.

Iannacone should fit right in. "I was looking for someone whose attitudes and philosophies fit into USD's plan," said Cahill, who served on the athletic director search committee. "He fit particularly well in that his program is much like ours."

"I think he realizes we have a pretty good program, so he's not going to come in and change everything. Obviously, there will be some things he will want to do differently than I did."

Cahill became athletic director in 1979, guiding USD's athletic program into NCAA Division I competition. Iannacone's assignment is to chart a course for the future.

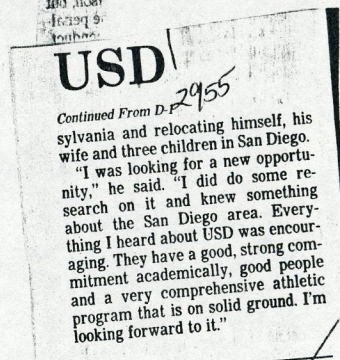
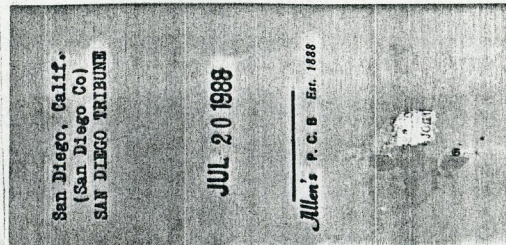
"Initially, I have some ideas on what to do," said Iannacone, speaking by phone yesterday from his Saint Francis office, "but I'd like to discuss them thoroughly with the staff first and get their input. That's my method of operation. I'll do a lot of research and talk to everyone and then formulate a plan. The key is to put it into action and make it work."

In four years at Saint Francis, Iannacone, who graduated from the University of Connecticut in 1964, was responsible for devising a master plan for athletic development. He also was in charge of expanding the number of sports at the school, improving the athletic department budget and renovating athletic facilities, an item of particular interest at USD.

"Everybody knows, and the president included has spoken to the fact, we need to do something about the Sports Center," said Cahill, referring to USD's antiquated basketball facility. "I think that will come in time."

Said Iannacone: "Obviously, at USD improving the basketball facility would be a key. I have some expertise in facilities planning. I've been involved in a lot of it at Saint Francis and Fordham. We actually have the blueprint for a comprehensive facility here."

For the time being, Iannacone will be busy tying up loose ends in Penn-
Please see USD: D-10, C4, 1



Escondido, CA
(San Diego Co.)
Times Advocate
(Cir. D. 32,195)
(Cir. S. 34,568)

JUL 20 1988

Allen's P. C. B Est. 1888

Saint Francis College AD accepts job in San Diego

Tom Iannacone is leaving his
job as athletic director at Pennsyl-

vania's Saint Francis College to
take a similar post at the Universi-
ty of San Diego, officials said
Tuesday. The appointment of Ian-
nacone, 47, who has directed the
athletic program at the Loretto,
Pa., school since 1985, takes effect
Sept. 1, said **Tom Burke**, USD's
vice president of student affairs.
Iannacone replaces the Rev. **Pat-
rick Cahill**, who recently accept-
ed a position as associate pastor at
Guardian Angel Cathedral in Las
Vegas, Nev.

Escondido, CA
(San Diego Co.)
Times Advocate
(Cir. D. 45,900)
(Cir. S. 47,000)

JUL 28 1988

Allen's P.C.B. Est. 1888

By Terry Monahan
Times-Advocate Sports Writer

ESCONDIDO — As a junior at Orange Glen High School, Sean Gousha rarely left the bench in football but was the starting catcher on the baseball team that won the Palomar League championship.

Gousha enjoyed more success in football as a senior, engineering the Patriots' drive to their first postseason appearance in 10 years. But the baseball team finished in the cellar.

"Not playing is one thing, but losing just eats away at you," said the 6-2½, 175-pound Gousha, who will play his final football game Saturday at 7:30 p.m. as the starting quarterback when the San Diego Section All-Stars take on their counterparts from the Los Angeles City Section in the second annual College Prep All-Star Classic at Mesa College.

San Diego won last year's inaugural game 26-19.

As much as he hates losing, Gousha found out being ignored hurts even more.



Sean Gousha
Starting in All-Star Classic.

After he became the third straight Patriots quarterback to pass for more than 2,000 yards, Gousha (pronounced Goo-shay) thought college recruiters would come streaming onto campus.

Very few showed up, though. "I guess since I was a one-year quarterback, they thought it was a fluke or wanted to see me play another year or two at junior college," said Gousha, 17. "I played a little as a sophomore on the junior varsity and very little as a junior."

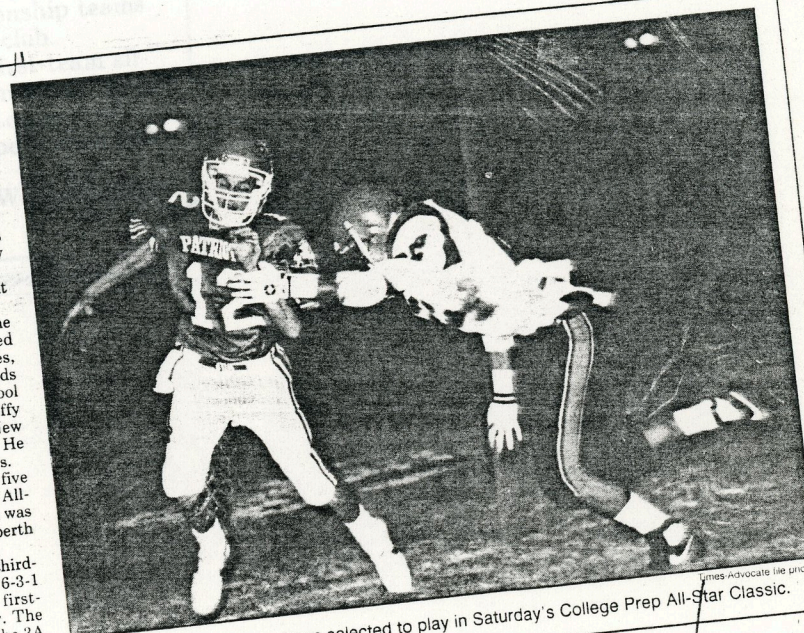
"Honestly, I was disappointed at the whole thing."

Gousha's statistics show why he was disappointed. He completed almost 56 percent of his passes, hitting 156 of 280 for 2,317 yards — just 46 yards short of the school record set the year before by Duffy Daugherty, who signed with New Mexico — and 20 touchdowns. He was intercepted just eight times.

Gousha, who also rushed for five touchdowns, was a first-team All-Palomar League selection and was honored with a second-team berth on the All-CIF squad.

Orange Glen finished in a third-place tie with Vista and was 6-3-1 in the regular season under first-year Head Coach Dave Lay. The Patriots were ousted from the 3A

Please see **Gousha**, page C3



Sean Gousha, No. 12, has been selected to play in Saturday's College Prep All-Star Classic.

Gousha

Continued from page C1

CIF playoffs by eventual champion Pt. Loma 21-0 after beating Chula Vista 27-26. A 10-yard touchdown run by Gousha kept the Patriots alive.

Compare his efforts to his 2-for-4 effort for 41 yards, one touchdown and no interceptions as a junior and it's easy to see why he thought he deserved a shot from a major college.

"We had three goals this year — win the league title, break the jinx and make the playoffs and then win the CIF title," said Gousha. "I never expected to have the kind of year I had personally, and the team really surprised a lot people, especially since we did it with a brand-new coaching staff."

His success came on the heels of the most successful baseball season in a long time. Although Mt. Carmel won the CIF crown, the Patriots ended the Sundevils' six-year reign as league champion by beating them on their own field with a dramatic home run by Frank Escalante.

It was the perfect ending for Gousha, who became the starting catcher early in the season when senior Scott Carlovsky moved to third base in place of the injured Paul Temprendola.

Gousha hit .318 with no homers and 18 runs batted in. He was named honorable mention all-

"That year was fun," he said. "Everything seemed to break right for us. Whenever we needed a break, or a hit or whatever, we seemed to get it."

"Nothing like this year."

Returning just two starters, junior shortstop Shannon Vinje and Gousha, the Patriots lost all 12 league games. They lost the final 17 games of the year. Nine of those losses were by two runs or less.

"It was the exact opposite of last year," Gousha said. "Seemed like that one big mistake waited until the sixth or seventh inning and then it fell on us."

Gousha wound up as a first-team all-leaguer after hitting .296 with three homers and 14 RBI.

Though he is heading for the University of San Diego next fall, the Toronto Blue Jays drafted Gousha.

"All Toronto told me was that I was picked in the 40ish round," laughed Gousha. "They said they picked me in case I changed my mind and went to junior college they wanted to have the rights to me before next June's draft rolled around."

By then, Gousha hopes to be USD's catcher.

Gousha has been joined in the All-Star Classic football game by

another standout from North County in Vista lineman Clarence Loa.

The 6-1, 245-pound Loa ended three years as a two-way starter for the Panthers, playing on two Palomar League championship teams and one 3A CIF title club.

He was named a first-team all-league offensive lineman all three years as a Panther. Loa has been a first-team All-CIF performer the last two seasons.

Loa is heading to Weber State in the fall.

TIMES-ADVOCATE, Escondido, Ca., Thursday, July 28, 1988 C3

SEATTLE (AP) — Steadying Seattle Mariners is the first goal of Woody Woodward, the new general manager of the troubled American League franchise. Woodward, 45, dismissed by the Philadelphia Phillies as director of the team seven weeks ago, had throw from Tuesday night in a shouting match between Bell and Williams erupting season-long feud between the latest flareup of a similar manager can handle it.

Blue Jays

Campbell's remark, "I hope the stability begins now," Woodward said in a telephone interview from his home in Spartan, N.J. "I think it's going to be a challenge," Woodward said. He added, "I hope it's some very fine line."

San Diego, Calif.
(San Diego Co)
SAN DIEGO TRIBUNE

JUL 29 1988

Allen's P. C. B Est. 1888

■ ■ ■
EXTENSION — Coach Jim Brovelli, hired in 1984 to oversee the rebirth of the men's basketball program at the University of San Francisco, signed a five-year contract extension yesterday. He was head coach previously at USD, where his team won the 1984 West Coast Athletic Conference championship. He has an overall record of 196-178. 2955

San Diego, CA
(San Diego Co.)
San Diego Union
(Cir. D. 217,089)
(Cir. S. 341,840)

JUL 29 1988

Allen's P. C. B Est. 1888

Basketball Former USD coach Jim Brovelli signed a five-year contract extension through 1993-94 with the University of San Francisco ... Portland officials are in the Soviet Union trying to clear the way for Lithuanian star Arvidas Sabonis to play for the team ... Cleveland extended Coach Lenny Wilkens' contract two years through 1990-91 ... Charlotte, which signed Lakers free agent Kurt Rambis, also is talking with Darryl Dawkins, who retired last season after two weeks with the Pistons ... Dominique Wilkins' 29 points led Atlanta (2-0) to a 110-105 exhibition overtime win over the Soviet national team in Vilnius, Lithuania's capital ... Guard Mitchell Wiggins, banned by the NBA 19 months ago for drug use, signed with the WBL Chicago Express ... Utah center Mel Turpin won't exercise his free-agency option. The Jazz will try to trade



Brovelli

him.



Verplank

San Diego, Calif.
Southern Cross
(Cir. W. 27,500)

JUL 29 1988

Allen's P. C. B Est. 1888

more, call 569-4310.

USD

2955

Sports camps for boys and girls ages 8-18 will be held in July and August. Cost is \$295 per week for resident camp or \$165-\$200 per week for day camp. Sessions in tournament and basic tennis, competitive swimming, basketball, soccer, football, volleyball, baseball and outdoor wilderness will be offered. For more, call 260-4593.