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USD interns try to sell fellow students on GM



When students interview for their first real job after graduation, it's rare that they are able to claim practical experience in the field for which they have been educated.

Most probably have had part-time jobs more suited to students' time availability and limited skills.

However, a modest new tradition may fix that for some University of San Diego students. For the third year, a senior class group has planned, sold and carried out a marketing program aimed at the student audience.

Mostly business administration majors, this year's group members have had some classes in advertising and marketing, according to project spokeswoman Lisa Kreis, a communications major.

Supervised by Professors Seth Ellis and David Light, the 17 students formed the Alcala Creative Agency to participate in a General Motors Corp. internship program, cooperating with GM's Pontiac division and San Diego dealership John Hine Pontiac.

Ellis said the Alcala agency staff researched and planned two on-campus promotions, one called "Caribbean Holiday," the other titled "Future of America." Then they presented the proposals to client John Hine Jr.

"He chose Future of America. It is more cutting-edge with the cars and the new image," Kreis said. John Hine Pontiac put up \$2,500 for a promotional budget and provided vehicles for on-campus display.

The promotional event took place earlier this month on the crowded USD campus. A rock band, food fair and other attractions drew spectators to examine an assortment of Pontiacs.

"It was our final exam," Kreis said.

"The advanced marketing project is a three-unit course," Light said. "They'll be graded on the project."

On Marketing

ROD RIGGS

General Motors is interested in the California market because the ratio of purchases of U.S.-produced vehicles to foreign vehicles is lower here than in the rest of the country, he said.

"GM tested the internship program a year ago and expanded to 20 or so colleges this year," he said. "They see students as trend-setters. They hope to influence them, and through them the rest of the country."

This was Pontiac's first USD internship, but other students produced a trade fair for Apple Computer in a similar project last year.

"The internship is an essential factor because it's as if they were working in the real world," Light said. "Some of these students are interviewing for jobs now."

Kreis said industry contacts and a record of experience often determine whether a student can even get a job interview.

Reaching for value

Snob label marketing is out. Service marketing misses the mark. Price marketing is submerged in the tide. Value marketing is today's message.

Value marketing is no easy task in today's retail climate, according to Leonard L. Berry, professor of marketing and director of the Center for Retailing Studies at Texas A&M University.

More than goods and services, retail firms sell a promise of fair play, Berry writes in the *Arthur Anderson Retailing Issues Letter*.

Customers remember companies that violate that promise, whether in pricing, personal selling or quality of service, Berry said.

"Consider the case of air travel, for no retail sector is more guilty of unfair, unwise pricing tactics than the airline industry," he wrote, reporting that during one week last January, there were 10 different fares, ranging from \$368 to \$2,568, for the Los Angeles-Newark route.

"This business charges its best customers, business travelers, far higher rates than any other customer group, made 423,000 domestic fare changes a day in one recent month, and collectively has lost \$8 billion since 1989."

Everyday low pricing, selling what the customer needs and standing behind the service help establish customer trust, Berry said.

"It is not sufficient for retailers to ask the question 'Is is legal?' when making decisions. They must also learn to ask 'Is is fair?'" he wrote.

Popeye products

Lightning Bolt International, which makes no products but licenses its logos and designs for about \$100 million of goods a year, has a new list of characters to market.

The San Diego company got U.S. and Canadian rights to Popeye and the cast of the Thimble Theatre comic strip from King Features Syndicate, according to Lightning Bolt President Ron Fox. Fox would not disclose financial details.

The characters will be available to licensees for sportswear, swim and activewear, headgear, accessories, hosiery and footwear, Fox said.

Preliminary designs for T-shirts and shorts were tested at a trade show last month. Because of the positive reaction, Lightning Bolt licensees FunTees and Quitman Industries will launch Popeye products for the back-to-school market and expect to make first deliveries by July.

ROD RIGGS is a staff writer for the Business section.

MBA schools in a slump

By ELIZABETH DOUGLASS, Staff Writer

MBA programs — in the parlance of business school professors — have become a mature industry. In other words, the MBA heyday is good and over.

Gone are the glorious 1980s, when demand for master's degrees in business administration (MBAs) was high and graduates could land a high-paying job before the commencement ceremony was over. Now, business schools in San Diego and nationwide are fighting to preserve their enrollment base amid a deepening decline in MBA applicants.

With massive layoffs of corporate middle managers and plummeting interest in business degrees among college freshmen, MBA programs in California and across the nation are facing their biggest challenge since 1959. That was when the Ford Foundation and others indicted them as low-level trade schools that managed to attract only the worst students.

With applications even at top schools commonly down 20 percent in the past two years, the nation's nearly 800 MBA programs face a major downsizing at best.

Many students have stopped viewing admission even to top business schools as a sure-fire ticket to success — and a new generation is deciding that leading a balanced lifestyle is more important than making a fat income.

"The pendulum is swinging in a new direction," said

Applications dip along with jobs in middle management

Charles Hickman, an official of the American Assembly of Collegiate Schools of Business. "Young students are now more concerned with being good citizens and good parents."

In San Diego, the larger MBA programs are feeling the pinch.

Enrollment at San Diego State University, one of the largest local MBA programs, has been trailing off from a peak of 1,015 two years ago, said Thomas Warschauer, associate dean for graduate studies.

Last year, the number of registered MBA students at SDSU was off by more than 7 percent, and this year's applications are down 10 percent. At National University, a statewide institution catering to working students, enrollment fell 4 percent last year, and the number of new students this year dropped about 6 percent.

Nearby University of San Diego, home of the area's third major MBA program, wasn't left out, either. Last fall, enrollment came in about 7 percent lower, and the number of new MBA students at the campus

fell a sharp 24 percent, said Maureen Phalen, director of USD's office of graduate admissions.

"The MBA is not going away, but I think they will continue to decline," said Gary Zucca, dean of National University's School of Management and Technology. "It's really hard to name one cause, (but) we're seeing cutting back in funding from companies, and people are going to more specialty degrees."

Phalen, at the University of San Diego, said she hopes to keep admissions steady. But she added, "I expect that the (downward) trend will continue here regionally for the next year or so."

Nationally, some even predict a big round of business school closures.

"There absolutely will be a shakeout," said Stephen Christakos, dean of admission at the J.L. Kellogg Graduate School of Management at Northwestern University, which consistently has been ranked as the nation's No. 1 business school by *Business Week* magazine in recent years.

"As top-tier schools are forced to become less selective, there will be a domino effect. When the process is over, those at the bottom of the chain won't be able to fill the chairs in their classrooms."

Not everybody's view is so dire, partly because the quality of applications remains high.

See Degrees on Page I-2

(cont'd)

Degrees

Business slumps at MBA schools

Continued from Page I-1

"We can't ignore the fact that the demand for MBA programs is off," said SDSU's Warschauer. "(But) while there are fewer students, the proportion of good students is higher."

At the same time, Warschauer has noticed a sharp up-tick in the proportion of full-time students — which now approaches 70 percent at SDSU, up from roughly one-third several years ago.

That probably reflects a higher number of unemployed managers and others in the business world. And it makes landing a job at the end of the program even more important.

"When two-thirds of our students were part-time, (job) placement was the last thing we worried about," Warschauer said. "It's gone from not even on the list to number two or three on the list."

But on top of the sluggish economy and thinned management ranks at companies, new graduates face another problem — a glut of MBAs.

Graduate business programs enjoyed tremendous growth in the '70s and '80s, spurred by a surge in interest in business and a generally strong economy, and they became

huge university cash cows. Virtually every academic institution, it seemed, wanted a piece of the pie.

The American Assembly of Collegiate Schools of Business said 389 institutions awarded 33,000 MBA degrees in 1974. Now more than twice as many award more than 77,000 a year.

But today, unlike before, students are finding less demand for their newly honed skills. "The world doesn't need an unending supply of MBAs," said the AACSB's Hickman.

The message already has gotten out.

The Graduate Management Admission Council, which administers the 3½-hour admission test required of MBA applicants, projects that fewer than 255,000 students will register to take the exam this year. That's down from a peak of 304,334 two years ago, and the council sees more declines ahead.

Part of the decline could be attributed to fundamental new forces that hit even the elite business schools. Now that tuition and fees cost \$20,000 a year at top private schools, more students are deciding that business school is not a good investment, especially since most leave full-time jobs to pursue MBAs.

Meanwhile, an annual survey of the academic plans of the nation's college freshmen by the University of California Los Angeles shows plummeting interest in business. Only 16 percent of the freshmen

polled last fall said they intended to major in business, down from 26 percent five years earlier.

National University combined its business school with its computer and applied science courses to reflect the growing importance of technology in business.

The trend isn't temporary, business education experts insist. At some point, corporations will be hiring, rather than firing, middle managers. Yet the pressure of global competition, coupled with productivity increases from the widespread use of computers, will limit the numbers, they say.

All this adds up to a widespread feeling that business schools have got to offer whole new courses and cutting-edge programs to stay in the game.

Even Harvard has started the biggest review of its curriculum in 30 years. "We're cognizant of how much and how quickly the world has changed," said Laura Fisher, assistant dean and former director of MBA admissions at Harvard Business School. "And we want to make sure that our educational program and the needs of our students remain in alignment."

In San Diego, all three major MBA programs have already been altered or will be in the next year or so. With the business arena changing so rapidly, MBA schools have little choice but to keep moving too.

"Ten years ago, we said that we had produced the curriculum for the next decade," said SDSU's Warschauer. "Now, we pretty much realize that when you design your curriculum you're designing it for the next two years."

At SDSU, a new set of "issue-oriented" courses is in the works for 1994, including such hot topics as total quality management, international business and ethics, Warschauer said.

"It focuses more on the kinds of problems managers face," he said. "We've been working on it for three years."

National University combined its business school with its computer and applied science courses to reflect the growing importance of technology in business, Zucca said.

The university also proposed adding programs in technology management, environmental man-

agement and telecommunications management and has revised several other of its specialty programs, he said.

USD has added quality control and other programs and joined in the trend toward offering internships and programs that give students hands-on international experience.

Some contend that new courses and tough job market will make a trip through business school mandatory, even for those who earned MBAs just 10 years ago.

"It looks to me like a lot of people are coming back," said Mario Picconi, director of USD's graduate business programs. "Some people may feel, as an engineer, they're more vulnerable if they don't have management skills."

Zucca of National University added, "Our students are people in middle management who are seeing the weeding-out process and they say, 'Boy, I've got to get updated (skills) or I may be weeded out, too.'"

Aggressive marketing also has become the order of the day at virtually every university. Take, for example, Northwestern's J.L. Kellogg school, which was inundated with so many high-level applicants last year that it offered admission to only 30 percent of those who scored between 700 and 800 on the GMAT — the top 2 percentile of all test takers. Even so, the school takes nothing for granted.

"These days, we're hustling like

mad," conceded Kellogg's Christakos. "We are not taking the attitude that we are J.L. Kellogg and stu-

USD has added quality control and other programs and joined in the trend toward offering internships and programs that give students hands-on international experience.

dents will automatically flock here."

Indeed, over the years, the MBA has lost much of its luster. Wrenching change has brought with a more difficult and competitive job market.

"The letters (MBA) don't do it anymore," said Zucca of National University. "They say, 'OK, you've got one of those. What else can you do for me?'"

Knight-Ridder News Service contributed to this report.

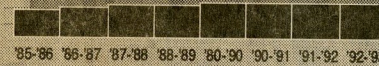
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THE MBA SKID

Battered by a struggling economy, cuts in company tuition reimbursement funds and a stream of middle-management layoffs, interest in graduate business administration programs is on the wane.

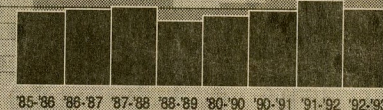
UNIVERSITY OF SAN DIEGO

Graduate school of Business Administration



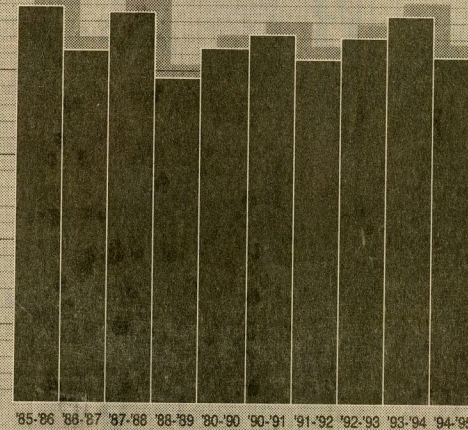
SAN DIEGO STATE

College of Business Administration, graduate program



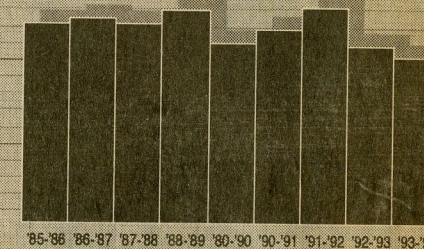
STANFORD

Graduate School of Business



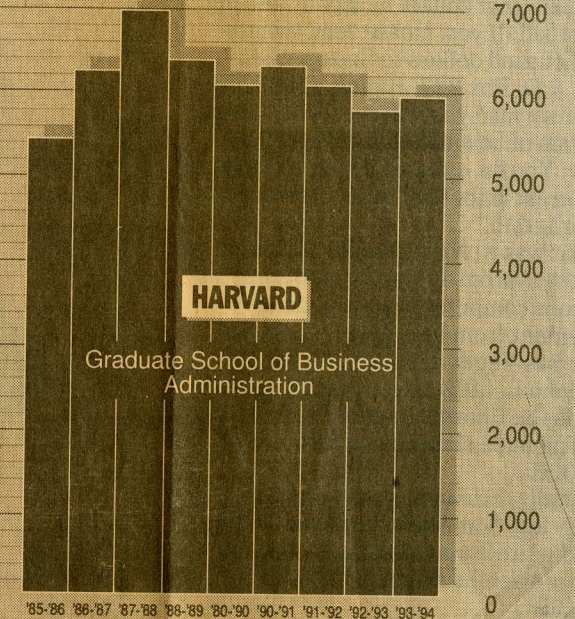
BERKELEY

Haas School of Business



HARVARD

Graduate School of Business Administration



Note: University of San Diego and San Diego State figures are for fall enrollment each year. Stanford, Berkeley and Harvard figures are the total number of registrations for each school year.
SOURCES: Stanford University, University of California at Berkeley, Harvard University, San Diego State University and University of San Diego

5-25-93

THE SAN DIEGO UNION-TRIBUNE

USD left out in cold by NCAA

By HANK WESCH
Staff Writer

No NCAA playoffs for the University of San Diego baseball team.

To their dismay, the Toreros of coach John Cunningham did not receive one of 24 at-large berths the Division I selection committee handed out yesterday to fill out a 48-team field. Eight six-team regional tournaments this week will determine the qualifiers for the College World Series June 4-12 at Omaha, Neb.

After finishing 36-17 overall and 19-11 in the West Coast Conference, runners-up to defending national champion Pepperdine, USD's players waited more than two weeks for their fate to be determined.

They assembled at a room on campus to watch ESPN's telecast of yesterday's announcement. The mood went from hopeful to somber as each regional bracket was filled.

"This was devastating to sit through," said Tony Moeder, one of four graduating seniors who played a key role in USD's best season.

They listened as 10 West Coast teams were called. As 17 teams with fewer wins than USD were called. As UCLA, a team USD swept in a home-and-home series, was called. A 32-27 USC team was chosen — giving the Pac-10 four teams in the tournament.



Union-Tribune / ROB GAUTHIER

Bad news: USD players react to snub in NCAA baseball playoff selections. From left are David Romero, Charlie Setzler, Chris Collins, Larry Williams and Josh Stepner.

Pepperdine (40-15), whose stature as defending national champion figured to have a direct effect on USD's chances, was accorded only the No. 3 seed in the West Regional at Tempe, Ariz., behind Arizona State (32-24) and Cal State Northridge (34-18).

"To be honest, I think we're better than about 30 of the teams that made it," said senior Chad Boyd. "It's definitely not the best 48 teams in the country."

Without bitterness, senior Kevin Herde, the WCC Player of the Year, provided the USD perspective.

"Our record, our winning percentage and our power (of schedule) ranking all have to be among the top 48 in the country, but beyond that it gets to be political," Herde said. "We're a small school.

We've never been in the tournament before. We don't draw well and we haven't made a lot of money for the NCAA.

"If the NCAA has to choose between ticking off somebody from USD or somebody from USC, well ..."

Cunningham expressed regrets for the seniors and hope that in the future the Toreros would win the WCC championship and an automatic berth so they wouldn't need to rely on at-large selection.

"The way the system is set up, the new kids on the block are not welcome," Cunningham said. "We've got to take care of business on the field."

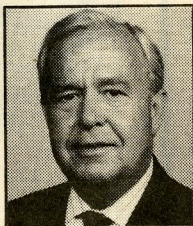
■ NCAA pairings—D-5

NEWSMAKERS

Big gun from East to fill big shoes

We could use a little instruction on real estate finance in San Diego. And a little vision wouldn't hurt, either.

So it's the opportune time for the University of San Diego to endow the **Ernest W. Hahn** Chair of Real Estate Finance. Recently, USD named the first professor for the course.



Professor Riedy

The new guy comes with an impeccable pedigree.

Mark Riedy, former president of the Federal National Mortgage Association (Fannie Mae), and former president of the National Council of Community Bankers in Washington, D.C., will carry Hahn's beloved and reputable banner. Riedy's Ph.D. is in business economics from the University of Michigan.

His first course of action will be to choose a textbook.

"I haven't taught in over 20 years," Riedy said. "I want to develop a practically oriented class that will create enough interest among students and administra-

tion that they will eventually hire more professors and build an entire program out of real estate finance."

He met Hahn once at a breakfast meeting, and found him to be a "wonderful human being." Hahn was the first lay chairman of USD's Board of Trustees until his death last December. Builder of a number of local shopping centers, including Horton Plaza and University Towne Centre, Hahn also was well-known for his gentle approach and tireless efforts to guide San Diego to a brighter, more beautiful and prosperous future.

Riedy and his wife decided to move to San Diego from Washington, D.C., before the USD offer even came up because they love it here. Their daughter lives in Washington, and works for the federal government in housing finance. Their son lives in Hollywood with dreams of becoming a director.

Riedy and his wife are closing escrow this week on a Del Mar home.

"I'm one of the few people buying a house and moving into California," he said. "I need to practice what I preach."

— **Caty Van Housen**

Younger college students drink more, survey finds

TOM STRONG / Associated Press

WASHINGTON — College students in the Northeast drink more alcohol and go on binges more often than their peers in other parts of the country, according to a report released Thursday.

The study, based on a survey of about 58,000 students, also found that college students under 21 drink more alcohol and suffer more hangovers, injuries and legal difficulties than those over 21.

Times-Advocate 5-24-93

FYI

"It's clear that they're not able to handle it as well as the older students," said Philip W. Meilman, the study's co-author and director of the College of William and Mary's Counseling Center.

Researchers from Southern Illinois University and William and Mary analyzed survey results collected at 78 campuses between 1989-91.

Initial findings released in September showed that students with low grades consume about three times as many drinks as those on the honor roll.

That first round also found that students at small schools are drinking more than those at larger schools, and men are more likely than women to go on heavy binges.

And it showed alcohol is the

drug of choice: 85 percent of respondents said they used it in the last year, compared with 26 percent who used marijuana and 5 percent each for cocaine, hallucinogens and amphetamines.

"This report is a challenge to every college administrator to find more effective ways to discourage dangerous, irresponsible and in some cases, illegal behavior," said a statement from Education Secretary Richard W. Riley, whose agency provided a grant for the study.

In the latest findings, researchers focused on underage drinking.

The per capita alcohol consumption ranked at 7.1 drinks per week in the Northeast, 5.3 in the North Central, 3.9 in the South and 2.9 in the West.

Times-Advocate

5-28-93

Anger is all the rage these days at Cal State

JENNIFER LEVITZ / Times Advocate

SAN MARCOS — They're mad as hell and they're making a weekend out of it.

Saying no one escapes the wrath of anger, two Cal State San Marcos professors have planned a three-day conference on, you guessed it, rage.

Interested in "Ethnorage: U.S. Minority Discourse," "Raging Hags and Chaos" or "The Grammar of Anger?" This conference, appropriately called "Rage Across the Disciplines," will cover it all and more.

"Womens rage, working-class rage, ethnic rage — it's all welcome," said Terry Allison, a womens' studies professor who, along with Renee Curry, an English and film professor, organized the June 10-12 event.

The professors planned the conference after co-authoring a paper on anger. They figured if they saw fury in their academic

avenues, so must professors in other areas.

Sure enough, a call for participants posted in college journals across the nation drew speakers from several disciplines: Economics, visual and performing arts, psychology, and gay and lesbian studies.

"We've found that the mere mention of the word (rage) gets some people going."

TERRY ALLISON, co-organizer

"We've found that the mere mention of the word (rage) gets some people going," Allison said.

So far, about 50 people have registered for the conference. But Allison said he's expecting a lot more people to attend, in-

cluding Marines from Camp Pendleton who called for information.

Allison and Curry received funds from the university's multicultural center and from a California State University affirmative action grant.

With its spicy lineup, the conference has drawn some attention. CBS News anchorwoman Connie Chung has expressed interest in doing a segment on the conference, and the national call for angry speakers prompted a satire piece from the conservative magazine "American Spectator," Allison said.

Richard Millman, vice president for academic affairs at the university, said the conference is an example of what universities do best: Raise questions and stimulate response.

Millman said the topic is a timely one, with issues like gays in the military dividing the nation.

FYI

The Blade - Citizen 5-23-93

Justice: Colleges shouldn't indoctrinate

WASHINGTON (AP) — Universities should not suppress unpopular views but instead expose students to the “marketplace of ideas,” Chief Justice William H. Rehnquist said Saturday in a commencement speech at George Mason University.

“Ideas with which we disagree — so long as they remain ideas and not conduct which interferes with the rights of others — should be confronted with argument and persuasion, not suppression,” Rehnquist said, alluding to disputes on numerous college campuses over “politically correct speech.”

“In the traditional view, the university educates, but it does not

indoctrinate; it increases your knowledge ... but does not insist that you choose any particular point of view,” he said.

“On occasion, one senses that some universities today no longer fully accept this traditional point of view. One senses that for them there is an orthodoxy or sort of party line from which one departs at one's peril.”

Rehnquist added: “At a public university, of course, free expression is protected by the United States Constitution and the constitution of the state where the university is located. ... Constitutional cases arise only when the university abandons its own tradition of

academic freedom.”

He said individuals should decide for themselves, “stimulated by free discussion,” which ideas and viewpoints to adopt and which to reject.

“So you should be able to look back at your years at the university and feel that your horizons have been expanded, not merely because you have acquired new knowledge, but because you have been exposed to this marketplace of ideas,” he said.

Rehnquist urged the graduates not to define themselves by their careers and to guard against investing their time unwisely.

The Times-Advocate 5-24-93

Blackmun won't give speech on TV

The Associated Press

DAVIS — U.S. Supreme Court Justice Harry Blackmun cancelled a graduation speech at the University of California at Davis law school because television cameras will be allowed.

UC Davis administrators said Blackmun had insisted that the university bar TV news cameras from recording his May 22 address, but they couldn't honor the request.

“To bar any element of the news media from a public ceremony at a public university was not, in our view, appropriate,” Larry Vanderhoef, executive vice chancellor and provost, said in a written statement Friday.

Dosick elected to Mazon board

SOLANA BEACH — Rabbi Wayne Dosick of Congregation Beth Am recently returned from New York where he was elected to a second three-year term on the board of directors of Mazon: A Jewish Response to Hunger.

Founded in 1986, Mazon is a vehicle through which American Jews can respond to hunger in the United States and abroad. Mazon asks American Jews who are celebrating life-cycle events such as weddings, birthdays, anniversaries and bar/bat mitzvahs to help feed those who are hungry by contributing 3 percent of the cost of those celebrations.

In addition, Mazon conducts annual Yom Kippur and Passover appeals through nearly 700 participating "Partner Synagogues" nationwide.

The funds that Mazon raises are granted twice each year to non-profit organizations — principally in the United States and, to a lesser extent, abroad — that provide assistance to hungry people, or which seek long-term effective solutions to the problems of hunger.

Mazon grants have grown from \$20,000 in 1986 to \$1.2 million in 1991. At the April board of directors meeting that Dosick attended, grants totaling \$800,000 were made to 91 organizations. If Mazon fundraising continues as expected, the grants given at the October board meeting will bring Mazon's 1992 allocations to close to \$2 million.

Mazon's dual purpose is to help those who are hungry today as well as to alleviate the poverty that causes their hunger.

Mazon grants include food banks, food pantries and other emergency providers; multiservice agencies that provide food, shelter

► See **Mazon**, Page B-8

The Blade-Citizen

5-22-93

Mazon

► From Page B-7

and counseling; state and national anti-hunger advocacy/educational organizations; and food and agricultural projects in Israel and developing countries. A roster of experts in the field of hunger serves in an advisory capacity to Mazon's Grants Committee, helping to choose the most worthy and needy grant requests.

Mazon was founded by Leonard Fein and Rabbi Harold Schulweis and has been served since its inception by Executive Director Irving Cramer. Rabbi Mark Loeb of

Baltimore has just assumed the chairmanship of Mazon, succeeding Lee H. Javitch of Harrison, N.Y.

Solana Beach's Dosick serves the Mazon board as co-chairman of the Rabbinic Table, a group of 18 rabbis from across the country committed to alleviating hunger, who serve in an advisory capacity as well as representing Mazon to colleagues within their own communities.

Dosick, who served synagogue pulpits for 18 years, including Congregation Beth El of La Jolla and Congregation Beth Am of Solana Beach, which he founded, is currently the spiritual guide of the Elijah Minyan and an adjunct professor at the University of San Diego.





Union-Tribune / DON KOHLBAUER

Immaculata provides cool retreat from city bustle

The Immaculata offers a refreshing change of pace for tourists.

When your visitors have grown weary of Shamu and the Hotel Del has lost its allure, you might try a church.

Since moving to San Diego more than eight years ago, I have stepped out into my front yard many times to see if there is a hotel sign hanging from my bougainvillea. The relatives have discovered Southern California — and free room and board.

And I have discovered, rediscovered and re-discovered San Diego.

It took me five years to find the Immaculata. I had spied its blue-mosaic dome from Interstate 8 for years, reminding myself each time to go and check out the Catholic church that anchors the University of San Diego.

Then, one day, I did.

It is lovely. The largest church building in the San Diego Diocese, the Immaculata is a cool retreat from the heat of the city just a few blocks below.

POST CARDS

Wish you were here...

Play tourist on your own turf —
you'll have something to
write home about.

Along the sides of the cavernous, marble-floored sanctuary are little prayer chapels, each with its own design. Other walls show off delicate mosaics whose intricacies could captivate you for hours.

But perhaps most impressive are the stained-glass windows. Many are from the private library of the late Bishop Charles Francis Buddy, San Diego's first bishop, who oversaw the building of the Immaculata, completed in 1959.

When the sun is just right, its rays dance through the colors of the stained glass, creating an indoor kaleidoscope that rivals even the best of our high-tech laser art.

Outside, the architecture is California Spanish, and the landscaping is colorful and manicured.

The Immaculata usually is open from about 7:30 a.m. to about 4 p.m. To reach the church, take Linda Vista Road to Marian Way into the campus.

And the best part: It's free.

— SANDI DOLBEE

USD professor reportedly in line for local U.S. attorney job

■ Critics decry Alan Bersin's recommendation, saying choice for largest city on southern border should be an Hispanic.

From Commerce wire reports

Sen. Barbara Boxer has recommended to the White House that University of San Diego visiting law professor Alan D. Bersin be selected as the next U.S. attorney here, a newspaper reported this week.

Rose Kapolczynski, Boxer's state director, said a person had been recommended but wouldn't confirm that it was Bersin.

"The White House has asked us not to reveal any of the names that we forward to them in the judicial process until they have a chance to do their background checks and review the nominee," she said.

The San Diego Union-Tribune, however, said anonymous sources confirmed that Boxer had recommended Bersin, 46. President Clinton may accept or reject the recommendation, but his ultimate nominee must be approved by the U.S. Senate.

Bersin's reported choice was criticized by some who believe a Hispanic should be the top federal law-enforcement figure in the largest city on the southern U.S. border.

Other reasons cited were San Diego's large Hispanic population, the proposed North American free-trade pact and border-related problems including immigration which comprise much of the office's caseload.

"It's painful," said Latina Leaders chairwoman Irma Munoz, who contends Clinton is breaking campaign promises to put minorities and women in important federal posts in proportion to their percentage in the community.

Bersin's supporters, however, say he would bring impressive academic credentials to the job while fulfilling Clinton's promise to shake up the federal government.

Unlike many other candidates, Bersin has no allegiance to the vast federal law-enforcement bureaucracy and would effectively implement broad policy shifts expected under Attorney General Janet Reno, his supporters told the Union-Tribune.

Assistant U.S. Attorney Maria Arroyo-Tabin, chief of the U.S. Attorney's office criminal division in San Diego, campaigned hard for the job and was endorsed by several minority groups including the one headed by Munoz.

Though she, Assistant U.S. Attorney Gregory A. Vega and several non-minority candidates all won favorable ratings from Boxer's selection committee, Bersin was the only one of at least nine aspirants given the top rating of "exceptionally well-qualified," sources told the newspaper.

Bersin, 46, and Clinton have been friends since they met at Oxford as Rhodes scholars and later attended Yale Law School together. Last year, Bersin managed the Clinton-Gore campaign in San Diego.

A senior partner at a Los Angeles firm, Bersin has represented clients including the Philippine government in its bid to regain millions stolen from its treasury by former President Ferdinand Marcos and Bank of America in its successful recovery of \$140 million from the National Mortgage Equity Corp.

Current U.S. Attorney James W. Brannigan Jr. was sworn in last month. He succeeded Bush appointee William Braniff, who stepped down after Reno asked for the resignations of all holdovers from the previous administration.

Brannigan, a career prosecutor and Democrat, did not apply for the \$113,500-a-year job. He will step aside when Clinton's pick is sworn in.

Bersin moved to San Diego from Los Angeles last June to accept a job as a visiting professor at USD's law school.

If nominated and approved by the Senate, he would become one of 94 U.S. attorneys nationwide.

U.S. attorneys prosecute federal crimes, defend the United States and agencies of the federal government in lawsuits and act as the local instruments of U.S. Justice Department policy.

HYMER

Continued from page 2

by making sure you comply with the law and that your files provide a complete record that you did so.

◆ *Dian Hymer is an East San Francisco Bay Area Broker Associate with Coldwell Banker and the author of "Buying & Selling a Home in California," Chronicle Books, San Francisco.*

5-20-93

Law Professor Endorsed for U.S. Attorney

■ **Law enforcement:**
Boxer recommends Alan
D. Bersin as the nominee
for the coveted post in San
Diego and Imperial
counties. He was a Rhodes
scholar with Clinton.

By HENRY WEINSTEIN
TIMES LEGAL AFFAIRS WRITER

Alan D. Bersin, a University of San Diego law professor, is slated to become the new U.S. attorney for San Diego and Imperial counties, legal and political sources said Thursday.

Sen. Barbara Boxer has recommended to President Clinton that he nominate Bersin, 46, a Rhodes scholar with the President in the late 1960s, for the highly coveted position of top federal law enforcement official in the two counties, both of which border Mexico.

Sam Chapman, Boxer's top aide, would say only that the senator has sent her recommendation to Clinton. Although the President makes the formal nomination, senators are usually accorded considerable deference on these appointments.

Under a power-sharing agreement between California's two new senators, Boxer gets to make the recommendations for U.S. attorney in San Diego and San Francisco, while Dianne Feinstein has that prerogative in Los Angeles and Sacramento.

Chapman said that in making her selection, Boxer "relied heavily" on the advice of a committee of eight San Diegans, headed by Sister Sally M. Furay, provost at the University of San Diego. The committee included three Latino lawyers, two of whom are women; retired federal Judge J. Lawrence Irving, and discount store executive Sol Price.

Bersin worked at the Los Angeles law firm Munger, Tolles & Olson from 1975 until last summer when he moved to San Diego. His wife, Lisa Foster—an attorney and Common Cause leader—is from San Diego, and Bersin was active in the Clinton campaign there.

It is unusual, although not unprecedented, for a lawyer to garner a U.S. attorney's job in a city where he is not a longtime resident. Sources close to Boxer said they considered Bersin, who speaks fluent Spanish, clearly the best candidate.

Bersin, who declined comment, is undergoing the routine background check. He beat out six aspirants, including a Latina, Maria Arroyo Tabin, who heads the criminal division of the U.S. attorney's office in San Diego.

Some Latina activists who had hoped Arroyo would get the job decried the choice of an Anglo male, particularly one who had spent the bulk of his legal career in Los Angeles.

"Here we have a Latina who is very well qualified," said Irma Munoz, former chairwoman of the San Diego County Democratic Central Committee.

Please see BERSIN, A23

BERSIN

Continued from A3

But Sergio Feria, president of the San Diego La Raza Lawyers Assn., said Bersin would do a fine job and bring a fresh perspective to the office.

"Hopefully he'll be able to direct the office's resources to areas that have not gotten resources in the past—white-collar crime and abuses by the Border Patrol," said Feria, whose organization initially endorsed Arroyo and another federal prosecutor, Gregory Vega.

Although Bersin has never been a prosecutor, he specialized in complex fraud cases at Munger Tolles. He represented the Philippine government in its efforts to recover millions of dollars looted from the country's treasury by the late dictator Ferdinand Marcos and his wife, Imelda.

In another high profile case, Bersin was one of several Munger Tolles lawyers who helped Solomon Bros. clean house in the aftermath of financial scandals at the brokerage firm.

Bersin served twice as a special counsel to the Los Angeles Police Commission in the 1970s. He also represented the city of Los Angeles on a pro bono basis, from 1987 to 1991, in litigation contending that the county of Los Angeles exacerbated homelessness by refusing to provide essential food and shelter to indigent residents. Working in concert with legal aid lawyers, the city obtained \$38 million in improvements to the general relief system.

A native of Brooklyn, Bersin studied political science at Harvard University, where he was an all Ivy League football player. After spending two years as a Rhodes scholar in England, he studied law at Yale University and moved to California in 1974.

USD's Mentor Program Lets Students Learn From Each Other

By Tracy Walsh
The Southern Cross

SAN DIEGO — Twenty-year-old **Amy Denton**, who has worked with kids ever since she was old enough to get a job, was excited when she learned about the mentoring program as a freshman at the University of San Diego.

"I saw it as a new angle. Instead of being a source of fun or protection for kids, this was a way to have a more direct influence on them," she says. Now about to enter her junior year, Denton acts not only as a mentor to a junior high student but also as a program coordinator.

The student-run program began four years ago as part of the school's community service volunteer projects. The program is geared to let younger kids see what college life is all about and help them aim towards it, Denton explains. Forty college students are paired up with students from Montgomery Junior High who feel they need a special friend. Typically the mentor/mentee pairs spend

time together twice a week for a year.

The program's emphasis is on academics, building friendships and developing self-esteem. The pairs are matched based on their interests. Although they do fun things together they have to incorporate school work as well.

The university's goal for the program is to link community service with learning. "We want students to incorporate what they learn in the classroom with what they see in the real world," says **Judy Rauners**, the adult supervisor for the volunteer projects.

Denton, for one, feels the program is very successful. "We learn so much. It just enlightens you to the world and makes you more well-rounded."

"We really learn from each other," she adds. "My mentee (Stacey Ryan, 14) sees that college is not all fun and partying. It's study, study, study. And I get to see what's going on in her world and where she's coming from."

The pair have been matched up for a year and a half and in that time Denton says she has seen Ryan grow in self-confidence. They see each other frequently and do lots of different things together from studying to going to the beach.

"Stacey is the oldest kid in her family and she looks to me as a friend," Denton says. "It takes most of these kids time to click. They're not ready to be best friends with anybody right away. Some-

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LOCAL CHURCH

Mentor Program...

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times it takes a while."

Jason Orlando, a junior who also helps coordinate the program, agrees. "I think if you asked these kids what they got out of it right now they would say they get to do fun things with an older

person. I don't think they'll realize until later that it's giving them something to shoot for."

Orlando began as a mentor out of "a desire to help people." "I liked that I was showing someone younger than myself what you can do if you really try."

Most of the junior high students in the programs do not have the support at home which allows kids to feel their dreams are within reach. Denton says the mentors give them that support and often get very attached to their mentees.

Problems do arise from time to time. Either the pair doesn't click or more serious problems crop up. Some problems the mentees face arise from their home life like neglect. Others like gangs,

drugs, sex and pregnancy are related to peer pressure. Orlando admits that working with the younger students gives a lot of the mentors a real "reality check."

Junior Tom Vertetis, who will be student body president in the fall, says that despite the problems these kids face, most are "very responsive" to the their mentors.

"My mentee and I got really close. I became almost part of his family," Vertetis says. "I know his grades improved during the year we spent together. Once I took him to the library

here at USD and he was in absolute awe at the size and beauty of it. It had a real impact on him."

The mentor program, formally known as Volunteers for Youth, is just one of 16 volunteer opportunities open to USD students. Other popular programs which deal with youth are the Linda Vista Kids Project, a one semester commitment to spend time after school with kids of working parents, and Newcomers Saturday School, a one semester program which is to help a newly arrived immigrant/refugee adjust to life in the U.S.

U.S. attorney pick: USD's Alan Bersin

Choice criticized by Latinos

By PHILIP J. LaVELLE
Staff Writer

Sen. Barbara Boxer has recommended University of San Diego visiting law professor Alan D. Bersin to the White House to be the next U.S. attorney here, informed sources confirmed yesterday.

Bersin's choice sparked criticism from backers of a Latina candidate while garnering praise from his supporters, who say privately that he will bring impressive academic credentials to the job.

These supporters also say he would fulfill Clinton's promise to shake up the federal government. Unlike many other candidates for the job, Bersin, these sources say, has no allegiance to the vast federal law-enforcement bureaucracy and would effectively implement the broad policy shifts expected under Attorney General Janet Reno.

Bersin has steadfastly refused to discuss

what changes he would make in federal law enforcement here. But Reno has already come out against mandatory sentencing for some federal criminals, such as first-time drug offenders, signaling that Clinton's Justice Department is poised to dismantle one of the hallmarks of the tough-on-crime Reagan-Bush years.

Bersin's selection sparked complaints of favoritism — he and Clinton have been friends since meeting as Rhodes scholars — and came despite political pressure to name a Latino as the top federal law-enforcement figure in America's largest border city.

"It's painful," said Irma Munoz, chairwoman of Latina Leaders, who has backed a local Latina federal prosecutor for the job.

Munoz claimed that Clinton is breaking cam-

paign promises to put people of color and women in important federal posts in proportion to their percentage in the community.

"If the president had not led me to believe in this place called Hope, it wouldn't be so difficult to accept," Munoz said.

But even prosecutors who have privately expressed concern with Bersin's lack of criminal-law experience welcomed news of his recom-

mendation yesterday, saying it brings the San Diego U.S. Attorney's Office one step closer to having a permanent boss during the Clinton administration.

They also said they hope his expected nomination will put an end to the vigorous politicking for the job, which has polarized the U.S. Attorney's Office, an agency that is expected to be apolitical.

"The sooner the better," said one prosecutor, speaking on condition of anonymity. "We need to put this behind us, get behind the new U.S. attorney and get back to business."

Assistant U.S. Attorney Maria Arroyo-Tabin, chief of the U.S. Attorney's Office's criminal division, had campaigned hard for the job and won endorsements from sever-

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Wednesday, May 19, 1993

THE SAN DIEGO UNION-TRIBUNE

Bersin

Professor reportedly
chosen for U.S. attorney

Continued from A-1

al minority groups, including Munoz's Latina Leaders.

But she didn't win the top rating of "exceptionally well-qualified" from Boxer's San Diego selection committee, sources said. Of at least nine applicants, only Bersin won that rating, these sources said.

Boxer had other minority choices beside Arroyo: Assistant U.S. Attorney Gregory A. Vega also won a favorable rating from the selection committee — as did other non-minority candidates, sources said — but not the top rating.

Vega, who also had won the backing of minority groups, declined to comment yesterday, and Arroyo could not be reached for comment.

Current U.S. Attorney James W.

Brannigan Jr. was sworn in last month, replacing Bush administration appointee William Braniff, who stepped down after Reno asked for resignation letters from all Bush administration holdovers.

Brannigan, a career prosecutor and Democrat, did not apply for the \$113,500-a-year post and will step aside after Clinton's pick is sworn in.

Clinton may accept or reject Boxer's recommendation. Whoever Clinton nominates must be approved by the U.S. Senate.

Bersin, 46, moved to San Diego last June from Los Angeles to accept a job as a visiting professor at the University of San Diego's law school.

He met Clinton when the two

were at Oxford as Rhodes scholars, and they kept up their friendship while attending Yale Law School together. Last year, Bersin managed the Clinton-Gore San Diego campaign.

Bersin is a senior partner at the Los Angeles firm of Munger, Tolles and Olson. He has handled complex major litigation, representing such clients as the government of the Philippines in its bid to regain some of the millions former President Ferdinand Marcos stole from the treasury, and Bank of America in its successful recovery of \$140 million from the National Mortgage Equity Corp.

During the Reagan and Bush administrations, the San Diego U.S. Attorney's Office dramatically in-

creased drug prosecutions here, helping give San Diego's federal court the heaviest criminal caseload in the nation.

Today these narcotics prosecutions account for more than 60 percent of the office's criminal work.

Most of these cases are generated at the international border. This, coupled with San Diego's Latino population, San Diego's immigration problem and the looming free-trade agreement with Mexico, had fueled calls for a Latino U.S. attorney here.

Rose Kapolczynski, Boxer's state director, said yesterday that a name had been recommended, but she declined to confirm it was Bersin.

Latinas Criticize Boxer's Outsider For U.S. Attorney

*They Say Job Should Go To
Maria Arroyo-Tabin For Her
Experience, Not A Newcomer*

By PAMELA WILSON

San Diego Daily Transcript Staff Writer

President Clinton is facing a local tempest during his brief visit to San Diego as battle lines are drawn over Sen. Barbara Boxer's apparent decision to recommend a newcomer for the U.S. Attorney's post here.

The former head of the county Democratic Party said she is asking the president during his visit to consider appointing experienced federal prosecutor Maria Arroyo-Tabin as the new U.S. Attorney in San Diego.

Irma Munoz made the plea yesterday during a press conference called to criticize the apparent selection of Los Angeles lawyer and recent San Diego resident Alan Bersin as Boxer's choice for the post.

While Boxer has made no announcements, the *Transcript* and other papers have quoted "reliable sources" who say Bersin has Boxer's approval. Munoz said mutual friends told her Arroyo-Tabin received a letter from Boxer on Saturday saying she would not be recommended to the president. In a power-sharing agreement, Boxer and Sen. Dianne Feinstein agreed Boxer will make the recommendation on the U.S. Attorney here.

The president arrived in town yesterday and is scheduled to leave for Los Angeles today.

Democratic Party Chair

Munoz chaired the Democratic Party Central Committee from 1986 to 1990, co-chaired a Hispanic Clinton campaign committee and recently co-founded Latina Leaders of San Diego County. She said selection of a white male newcomer over an experienced Hispanic local betrays Clinton's promise to establish a new era of diversity.

Munoz emphasized that she was not criticizing Clinton, who she doubted knows of Arroyo-Tabin. Rather, Munoz said, Latina Leaders was forced to use unconventional means to bring the issue to the president's attention after learning last weekend that Boxer would not recommend Arroyo-Tabin.

"We are not here to criticize President Clinton," Munoz said. "We are here to work with him and be part of his team. We believed your promises of no 'business as usual,' which means no more cronyism, no more old-boys' network."

Members of Munoz's group said they hoped to raise the issue with

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(cont'd) →

Latinas Criticize Boxer

Continued from Page 1A

Clinton during a televised question-and-answer session last night at KGTV Channel 10.

A handful of prominent local Democrats are also scheduled to meet with the president this morning, and one lawyer due to attend said the topic of the U.S. Attorney's post was likely to come up.

Neither Arroyo-Tabin nor Bersin could be reached yesterday for reaction to Boxer's decision.

Bersin, a senior partner at the Los Angeles firm of Munger, Tolles & Olson, is on a sabbatical leave from the firm, and last August began teaching part time at University of San Diego Law School. Like Clinton, Bersin was a Rhodes scholar at Oxford and a graduate of Yale Law School. He was also an important fund-raiser for the president's campaign.

Civil Expertise

His expertise is in the area of complex securities and insurance civil litigation. He helped represent Salomon Brothers Inc. in the internal investigation of trading irregularities targeted in a government probe, and represented the Philippine government in legal efforts to recover funds from the estate of Ferdinand Marcos.

Critics of Boxer's choice note Bersin has no criminal law experience, while Arroyo-Tabin has worked for the Department of Justice for 15 years, including 13 at the U.S. Attorney's office here, where she became the first woman to head the criminal prosecution unit. Some detractors also question why Bersin did not apply for the post in his hometown, Los Angeles.

But others in the legal community said Bersin has the credentials to do a good job, and as an outsider will bring a fresh approach to the position.

Criticism Dismissed

One former contender for the job who declined to be named dismissed criticisms of Bersin as a carpetbagger, saying it mattered little that he moved to San Diego recently.

"He's got the smarts. He will take a totally fresh approach."

Another attorney who sought the post expressed similar sentiments, saying, "I wish him the best. It will be a good injection of new blood in the office. By all accounts, he is

very able, very personable."

Assistant U.S. Attorney Judith Feigin was one of a few people willing to speak on the record about Bersin's apparent selection. "I don't care where he's from as long as he's good. But some other people are apoplectic about it."

Attorney Raymond Jerry Coughlan Jr. also downplayed Bersin's recent arrival in San Diego. "I happen to think it's terrific. I think he is exceptionally well-qualified. I have no problem with the regional issue at all."

More Than 2 Considered

While news reports said Bersin and Arroyo-Tabin were the only two candidates given a final approval by Boxer's advisory committee, one contender who asked to remain anonymous said that Boxer definitely considered more than two names.

That candidate said the selection process was frustrating because the advisory committee never let candidates know what they were looking for.

"I never understood what the qualifications were," the ex-candidate said. "If a qualification was work as a prosecutor, you have to wonder. And if they were truly looking for someone who never worked in the (U.S. Attorney's) office, that should have been made clear."

The committee Boxer appointed to screen candidates included two people who already knew Bersin: USD School of Law Provost Sally Furay and professor Bob Fellmeth.

Defection Hurt

Some observers suggested Arroyo-Tabin's defection from the Democratic Party in the 1980s and her return near the time of Clinton's election may have doomed her chances of getting the nod.

However, if party loyalty, activism and fund-raising were key requirements for the post, it is unclear why Arroyo-Tabin advanced so far in the selection process.

Rivian Taylor, an attorney and member of Lawyer's Club who attended the press conference, dismissed suggestions that Arroyo-Tabin's stint as a registered Republican was the "kiss of death."

Taylor said Boxer's apparent choice of Bersin seemed more aimed at currying favor with the president than at paying back political

debts in San Diego.

"Cynicism is an underrated commodity today," Taylor said. "I wanted Maria to get this post in the worst way. I foolishly thought merit would be the most important criteria."

Well-Qualified

Munoz called Arroyo-Tabin

eminently qualified, as evidenced by her service as a U.S. Army officer, her ranking in the top 15 percent of her class at USD, her experience as a prosecutor and her community service.

Munoz said Bersin was less qualified, not from the district and not supported by the community.

"We have the talent in San Diego," Munoz said.

Noting that Arroyo-Tabin was not involved in the press conference, Munoz added, "This is not just about Maria. It is about Latinas being recognized for their talents and resources."

"We are outraged. She has the credentials and has paid her dues."

Munoz said it is especially frustrating that political leaders frequently claim they cannot appoint minorities or females to posts because there are no qualified candidates. Now an exceptionally qualified candidate is available but appears fated to be passed over for a white male.

"We urge President Clinton to take bold, decisive steps that capitalize on diversity," Munoz said.

Yolando Salcido, chairperson of the Mexican American Political Association, said she too is unhappy that a qualified Latina is being rejected.

"We are constantly being told qualified people don't apply, and yet here we have one of the best qualified, and still she's not good enough. That's a great disappointment."

SAN DIEGO COMM

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Call 1-800-FOR SALE

Consumer advocates warn that 800 numbers are very convenient - for marketers

BY MARCY JOYCE

Special to San Diego Commerce

Quick. Dial this free 800 number to get on our marketing list so we can sell your name and buying habits to anyone who is interested.

Doesn't sound very appealing? That is the ploy behind a lot of 800 number gimmicks, according to the Public Utilities Commission.

Consumers who place orders by dialing 800 or 900 numbers may face unforeseen consequences. They may end up paying for what they thought was a toll-free call, and their phone numbers may be recorded in a database and sold to relentless telemarketers.

Telemarketing companies frequently trade and sell lists of names and phone numbers. A bill proposed by Assemblywoman Gwen Moore, (AB660), would require companies to indicate what they intend to do with their phone numbers and addresses. Under AB660, people would be informed over the phone that information about them can be found by simply retrieving their computer file.

"Let's say you're calling Land's End, the mail order catalog, and you're a long-time customer," said Beth Givens, Privacy Rights Clearing House project director at USD's Center for Public Interest Law. "When you call from your

home phone, what happens is that the phone number information on the wire goes ahead of your call."

In other words, companies can often identify a caller before the phone actually rings.

"So they could say when they pick up the phone, 'Hello, Beth. How are you today?'" Givens said. "American Ex-

press used to do that, but people got so upset. They'd say 'How did you know that? How did you know I was calling you?' So now they pretend they don't know but they really do."

Automatic Number Identification, also known as ANI, is what makes the screen display of phone numbers, addresses, income levels and items purchased possible. ANI is approved by the Federal Communications Commission, yet companies are not required to say they employ this convenient technique which saves the time it would take for operators to find the needed information about a caller. Once a person's phone number has been obtained via ANI, it can be sold to a plethora of telemarketers.

According to Givens, people whose phone numbers are on telemarketers' lists are sought after "with a

vengeance."

"I think people who respond to 800 number ads on TV would have the problems," Givens said. "They would be



"When you call from your home phone, what happens is that the phone number information on the wire goes ahead of your call."

— Beth Givens, project director,
Privacy Rights Clearinghouse

Deborah Dadiani/San Diego Commerce

See CALL, page 2

Senate approves measures affecting

COMMERCE

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and their Democratic allies in the Assembly and Senate Judiciary committees.

By omitting most such proposals, the governor's package displays a more pragmatic, less dogmatic approach to

ported the bills in concept.

But other observers voiced little hope for any tort reform becoming law in 1993, the first year following the expiration of a five-year truce between the

FETUS

Continued from page 1

The panel said its decision was not inconsistent with *Roe v. Wade*, the U.S. Supreme Court ruling permitting mothers to abort in the first 13 weeks of pregnancy.

"In our view Roe's teachings do not apply to a situation where a third party kills a fetus without the mother's consent," Froehlich wrote. "When the state's interest in protecting the life of a developing fetus is not counterbalanced against a mother's privacy rights to an

abortion, the state's interests should prevail."

Robert A. Davis was sentenced to life without the possibility of parole for shooting Maria Flores and killing her 25-week-old fetus, in a botched attempt to steal her welfare check.

Lawyers for Davis argued that the court's jury instruction - a viable fetus has the possibility of independent existence, though aided by artificial medical means - was a denial of due process. Davis asked for a narrower definition - that the fetus must be normally capable of living outside the womb.

The appeal court said both definitions

SUPPORT

Continued from page 1

The bill creates a rebuttable presumption that when both parents agree the grandparent should not have visitation rights, visitation is not in the child's best interest.

The bill is supported by the California Judges Association, which believes it fairly balances the rights of parents, grandparents and children. But it is opposed by the State Bar Family Law Section, which believes making it easier for more people to intervene in custody matters will create confusion and increase litigation.

The bill would create an independent action by allowing grandparents to petition the court for visitation rights in any situation unless the parents are still married and one or more of the following circumstances exist:

- ☐ The parents are living separately and apart on a permanent or indefinite basis.
- ☐ One of the parents has been absent for more than a month without the other spouse knowing of his or her whereabouts.
- ☐ One of the parents joins in the petition with the grandparents.
- ☐ The child is not residing with either parent.

The bill also requires all matters related to grandparents' visitation to be subjected to arbitration.

CALL

Continued from page 1

the ones that probably receive a lot of telemarketing calls because they're known as someone who responds to 800 number ads on TV. And those are called in impolite terms 'sucker lists' and in polite terms they're called 'opportunity seekers lists.' "

The California Public Utilities Commission warned that 800 and 900 number calls are not necessarily free. If the number uses ANI, callers may reach a recording advising that they will be called back collect, or they may be given a 900 number to call, which is likely show up on the phone bill.

The CPUC also said those who call 800 and 900 numbers to tell the representative they do not want their name, number or address in the company records - they should make it clear they do not want this information sold to other companies.

Givens has an effective way to deter telemarketers: She says she never buys anything over the phone and she asks that she be taken off their list.

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5-18-93

Neil Morgan

What really upsets you at Lindbergh Field?



As we all flew beside a new downtown skyline to land at Lindbergh Field not so many years ago, our major shock in looking out our windows was to see what people were drinking at the bar in the Sky Room of El Cortez Hotel. The bar is shut-

tered now, and instead, as we look out our plane windows, we are aghast at being able to read the license plates of cars parked on the roof of the Laurel Street garage just below us.

But William Harden, the Port District's new airport manager, has been up in the Lindbergh control tower with tower chief Tom Kamman, and they've had earnest discussions about the approach slope along which planes find their way down to Lindbergh Field.

"It's not the parking garage that's the limiting factor," he says. "It's the terrain, the ground, long before you get to the parking garage. That garage may look in the way, but it's really not. The FAA went all through that. They pay strict attention to the approach slope. The FAA has the authority to make property owners cut down trees or even prune them."

For Dulbecco, no place to hide:

Renato Dulbecco, our Italian-born Nobel laureate, left his Salk Institute laboratory reluctantly to run the institution during the search for a president. That search ran into months, then years; when Brian Henderson came this year, Dulbecco gracefully and gratefully fled San Diego. Back home in Italy on a six-month sabbatical, he was celebrating his release from administrative duties.

But then he picked up his morning copy of Milan's daily *Corriere della Sera*, and found a splash about an "ideal Cabinet" for Italy's new prime minister. Dulbecco saw his picture on Page 1 as Italy's proposed minister for universities. With that, he and his wife Maureen fled to Switzerland.

Seuss and Levine win a case:

Attorney Harvey Levine believes that Dr.

Seuss helped to win a maritime case for him in U.S. District Court here the other day. "I didn't plan it," he says. "I don't know where it came from. But in my closing argument I looked around the courtroom and saw all these exhibits the opposition lawyers had put up on easels and none of them seemed right to me. I heard myself telling the jury how I used to read my daughter to sleep with 'One Fish, Two Fish, Red Fish, Blue Fish.' Then I found myself walking around the courtroom holding up these strange exhibits and reciting from Dr. Seuss: 'One fish, two fish, red fish, blue fish . . . From there to here, here to there, funny things are everywhere.' When I saw some jurors smile, I guessed it was all right."

While Clinton's awake, Novak worries:

At a recent USD luncheon, the conservative commentator Robert Novak told San Diego businessmen how he measures a president's effectiveness: the more he sleeps, the better he leads the country. Novak compared the performances, awake and asleep, of the insomniac Bill Clinton and George Bush with his two favorites, Calvin Coolidge ("he slept 13 hours out of 24") and Ronald Reagan ("he kept his sleeping hours secret"). Paraphrasing an old Texas adage about its legislature, Novak said: "No president of the United States has ever done this country any damage while he was asleep in the White House."

Novak scored heavy points with his audience later when he talked about U.S. intervention abroad:

"There are 48 wars taking place in the world, and there are atrocities going on in every one of those. . . . We intervened in Somalia because there were CNN cameras there, and we're getting ready to intervene in Bosnia because there are CNN cameras there. I thank God every night that CNN, the organization I work for, doesn't have an unlimited budget."

Canadian grass looks greener:

Dr. David Stonecypher is a retired San Diego

physician who spends five months each year in British Columbia. He left San Diego last month for Lone Butte, B.C., about the time that Canadian medical care was being held up by many in Congress as a model for America's new health-care system.

Now he writes urgently from Lone Butte:

"I am dumbfounded by the thought that the United States should follow the Canadian health plan. Medical care is a major factor responsible for bankrupting British Columbia. Saskatchewan has just closed 49 community hospitals because it couldn't afford them or because politicians built ones they didn't need. Expensive hospital wards are closed for lack of operating funds. Patients wait months for elective surgery. Doctors and nurses strike for higher wages and better facilities. Taxes climb year after year, but schools, roads and Indians go underfunded as taxes pay for socialized medicine."

The way San Diego looks to them:

Bennett Wright, a retired naval officer, has traveled the world enough to know an oxymoron when he patronizes one, on Adams Avenue: Ye Olde Taco Shoppe. . . . Ann Davies spotted the license plea for identity from a young woman in the next lane on I-5: IMSUM12. . . . At the Holding-owned Westgate Hotel, Howard Connor claims a point of pride: "We're the only major hotel I know in San Diego that guarantees a 40-hour week to all employees." . . . Among recent guests at Tecate's health spa, Rancho La Puerta: *The New York Times* editor Max Frankel. . . . Friends of Councilwoman Abbe Wolfsh-eimer are behind a roast of her and City Council on May 27 that is billed as "The Council Follies" and seems sure to get out of hand. Among the cast of "Impostors" are Wes Pratt, Peter Navarro, Kit Goldman and Evonne Schulze.

NEIL MORGAN's column appears on Tuesday, Thursday and Sunday.

Making the grades

Inflation is on the rise.

That's *grade* inflation, or the tendency to hand out A's and B's with increasing promiscuity, thus weakening the gold standard of American education.

Anxiety over grade inflation is not new, of course, but when it hits the nation's top universities, it's hard not to take notice.

For example, 43 percent of Harvard's grades are now A's or A-'s, compared with 22 percent two decades ago. These numbers are duplicated at other outstanding universities like Stanford and Princeton. Across the board, the number of A's is rising and the number of gentlemen's C's dropping. D's and F's are as rarely seen on campus as black socks worn with plaid Bermuda shorts.

While it's conceivable that students today deserve the high marks, university administrators know better. They worry that college courses will devolve into dumbed-down driver's tests where the average student expects to pass with ease and the above-average student expects to excel.

Both Harvard and Stanford have created committees to study what to do about grade inflation.

Down the academic ladder, evidence of grade inflation can be detected in the nation's high schools. The average GPA for those taking the Scholastic Aptitude Test between 1988 and 1992 increased from 3.07 to 3.12. Mean-

ality on the opposite page — some teachers in public and private high schools and universities may yield to the temptation to bolster the spirits of their beseeching students with watered-down A's and B's.

It's as if they are saying that life, my dears, has dealt you such a terrible hand that I'll play the role of benevolent God and embolden you before your dreams are shattered in the cold real world.

However, at the end of the school year, these kind-hearted teachers don't deserve thanks. In the long run, the big losers will be the marginal scholars who may harbor inflated notions of their own abilities in science, mathematics or the humanities.

It's bad enough when international tests show American students ranking

quite low in math ability when compared with Asian and European students, but it's exquisitely painful to learn that American students consistently overestimate their proficiency. Asian and European students, on the other hand, tend to

underestimate theirs.

In education, as in everything else in life, false pride goeth before the fall.

If the United States is serious about improving public and private higher education, the restoration of the value of top grades — maybe a tough national performance standard for A's and B's in key subjects — might be a good place to start. By fostering a new era of *grade deflation*, educators would be

The main reason for grade inflation, other than pedagogic slackness, may be misplaced pity — for students and their perpetually worried parents.

F BROADWAY

Dr. Mark Riedy To Be First Holder Of USD's Hahn Chair

Dr. Mark J. Riedy, former president of the Federal National Mortgage Association, has been selected as the first holder of the Ernest W. Hahn Chair of Real Estate Finance at the University of San Diego's School of Business Administration.

Riedy comes to USD from the National Council of Community Bankers in Washington, D.C., where he served as president and chief executive officer from 1988 to 1992. He will assume his full-time duties of teaching, dialogue and research in real estate finance in September.

"We were fortunate to attract an individual of Dr. Riedy's caliber and experience to launch this important academic chair," said USD President Author E. Hughes.

"Ernie Hahn dedicated himself to improving the quality of life in America through superior real estate development," Hughes added. "The Hahn Chair, under Mark Riedy's guidance, will further that mission."

The Hahn Chair was the brainchild of friends and associates of the late Ernest W. Hahn, a national pioneer of commercial real estate development and the first lay chairman of USD's Board of Trustees until his death Dec. 28, 1992.

A 23-member steering committee headed by Daniel F. Mulvihill, chairman and chief executive officer of Pacific Southwest Mortgage, is raising \$1.5 million to create the endowment fund supporting the Hahn Chair.

"After the traumatic decade of the 1980s, the real estate industry continues to undergo revolutionary changes," Mulvihill said. "The future of real estate financing demands serious study by our best and brightest minds. The selection of Mark Riedy for this post is an exciting step in that direction."

Ronald E. Hahn, chairman of the board of the LandGrant Development company and a leading member of the steering committee, said the Hahn family has been enthusiastic about the chair.

"My father was an ardent proponent of higher education and of greater professionalism in the real estate industry," he said. "A chair in real estate finance at an institution of higher learning that he deeply loved is a most appropriate tribute, and we think Mark Riedy is an excellent choice."

Before taking the helm of the National Council of Community Bankers, Riedy was president and chief operating officer from 1985-86 of the J.E. Robert Cos., one of the nation's largest real estate workout firms.

At the Federal National Mortgage Association, where he served as president, chief operating officer and a director, he was responsible for day-to-day management and achievement of profit objectives.

Riedy earned his Ph.D. in business economics at the University of Michigan in Ann Arbor in 1971. He has held a variety of other positions within the real estate finance industry, including executive vice president and chief operating officer of the Mortgage Bankers Association of America and vice president and chief economist of the Federal Home Loan Bank of San Francisco.

He also has served as senior staff economist of the President's Council on Economic Advisers and has taught at the University of Colorado. He currently serves on the board of directors of St. Vincent de Paul Village in San Diego.

Riedy will be responsible for developing a major program in real estate finance at the USD School of Business Administration. Ultimately, with the Hahn Chair as a catalyst, the university plans to establish a center for the study of real estate finance.

May 9, 1993

B-2

C

THE SAN DIEGO UNION-TRIBUNE

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Foundation funds USD science chair

San Diego

The University of San Diego has established its first endowed chair in the sciences, established through a \$1.5 million award from the Fletcher Jones Foundation.

To fill the chair, the university plans to hire a teacher-scholar in developmental biology to enhance the reputation of its relatively new biology department.

The foundation was established through a bequest from the late co-founder of Computer Sciences Corp., an El Segundo-based company with divisions in San Diego.

Coast Guard Band schedules concert

San Diego

The Coast Guard Band will give a free concert at 2:30 p.m. today

Lottery results

Unofficial results

Saturday, May 8, 1993

SUPER LOTTO

1-3-7-28-36-38

Jackpot: \$3.2 million

DAILY 3

2-5-1

to the water.

County health experts will test Sail Bay for bacteria before deciding when it should reopen, said Larry Bodenhamer, a county hazardous-material specialist.

The spill happened at noon when a temporary pump station failed, causing sewage to back up and ooze out of a manhole at Mission Boulevard and Pacific Beach Drive near the Catamaran Resort Hotel. A storm drain carried the sewage to the bay.

A city Water Utilities Department crew ended the 45-minute spill when it got the pump station working again, Bodenhamer said.

Balboa statue plan may change

San Diego

A proposed monument to Spanish explorer Vasco Nunez de Balboa in Balboa Park may not include the image of Balboa after all, says philanthropist Elizabeth North.

Instead, a four-sided obelisk may be built, with the panels depicting facets of San Diego's cultural diversity through time, said North, who with her daughter, Gaye, is donating \$150,000 to erect the monument near the San Diego Aerospace Museum.

Elizabeth North met with 21 representatives of various ethnic groups Friday and asked them to forward quotations, historic photographs, drawings and other in-

Jurors hear

Witness tells them she Akiki driving a pickup

By JIM OKERBLOM
Staff Writer

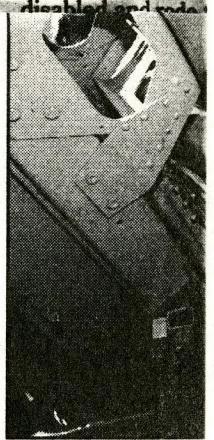
A woman testified Friday that she saw accused child molester Dale Akiki driving a pickup truck at least three times, backing up prosecutors' contentions that Akiki drove children around to molest them.

The woman had never mentioned seeing Akiki drive to investigators

tors contend he house — they don't where they were and terrorized.

Akiki, who is 30, has never been licensed to drive a car, and friends said he learned but couldn't normally drive a three-wheeled scooter or motorcycle.

few dollars each to be photographed sitting in it. The fair also included helicopter rides, an FAA control-tower open house and drawings for a free plane.



Env

Trash warriors bu

By EMMET PIERCE



Putting a quarrelsome past behind them, local government leaders broke new ground April 30 by giving preliminary approval to reorganize the county's overburdened trash system.

Previous dealings between the county and the cities over waste issues were often acrimonious, producing more talk than action. Indeed, Carlsbad, Oceanside and Escondido became so disenchanted that they formed a joint-powers authority last year to weigh the merits of abandoning the county program.

In contrast, discussions at the recent trash summit hosted by the county and the San Diego

approach to the quarrels Slater Supervisor said Po have any But Si summit eye to ey landfill of North South C reorgani gram. The s trol Boar permit

Los Angeles Times

SATURDAY, MAY 8, 1993

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State Board Grants Wide Access to Data on Doctors

■ **Disclosure:** Information includes malpractice judgments, felony convictions, loss of hospital privileges.

By VIRGINIA ELLIS
TIMES STAFF WRITER

SACRAMENTO—For the first time, the California Medical Board agreed Friday to give patients access to a broad array of information about their doctors, including legal and disciplinary actions for poor medical treatment.

The physician-dominated board voted to give consumers information about their doctors, ranging from malpractice judgments exceeding \$30,000 to felony convictions to loss of hospital privileges. The board's staff is expected to begin making the disclosures by midsummer, although whether the information will be available over the phone or in writing is undecided.

ed.

The 9-4 decision, which gives California one of the most liberal physician disclosure policies in the nation, was a dramatic departure from the board's current practice of revealing only the status of a doctor's license and any recent disciplinary action taken by the medical board.

It was a major victory for Gov. Pete Wilson and consumer advocates, who have pressured the board for months to allow wider disclosure of information about doctors. The California Medical Assn. opposed some of the new disclosure provisions.

Calling it the first "shred of true consumer protection" approved by

Please see DISCLOSE, A8

EXHIBIT J

DISCLOSE: Public Given Wide Access to Reports on Doctors

Continued from A1

the board in recent years, consumer advocate Julianne D'Angelo said the decision showed that the panel had finally recognized the vast changes that have occurred in the doctor-patient relationship in America in the last few decades.

"In our health care setting today we don't have Dr. Marcus Welby, who has been a physician we have known for years," said D'Angelo, supervising attorney for the University of San Diego's Center for Public Interest Law. "We go to an HMO and we might not know who we are going to see. We need quick information on doctors and we are entitled to quick information on doctors from the public agency that is suppose to protect us."

The panel's action was the most controversial part of a package of doctor disciplinary reforms that had been advocated by the Wilson Administration, several board members and Dixon Arnett, its newly appointed executive director.

The board also voted to establish a rigid system of priorities for handling doctor disciplinary cases and to give itself the power to levy fines and issue citations and public warnings against physicians who are found guilty of minor infractions. This would give the board a wider range of tools for reprimand short of revoking a medical license.

By establishing priorities, Arnett said, the board would be able to concentrate its financial and staff resources on the most egregious complaints rather than waste

them, as critics have often said, on the least serious ones.

"We don't have enough money, energy or ability to deal with everything. . . . We have decided to go after the most terrible [physicians] and put them out of business and not spend our time piddling around with complaints that some doctor was late for an appointment," he said.

Arnett acknowledged that many of the changes were designed to improve the agency's public image and to make it more efficient.

For years, the medical board has been criticized by the Legislature, the courts and patients groups for failing to adequately protect consumers from bad doctors. In January, the California Highway Patrol found after an investigation that top managers on the board's staff had ordered the arbitrary dismissal of hundreds of cases in an attempt to erase a backlog.

Arnett said most of the board's action Friday involved broad policies; the details will have to be fleshed out in the next several months.

One of the issues to be ironed out, he said, will be whether all the disclosure information is to be made over the telephone or if some of it will be made only in writing.

The disclosures will be made to anyone who asks. They will contain final decisions or judgments, including past disciplinary history in California as well as other states. Pending complaints, investigations and lawsuits will not be covered by the new

rules.

D'Angelo said the board will need legislative approval before it can disclose information provided by hospitals that have revoked a doctor's privileges. But she said the board could make the other disclosures without legislative action.

Several of the board's decisions were made over objections from the CMA, the state's largest physician organization.

Tim Shannon, a lobbyist for the CMA, told the board that the organization was concerned about disclosures that might unfairly tarnish a doctor's reputation. He said it was especially worried about the proposal to disclose malpractice judgments, which he said sometimes gave an inaccurate picture of a doctor's ability.

He said the courts can often issue judgments against doctors while the medical board looking into the same set of circumstances might find nothing wrong.

His concerns were echoed by some members of the board, who said they also feared that if actions against a doctor's hospital privileges were made public, it might discourage hospital review committees from taking action.

Madison Richardson, a Los Angeles physician, said the committees would still take action against the very bad doctors but that they might become reluctant to discipline borderline doctors for fear that disclosure would ruin their reputations.

But Gayle Nathanson, a public member of the board and co-author of the proposal, said the need for consumers to have more information about doctors overrode the concerns about physician reputations.

"If I'm making a determination as to what to do about my life and my children's life," she said, "I want to know everything [about my doctor]."



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Sacramento Bee

May 8, 1993, METRO FINAL

SECTION: MAIN NEWS; Pg. A1

LENGTH: 1587 words

HEADLINE: MAKING DOCTORS OWN UP

BYLINE: Stephen Magagnini, Bee Staff Writer

KEYWORD: MEDICINE CALIF LAW CONSUMER

BODY:

The California Medical Board Friday voted to lift the curtain of silence surrounding bad doctors.

In a stunning reversal of a long-standing policy against public disclosure, the board voted 9 to 4 to release information about doctors who have been convicted of felonies, have lost malpractice judgments of more than \$ 30,000 or have been disciplined by hospitals for poor patient care.

Inquiring citizens will also be told if a doctor has received a warning letter, has lost his or her license in another state or has been accused of acts serious enough to warrant an investigation by the state attorney general's office.

"This is the first shred of true consumer protection that I've seen in my seven years of monitoring the board," said Julie D'Angelo, supervising attorney for the Center for Public Interest Law, a watchdog group that has fought for legislative reform of the medical board.

"This represents a constructive about-face," D'Angelo added. "We're no longer dealing with Marcus Welbys, family doctors who we've known for 20 years -- we go to an HMO (health maintenance organization) and have no idea who we're going to see. We need quick information on doctors from the public agency that's supposed to be protecting us."

The Legislature must approve the board's plan to release disciplinary actions taken by hospitals against doctors.

In January, The Bee reported that the Medical Board wouldn't tell people if their doctor had killed or maimed patients, had lost multimillion-dollar malpractice judgments or had been convicted of sex abuse or other felonies.

Consumers were told only if a doctor's license had been revoked or suspended, a process that takes up to six years, or if a physician had been formally charged by the attorney general's office, which often comes 18 months after the Medical Board completes its own investigation.

"That was it, that was all we would say," said board executive director Di Arnett, who pushed for the new disclosure policy. "It represents a giant leap forward in consumer protection."

S.D. Union-Tribune

5-6-93

USD grad plays student and friend in Lee film

Actor Sterling Macer has a small but memorable role in "Dragon: The Bruce Lee Story" as Jerome Sprout, Lee's first student in his Oakland studio, and one of his steadfast friends during his life.

Macer, who co-stars (as Robert Davis) in the TV series "Homefront," played baseball great Jackie Robinson in last year's Old Globe Theatre production "Mr. Rickey Calls A Meeting."

As a master-of-fine-arts graduate student at the University of San Diego, Macer appeared in many Old Globe productions, including "Joe Turner's Come and Gone," "The Piano Lesson" and "Coriolanus," all in 1988.

Macer collected his diploma early to play Romeo in a Dallas Theatre production of "Romeo and Juliet." He was cast in the TV series "Tour of Duty" but returned here for a lead role in the La Jolla Playhouse 1990 production "My Children! My Africa!"

The play moved on to the Henry



Sterling Macer portrays Bruce Lee's pupil and friend, Jerome.

Fonda Theatre in Los Angeles, where Macer was cast in two TV pilots. One became "Homefront."

Macer also co-founded the multicultural Inkululeko Theatre Company and recently formed his own record company, Pipeline Records.

— Robert J. Hawkins

Linda Vista celebrates ongoing search

Program highlights personal voyages, neighborhood vision

By BARRY M. BLOOM
Staff Writer

Man Phan, a University of San Diego student, still cringes with pain when he remembers the voyage. During the summer of 1981, Phan, then 9 years old, departed the village of Man Thai in Vietnam for a treacherous ocean trip to Hong Kong and freedom.

A year later, he immigrated to the United States.

But aboard the tiny 10-foot by 30-foot boat, Phan recalled, were 23 other people, including four family members, his father and three brothers. They were supposedly going fishing.

"The women in our family couldn't go. Women didn't fish," said Phan, who wouldn't see his mother or sisters again until they were reunited here seven years later.

Along the way, another 19 people were rescued off a wrecked

boat. The journey usually took three days.

"But we were out there 30 days," Phan recalled. "Can you imagine drifting out there with no food and water so much of that time? How horrible it was."

To Phan and to so many of those Vietnamese boat people who survived their escape, the trauma evidently was worth it. Yesterday, almost exactly 18 years from the day Saigon fell, ending the war in Vietnam, Phan and many of his countrymen — Asian-Americans now — celebrated Linda Vista Neighborhood Day.

"We went in search of human respect," Phan told an audience of several hundred people at the Linda Vista Public Library that mirrored the ethnic mix of the neighborhood around it. "We went in search of freedom of speech. We got what we wanted. We arrived in this country."

The two-hour program, which

featured a Hmong/Lao dance ensemble and talks from several community members, boasted peace and harmony among neighbors of different color, nationality and religion.

It was the second of five such sessions to be held on successive Saturdays. The series, entitled "Search for San Diego," is sponsored by the California Council for the Humanities.

Next week, the Search for San Diego highlights the neighborhood of Sherman Heights.

"We live in a city that has boundaries both visible and invisible," said Ralph Lewin, who is coordinating the entire program for the council. "The canyons and freeways are visible. But the cultural boundaries are invisible."

Or as Yen Le Espiritu, an assistant professor of Ethnic Studies at the University of California San Diego, told her Linda Vista audience:

"Increased diversity is a fact. We can't turn the clock back. Do we look at it as a problem or as an opportunity?"

Surely, the Vietnamese immi-

grants who have made Linda Vista their home have taken advantage of the opportunity. In the shopping center around the library, christened as the first such shopping mall in the country by Eleanor Roosevelt almost 50 years ago, a new mixed culture has emerged.

Vien Tien Video and Kien's Pharmacy are nestled next to a doughnut shop and the neighborhood McDonald's.

Sandra Camarillo, who owns the McDonald's franchise, told the audience that the neighborhood is so diverse that she employs managers of Vietnamese, Indonesian, Ethiopian, African-American, Latin and Anglo backgrounds.

"We're the only McDonald's on the mainland that serves steamed rice," Camarillo said.

Regina Smith, president of Friends of the Library and the master of ceremonies, noted that 38,000 people speaking 26 different languages now make up the neighborhood that sprawls on the hillside.

"If you're interested in people and culture, this is the very heart of where you want to be," she said.



Cultural expression: *The Dragon Dancers perform yesterday as part of Linda Vista Neighborhood Day festivities.*

Union-Tribune / DANA FISHER