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LAWYERS IN
• MOTION •

The University of San Diego's third annual Law Alumni Weekend will be held Friday and Saturday, September 17 & 18. Scheduled highlights include:

◆ The presentation of a Distinguished Alumni Award to **Chief Deputy District Attorney Brian E. Michaels** (1968);

◆ Honorary membership in the Law Alumni Association presented to the **Honorable Richard D. Huffman**, California Court of Appeal — 4th District;

◆ A perspective on "Recent Developments in Human Rights and International Law: A Personal Perspective," delivered by **Nancy Ely-Raphael** (1968), Deputy Assistant Secretary of State and Assistant Legal Advisor.

◆ A panel discussion of "Ethics for the Rest of Us: Four Perspectives," with **Michael T. Alfred** (1983), of Poway Ford; **Brian E. Michaels**, mentioned above; **Michael E.**

Shames (1983), of the Utility Consumers Action Network; and **Michael T. Thorsnes** (1968), of **Thorsnes, Bartolotta, McGuire & Padilla**

◆ An opening night reception at Treetops, the San Diego Zoo's new Gorilla Tropics restaurant.

◆ The Michael Mohr Memorial Golf Tournament

◆ Reunion dinners for the classes of 1958, 1963, 1968, 1973, and 1978.

For further information, please contact Susan Saxton at (619) 260-4692.

John Bonn, a partner in the law firm of **Shepard, Mullin, Richter & Hampton**, has been elected to the law firm's statewide Executive Committee, replacing partner **Michael Weaver** in the position.

The seven-member committee, consisting of attorneys from the firm's offices in Los Angeles, San Francisco, San Diego

and Orange County, establishes the firm's management policy. Bonn, head of the San Diego office's corporate securities and tax practices, and department chair for the firm's Tax & Estate Planning Department, was elected by the entire partnership from the four regional law offices to serve on the committee.

Bonn completed his undergraduate degree at Princeton University and his law degree at Berkeley's Boalt Hall School of Law. He serves as a frequent speaker for the American Bar Association's Tax Section, California Continuing Education of the Bar, the California State Bar Association's Business and Tax Sections and the San Diego County Bar Association's Tax & Business Law Sections. Bonn has been named in all editions published to date of the Best Lawyers in America. — *By Joe Wayne*

State judicial system under pressure

Meetings hear wide-ranging ideas for developing user-friendly courts

By JACK WILLIAMS, Staff Writer

Buckling under the weight of public distrust, oppressive costs and cumbersome caseloads, the California judicial system is in a state of flux.

It can either become a dysfunctional dinosaur, unresponsive to rapidly changing demographics and demands. Or it can evolve into a high-tech expediter of justice: a compassionate, multicultural mirror of its constituency.

That was the tentative verdict reached last week by a panel representing the Commission on the Future of the California Courts during a three-hour public hearing that drew more than 100 people to the University of San Diego.

It was the fifth of six "Equal Justice, Equal Access" hearings since mid-August scheduled throughout the state to brainstorm ideas for a more user-friendly court system — one without eco-

nomie, ethnic and physical barriers.

The final meeting was Wednesday in Los Angeles. The commission is now to present its summary of public comments and a strategic plan to Chief Justice Malcolm Lucas of the California Supreme Court.

Some of the suggestions may be carried out as part of a five-year plan, depending on the cooperation of the state Legislature.

Others will be considered in a more extensive overhaul planned for the next 30 years, said San Diego Superior Court Judge Judith McConnell, chairwoman of the San Diego hearing.

San Diegans voiced their concerns on a wide range of issues to McConnell and three other commission panelists — all appointed by Lucas.

Among the concerns: the need for more out-of-court mediation, victims' rights, the potential abuse of power in Family Court, lack of access for the disabled and minorities, sentencing of the mental-

See Courts on Page B-3

Courts

Public hearings draw many ideas for change

Continued from B-1

ly ill, restitution requirements for criminals and public review of the state bar.

Target of some of the most fiery rhetoric was Family Court.

"Basically, the better liar wins," said one father who lost custody of his child. "There needs to be a review panel to resolve unfair decisions (made by) overzealous caseworkers."

Recognizing the need to lighten court loads, Liz O'Brien, executive director of the San Diego Mediation Center, pointed out that agreement is reached in 78 percent of the civil cases mediated by neutral volunteers.

"Seven years ago, you had to spell the word mediation," O'Brien said. "People thought that it was either medication or meditation, a mantra."

The next step, she said, is to develop a credentialing program for mediators and gain support from the courts "in helping us help people take personal responsibility (in civil cases)."

The nonprofit Mediation Center, whose 226 mediators conducted more than 800 mediations last year, offers no-cost or low-cost dispute resolution — the kind of out-of-court alternative that could signal a new direction in the judicial system.

It's all part of a commission concept "to decrease the court system itself," said Robert Dockson, chairman emeritus of CalFed Inc. and chairman of the Commission on the Future of the California Courts.

Two years of research paid for largely by nonprofit foundations has gone into the commission's project to study the judicial system that operates more than 200 courts at an annual cost of \$1.5 billion.

Much of the research — including a symposium on the future of justice and four neighborhood hearings inviting minority input in Los Angeles County — has focused on minority issues.

But some participants in the Monday hearing decried the absence of minority representation on the four-member panel.

Responding to such concerns, Dockson said that nine or 10 members of the 43-member commission are nonwhites, including five who were added last year.

S. D.
Union-Tribune
8-29-93

Tom Blair

It's all
in the
game . . .

□ San Diego Shuffle

Kit Carson Elementary School teachers Susan Freebern and Joseph Anthony will take advantage of Wednesday's half-day schedule to clear up some personal business. When school's dismissed, they'll exchange marriage vows in the school auditorium . . . Attorney alums of USD School of Law will gather for their reunion weekend kick-off Sept. 17 at Treetops, the SD Zoo's Gorilla Tropics restaurant. And if you think there's a lawyer joke in there somewhere, you may be right. But I liked last year's venue better. At that reunion, the lawyers helped christen Sea World's Shark Encounter. (Right. Professional courtesy.) . . . While he was in San Diego Thursday, Gov. Pete Wilson presented the great old investor, philanthropist and civic tower Dallas Clark with SD Rotary's annual "Mr. San Diego" award.



S.D.
Union-
Tribune
8-28-93

Down to earth: Barbara Hammack of Santee is back at work in her home office after a summer training program at the Kennedy Space Center in Florida.

Union-Tribune / JOHN R. McCUTCHEN

Receptionist's reach for stars leads to training at space center

By ED JAHN
Staff Writer

For 12 years after high school, Barbara Hammack worked at the sort of jobs where the telephone was the highest form of technology she encountered.

"Finally I decided there had to be more to life than answering telephones all day at jobs that didn't have a lot of future," said Hammack, a Santee resident who graduated from Our Lady of Peace Academy in 1978.

The result was almost otherworldly.

This summer, Hammack spent six weeks in a training program working on life-science projects for the space shuttle. She was one of 40 people nationwide and one of two Californians selected by the National Aeronautics and Space Administration (NASA) for the expense-paid honor. The other Californian was from the University of California Davis.

The program is designed to promote the Kennedy Space Center in Cape Canaveral, Fla., and its opportunities in space science and for educating scholars.

Of course, a lot of work took place between the time Hammack quit her job as a receptionist and the summer she spent alongside top scientists at the center.

First came studies at Grossmont College, followed by electrical engineering course work at the University of San Diego, where Hammack is beginning her final year with a 3.83 grade point average.

Hammack's project for NASA involved the biology of plants in space and how to grow them there.

"I helped troubleshoot the prototype of the hardware that will be tested on the space shuttle in 1995," Hammack said.

An experiment that will look at the nutrient requirements of plants in low gravity demanded the efforts of scientists in disparate fields, she

said.

Hammack's team tried to come up with a garden patch that could nourish astronauts during extremely long flights and not make demands on the crew, she said.

She said that "my part was determining how a computer could make sure water would be delivered through a porous tube at a controlled rate" for the hydroponic system.

Other team members with chemistry backgrounds tried to find out which plants grew best under certain lighting conditions, while another project looked into the possibility of growing food in canisters in a weightless environment, Hammack said.

She said another group, whose members had biology backgrounds, "looked at recycling plants in space: How do you get the most out of

See NASA on Page B-7

NASA

Reach for stars leads to space center training

Continued from B-1

plants? After you eat the tomato, what do you do with the plant itself?"

"For me, the thrill was working with so many different disciplines," Hammack said. "That's the real world."

She said that seeing the shuttle Endeavour take off and land in June was exciting, "but seeing the engineers behind the scenes all working together like a team was even better."

At NASA, Hammack said, "it's a real pleasure to be around people

who are doing the work of their lives."

And it made her realize that there's more to having a degree than just being able to have a job which offers a corner office with a view.

Hammack's scholastic space camp summer began when she noticed a brochure on a USD bulletin board requesting applications for a space life sciences training program at the Kennedy Space Center.

Although Hammack is at least a decade older than most students and only 40 people were to be chosen, she decided to get her name in. Also, Hammack is concentrating her studies in biomedical engineering and the creation of high-technology prosthetic devices, and she wondered whether that field of learning had any applications in space technology.

"I had waited until the last min-

ute to apply and was targeting companies in San Diego for summer work," she said.

Needless to say, opening the letter of acceptance from NASA proved exhilarating, she said.

Six weeks as the guest of the space agency at a motel in Cocoa Beach, Fla., was not as glamorous as some might imagine, though.

"We had up to six hours of lectures every day, some of them at night and then about four hours of lab work every day at the space center," she said.

Attending classes where she is close to the age of the professor "is actually exciting because there is more communication," she said.

And although she is often kidded by younger students for being so serious, "I have to remember that I'm on scholarship and my husband is helping so I can't slack off."

"I realized all the (best) jobs required degrees or experience, so with the help of my husband I decided to take the plunge," said Hammack.

Instead of plodding along as a receptionist, Hammack is now considering graduate work and a "quality of life" career in high-tech rehabilitation and prosthetics. She said she is intrigued with the idea of sensors that would allow disabled or paralyzed people to feel the floor beneath their feet.

Hammack said she would like to work for NASA if the opportunity presented itself.

Hammack has noticed that NASA is offering another summer work program at one of the space agency's complexes. This time, she plans to get her application in early.

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The San Diego

Union-Tribune

Saturday

August 28, 1993

County jobless rate: 9.2%

July figure is highest since 1986 as the labor force grows

By RICK SHAUGHNESSY
Staff Writer

The San Diego County unemployment rate soared to 9.2 percent in July, its highest level since at least 1986, as a traditional summer wave of new entrants to the labor force had only moderate success finding work.

The increase in the jobless rate caps a three month run-up that has seen county unemployment move from 6.9 percent — slightly below

the national average — in April to a rate nearly as high as the statewide average in July.

The state Employment Development Department reported yesterday that more than 112,000 county residents were unemployed and seeking work in July.

"It is certainly an indication that San Diego's economy is still experiencing significant difficulty," said Max Schetter, director of the Economic Research Bureau of the

Greater San Diego Chamber of Commerce.

"There is no quick recovery seen on the horizon. We seem to be making some progress in some areas and not in others. . . . The unemployment figures continue to be troublesome."

The 9.2 percent jobless rate is the highest posted locally during the 1990s recession, and is the highest since 1986, when the state began compiling the figures in their

current form.

It compares to an 8.4 percent jobless rate for June, and a 7.4 percent rate for July 1992.

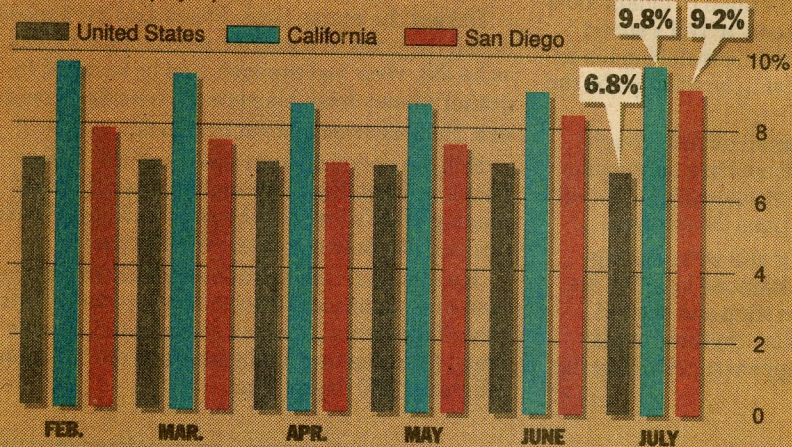
California, which has one of the nation's highest unemployment rates, saw its jobless level climb from 9.1 percent in June to 9.8 percent in July, the highest level since February.

See Jobless on Page A-18

(cont'd)

U.S., CALIFORNIA AND SAN DIEGO UNEMPLOYMENT RATES

(percent unemployed)



SOURCES: U.S. Dept. of Labor; Calif. Employment Development Dept.

UNION-TRIBUNE

Jobless

Break in school year historically affects rate

Continued from A-1

The national unemployment rate dropped from 7.0 percent in June to 6.8 percent in July.

Based on its monthly household survey, the agency reported that the county labor force swelled by 21,400 residents in July, and only about half found work.

A separate analysis of employer information showed a decline of 10,200 wage and salary positions from June to July. That loss of jobs resulted from a decrease of 11,100 state and local government jobs, presumably mostly teachers idled for summer vacation.

"June and July are the highest unemployment months for most counties," said Irene Bauske, research manager for the department. "The state's unemployment rate also increased from June to July."

She said the end of the school year usually results in new entrants to the labor force.

The Economic Research Bureau's Schetter said, "I think people in the education arena who have their annual summer vacation are counting on finding work and don't have it yet. That's still bad news."

University of San Diego economist Alan Gin said wage and salary employment has historically dropped in July. In 1992, he noted, 5,500 wage and salary positions were lost during that month, while in 1990 and 1991, 12,000 and 10,000 positions were lost, respectively.

"Typical July employment is lower than the rest of the year as far as wage and salary employment is concerned," said Gin. "That combined with this big influx into the work force — I think a lot of this may be delayed reaction from June — probably led to this sharp increase in the unemployment rate."

Gin, creator and director of the San Diego Index of Leading Economic Indicators, predicts improvement in the local economy by autumn. He is joined by Schetter in that assessment.

"This may be the high-water mark on unemployment," Schetter said. "Our forecast for the year is that we'd have an unemployment rate of 7.9 percent, and in order for that to be true, this has got to come down a little bit, and we think that it probably will."



• PROFILE •



ROBERT C. BAXLEY

POSITION: Judge, San Diego Superior Court

APPOINTED BY: Gov. Pete Wilson, December 1992

CAREER HIGHLIGHTS: Sole practitioner, criminal law, San Diego, 1964-92

LAW SCHOOL: University of San Diego, 1964 *

AGE: 64

S.D. Commerce

8-27-93

In over their heads

A former lifeguard, Judge Baxley helps teens caught in the legal riptide.

By B.J. PALERMO

Special to San Diego Commerce

SAN DIEGO - As a San Diego lifeguard for nearly a decade, Robert C. Baxley was in the business of keeping youngsters out of deep water.

Now, as a Superior Court judge handling juvenile delinquency cases, Baxley says nothing has changed.

"These kids are in a legal riptide, and judges and attorneys are trying to rehabilitate them," he said during an interview in his chambers.

See PROFILE, page 3

(continued) →

Profile

Continued from page 1

Baxley, a Republican and longtime supporter of Gov. Pete Wilson, was appointed to the San Diego Superior Court by Wilson on Dec. 1. The appointment capped Baxley's 28-year career as a sole practitioner.

"I felt it was the stage in life when it was time to do something different, and I thought I could make a contribution to the community," said the 64-year-old judge.

But saving lives in juvenile court seems more difficult than it did in the surf.

"The recidivism rate is so high," Baxley said. "The problem with these kids is they don't have any family life or structure. We put them into a structured setting, and they do well. But, back on the street, they're back in the riptide again."

Taking Troubled Lives in Tow

Baxley, who remains active in the San Diego Surf and Lifeguard Association, likes to assign young offenders to perform community service on the beach.

"Lifeguards take them in tow and teach them about values and what their jobs are and give them direction," he said. "To me, the most important message you can get to a kid is to help others, rather than hurting others."

As San Diego's head lifeguard in the 1950s, Baxley's dangerous rescues of surfers in the Sunset Cliffs area made news. He also made headlines with his work as a commercial deep sea diver.

While attending San Diego Junior College, where he received an associate's degree in 1952, Baxley started a diving venture with Jon Lindbergh, son of famed aviator Charles A. Lindbergh.

During his 12 years with the company, called Explosive Engineers, his assignments included sewer inspections, salvage work and underwater demolition. The divers removed pilings from beaches, blew up reefs, raised sunken boats and found lost objects.

At the same time, Baxley was studying to become an actor. He played San Diego's Old Globe in Balboa Park and other local theaters for about six years, even after he received his bachelor's de-

gree in speech arts from San Diego State College in 1954.

But as an actor he came to feel like a fish out of water.

"The values of the people I had to deal with weren't the same as my values," Baxley said. "There was too much game playing and hidden agendas. And I was into diving."

It was a case of the bends that sent the San Diego native to law school. The 1960 diving accident, which caused him to be hospitalized for days, convinced him diving was just too tough.

In 1964, a year after he quit the diving business, Baxley received his degree with honors from the University of San Diego School of Law, where he was founding editor of the law review.

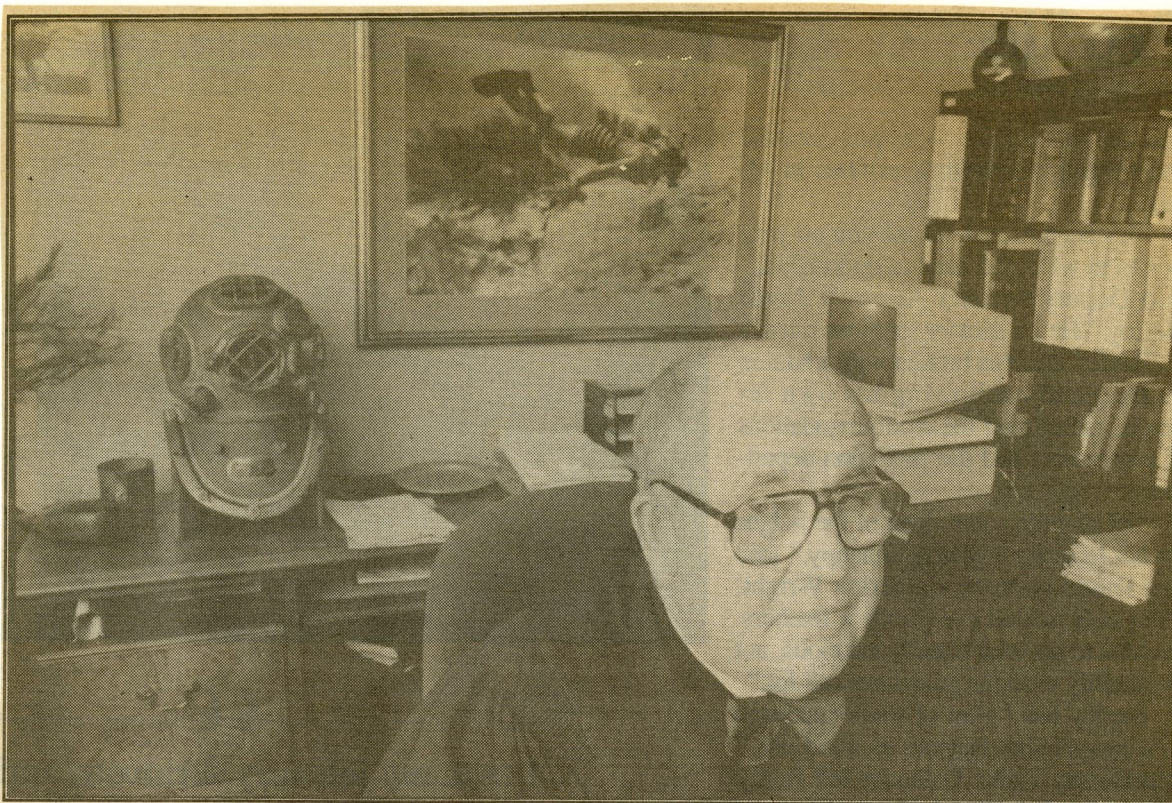
Nearly 20 years later, the school named him its distinguished alumnus of 1983.

High-Profile Clients

As a trial lawyer with a general practice, Baxley received more press coverage, this time for protecting high-profile clients from the rocky shoals of the law.

Of the several capital cases he handled in the 1970s, only one client was sentenced to death. That was Robert Page Anderson, whose appeal of his sentence resulted in the California Supreme

(cont'd) →



Photos by Mark Robert Halper

The San Diego juvenile court judge, who is a former lifeguard, likes to assign young offenders to perform community service on the beach. "Lifeguards take them in tow and teach them about values and what their jobs are and give them direction," Baxley said.

“

Every [shell] has a particular meaning to me. And every one was alive.

— Judge Robert C. Baxley, San Diego Juvenile Court

”

Court striking down the state's death penalty in 1972.

Although Baxley did not represent Anderson on appeal, he noted: "If I had not lost the case, that decision would never have been made."

During his career as a lawyer, Baxley handled almost every kind of case, except tax, probate and securities matters. He was director of the San Diego County Bar Association from 1979 to 1982 and again from 1989 to 1991. His brother, Neil, practices immigration law in San Diego.

Baxley became well known as an experienced attorney who was at ease representing famous clients in court.

One was Houston Ridge, the San Diego Chargers lineman who sued the team, its doctor and pharmacist, and the National Football League in the early 1970s. Ridge, who claimed he was supplied with steroids and amphetamines that contributed to his disabling injuries, won about \$300,000 in a settlement.

Delayed Recognition

The case, Baxley said, ultimately forced the NFL to order its clubs to halt the distribution of the drugs to players. Again, Baxley got his recognition 20 years later. In 1992, the NFL presented him with its Players' Award for focusing public attention on drug use in professional sports.

Having amassed medical records for the Ridge case, Baxley used that evidence in his defense of Dr. Arnold Mandell, then-chairman of the psychiatry department at UC San Diego's medical school. Mandell ultimately was cleared by the state Board of Medical Quality Assurance of allegations he had violated his license by prescribing drugs for athletes.

Another of Baxley's well-known clients was activist Eldridge Cleaver, a member of the Black Panthers who was charged with attempted murder in connection with a shootout in Oakland. Cleaver, author of "Soul on Ice," eventually accepted a plea bargain in 1976, represented by another lawyer.

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(cont'd)
→

Profile

Continued from page 3

tions for attorneys to be on time, use the podium and present their exhibits in advance.

"It's been fun. He keeps you on your toes as to what you need to do in court," said Deputy District Attorney Joyce McCoy. "He's a stickler for those rules."

Baxley also has broken with tradition by frequently following his own instincts, rather than the recommendations of prosecutors and the probation department.

"In juvenile court, most of the judges try not to make anybody unhappy," said San Diego attorney Catherine Wright. "But he's ruffled everybody's feathers. He tries to do what's really judicious, not necessarily what the guidelines call for."

Baxley has "a lot of trial experience as a lawyer that he puts to good use," said Deputy Public Defender Jeff Reilly. "He calls them like he sees them and doesn't get intimidated by anybody. The judge is going to do what he thinks is the right thing."

'Concerned About Kids'

Although Baxley would prefer civil court for his next assignment, some lawyers believe he is well suited to juvenile cases.

"He gives the kid the benefit of the doubt on the first go-round, an adequate disposition that will help the minor and the parents," Wright said. "He's very concerned about kids."

Baxley, who is divorced and has three adult children, lights up when the conversation turns to his four grandchildren. He recently returned from a family diving trip off Baja, in which he started teaching two grandsons, ages 8 and 10, to scuba dive for seashells.

Except for three years in the 1940s as



“
I take my job very seriously, and I try
to do what's best for the minor and society.

— Judge Robert C. Baxley, San Diego Juvenile Court

a surgical technician stationed in Texas with the U.S. Air Force, Baxley has been diving since his childhood in Mission Beach. And his chambers are filled with the evidence.

There is the framed photograph of him diving 230 feet off the coast of Hawaii for one of many specimens in his collection of rare black coral trees. And there are the shelves of seashells he still collects on diving trips.

"Every one has a particular meaning to me," he said, holding a spider conch he found in the South Pacific. "And every one was alive."

His chambers are a small museum of diving gear and other equipment, such as the antique nautical magnifying glass he keeps on his desk.

But if the sea continues to lend perspective to his life, it is no escape, Baxley said. He takes the challenge of the bench in stride.

"You just have to do the best you can," he said. "I love lawyers, and I try to treat them fairly. But I wasn't sent out here to rubber stamp anybody. I take my job very seriously, and I try to do what's best for the minor and society."

FYI

Times-Advocate

8-26-93

Think tank criticizes planning at UC, CSU

■ **EDUCATION:** *California Higher Education Policy Center says costs have risen while quality slips*

The Associated Press

SAN JOSE — Students are paying more but getting less from California's public universities, according to an independent think tank.

The heads of the University of California and California State University have been slow to devise plans for the future and have brought the schools to "the brink of disaster," according to the report issued Wednesday by the California Higher Education Policy Center.

Students in both university systems are paying higher fees but "getting less for their money," the report said. Courses have been dropped, classes have grown larger, library funds have been cut and faculty

members have retired, the San Jose-based center said.

The center, which describes itself as independent and non-partisan, was established last year with a \$6 million grant from the Irvine Foundation. Its mission was to do a five-year analysis of the problems facing higher education in California.

But CSU spokesman Steve McCarthy said system chancellor Barry Munitz has begun initiatives involving electronic libraries, interactive video teaching technologies and other innovations during the two years he had been in his post.

He in turn criticized California Higher Education Policy Center, saying people at CSU had expected it to offer some solutions given the amount of money it started with.

"They carp about the obvious and never offer any solutions or suggestions," he said.

FYI

Times-Advocate

8-26-93

Conservatives knock pope news

■ **MEDIA:** *Three groups say coverage focused on dissent rather than resurgence*

DIANE DUSTON/Associated Press

WASHINGTON — Three conservative groups faulted news organizations Wednesday for focusing on the dissent of “non-practicing” Roman Catholics during coverage of Pope John Paul’s recent U.S. visit.

The media should have emphasized widespread support among youth for traditional Roman Catholic doctrine instead of dwelling on complaints about the church’s position on abortion, birth control and the role of women in religion, the groups argued.

As evidence of a religious resurgence among young people, the groups cited the massive turnout of youth who greeted the pope in Denver — the site of a Roman Catholic youth conference.

But a Gallup Poll official whose work was used as a basis for some news stories said that dissent exists even among “practicing” Catholics and no sampling data shows a widespread return by young people to traditional religious teachings.

Thomas Wykes Jr., executive director of Catholic Campaign for America, insisted otherwise.

“Nearly 500,000 young Catholics made the spiritual pilgrimage to Denver,” he said. “Surely this is a sign that the next generation is breaking the

agenda of the aging liberals and radical feminists.”

He said those dissenters among people calling themselves Roman Catholic have had their say for 25 years.

Wykes, whose Washington-based organization is devoted to strengthening Catholic influence on public policy, joined Brent Bozell III, chairman of Media Research Center and Marshall Wittman, legislative affairs director of the Christian Coalition at a press conference.

Their complaints were directed primarily at television network coverage. The print media was more fair, Bozell said.

His criticism, however, of a Gallup Poll used by some news organizations was disputed by the Gallup organization.

Bozell contended the poll, done in partnership with *USA Today* and CNN, did not differentiate between active churchgoers and those who are fallen-away, non-practicing Catholics.

Not so, said David Moore of Gallup.

Of the 788 respondents, 54 percent said they were strong Catholics, 49 percent said they attended church within the seven days preceding the survey and 52 percent said Catholicism was “very important” to their daily life, Moore said.

The attitudes of these “practicing” Catholics were recorded.

Trade schools top loan default list

■ **EDUCATION:** *Government report shows most local colleges fall below the national average*

ROBERT NAYLOR JR. / *Associated Press*

The government identified more than 900 colleges and trade schools Tuesday that stand to lose their participation in the federal student loan program because their students too frequently default. In San Diego County only one school is threatened, The California Hair Design Academy in San Diego.

Also made public Tuesday were default rates for all schools participating in the program. Among San Diego County schools, Associated Technical College in San Diego, a one year trade school, had the highest default rate at 60.9 percent. Westminster Theological Seminary in Escondido, a five-year fundamentalist Christian seminary is among a handful of schools with no defaulted loans.

Trade schools topped the list with higher default rates, followed by community

colleges and then four-year institutions.

In North County, Palomar Institute of Cosmetology in San Marcos, with a 31.4 percent rate and the Poway Academy of Hair Design in Poway, with a 16.7 percent rate, are among the trade schools on the list.

Palomar College in San Marcos had a 10.2 percent default rate, MiraCosta College in Oceanside an 8.5 percent rate and San Diego Miramar College an 8.1 percent rate.

San Diego State University posted a 5 percent default rate, University of California, San Diego had a 4 percent rate and University of San Diego's rate was 3.4 percent. University of California, San Marcos has not been open long enough to have students with defaulted loans.

Among states, Alaska had the worst repayment rate. The Department of Education said more than 40 percent of the student loans in that state on which payments came due in 1991 were in default. Vermont, with a 5.1 percent rate, had the best record, followed by Maine's 6.8 percent rate.

The national average was 17.5 percent. Student Loan Finance Corp. of Aberdeen, S.D., had the worst bad loan record of any bank, with 88 percent of the loans it originated in default. More than 68 percent of the loans originated by the Greenwood Trust Co. of New Castle, Del., were in default.

A 1989 law designed to drive down the number of defaults has allowed the Education Department to drop schools with default rates of at least 30 percent for three consecutive years. The current figures represent defaults in 1989, 1990 and 1991.

Those with default rates greater than 40 percent can be cut off from all federal aid programs, including the Pell Grant program.

Under federal law, schools included on the list will automatically be barred from participating in the loan program unless they appeal either to the Department of Education or to the courts. If they do appeal, no action is taken until the appeal is exhausted, but very few schools ultimately win. Last year, 280 schools appealed.

Neil Morgan

Are we worrying about the wrong things?



When economist John Wilson of the Bank of America was asked the other day how to get California started again, he answered with a wistful smile and a lovely flashback.

"The answer, of course," he said, "is to unleash the natural growth potential of California. It may not seem so significant at the moment. But the engine for Douglas' DC-3 airplane was tested about 60 years ago in the new wind tunnel at Caltech in Pasadena. One could say that our old Southern California grew from that moment."

Wilson is optimistic. He thinks California's timing is right for change.

He figures about half of Californians' jobs are being restructured. There are the defense-related cutbacks that everybody understands. But he ticks off the victims of deregulation in industries like banks, airlines, telecommunications and trucking. He talks about other workers who are victims of overbuilding in retail centers, communications, hotels, office buildings and housing. Then come those affected by changing needs and budgets in state and local government.

"Add together all four job groups," he says, "and you are talking about one in every two California workers."

But then he shrugs.

"That's the same as the national data," he says. "One of two Americans is caught in a downsizing industry."

Is it worse in California because immigrants are overwhelming our economy? Here again he rebuts the popular dogma:

"The answer is no. The ratio of people to jobs is about the same as 30 years ago. But the nature of job dependencies has shifted from Anglo to non-English-speaking. We were willing to pay for the education of Anglo children in the 1950s and 1960s. Now we are not so sure about immigrants. But that is an issue of social contract,

not economics."

We are worrying about the wrong things, he thinks.

Productivity of workers? There is only one industry where productivity is higher in Japan than in the United States, and that is machine tools. And that's close: Japan rates 102 on our scale of 100.

Our American system doesn't work any more? Look at Italy, wracked by fraud and the Mafia, the industrial north trying to absorb the unemployed south. Look at Germany, trying to absorb East Germany. Japan? An extraordinarily inefficient economy.

"Let's say you wanted to open a Gap store in Tokyo," he says. "You would have to get a two-thirds vote of approval from other businesses in Tokyo to do it."

But he takes a San Diego example to pinpoint a real California problem:

"The city of Carlsbad has gone to all this trouble to try to get Lego to open a plant in this county. The problem is that Lego finds it cheaper to set up a park for five months a year in Fairfax County, Virginia, than to operate 12 months in Carlsbad."

He urges: Fix the regulatory process in California. Amend the state constitution to get rid of the inequities of Proposition 13; no legislative reform act can fix that. Fix the way California goes about producing its budget. Don't wait around for a white knight. Don't waste time with a strategic plan for California; it would go on the shelf with all the others. Become naggers until these things are fixed.

There were California corporate executives and university presidents listening attentively as Wilson spoke. There wasn't the trace of a laugh to be heard in the room until David Hensley, who directed the UCLA business forecasting project, stood to give his dreary projections for California and finished them off with a farewell:

"I'm leaving to join Salomon Brothers," he

said, "in New York."

Finally here comes the good news

While we go on grumbling about the bad kids, take pride in the good ones. As long as I remember, Greek Week on college campuses every autumn meant seven days of keg parties. But this October at the University of San Diego, for one, alcohol is banned. The climax of the Intrafraternity Council program in the week of Oct. 4-10 will be the presentation of needed classroom equipment to nearby Linda Vista Elementary School, a gift from USD's eight fraternities and sororities.

John Hart is still coming to Borrego

At least one reader of the *Borrego Sun* is hoping for a modest check from *The New Yorker* or *Reader's Digest* in return for his clipping of a correction printed in the newspaper's issue of July 29:

"It was Clayton Moore's donning of the Lone Ranger mask and costume at public appearances — not John Hart's — that led to legal squabbles with the owners of the movie rights.

"Hart, who made this clarification and others to the *Sun*'s story of July 15, is scheduled to appear in Borrego Springs as grand marshal of the Desert Festival parade in October.

"Hart says it was his mother, Enid Hart, who was a well-known L.A. drama critic — not his wife. And it was his uncle, Edwin Hart — not his brother — who started an avocado farm in Vista. His brother runs a wildlife animal safari in Oregon.

"Hart says he played a doctor in 'Dallas' who committed his wife to an insane asylum, but the wife wasn't played by Elizabeth Taylor. Hart played opposite the famed actress in a scene from 'The Sandpiper.'

"Finally, Hart says he is 75 — not 8 . . ."

Now we know how to get an oldtime film star to return a phone call.

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

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SHOPTALK

Universities mind their business as school year approaches



As September rolls around adults as well as children start shifting into the "back-to-school" mode. Business people can also benefit as area universities offer a variety of programs geared to professionals.

The University of San Diego offers a certificate program in international business through

its Continuing Education Division.

Andrea Moss

its Continuing Education Division.

"Developing International Marketing Plans" will be the program's next course, to be held from 6:30 to 9:30 p.m. on Tuesdays, September 7-28.

Other upcoming courses will include "Business and Investment in Mexico" and "International Finance." The certificate program requires a one-time registration fee of \$35.

For information on individual courses, call 260-4644.

■ A certificate program in project management is available from USD's School of Business Administration. The program's next seminar will be "Total Quality Management for Projects." To be held from 6:30 to 9:30 p.m. Thursdays, September 9-30, the seminar costs \$225.

Call 260-2258 for further information.

■ San Diego State University's College of Extended Studies will conduct a two-day seminar on management effectiveness. "Managing Accelerated Productivity" will teach the principles and tools necessary to enhance on-the-job performance.

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8-23-93

The seminar, which costs \$575, will be held from 8:30 a.m. to 4:30 p.m. September 16 and 17 at the Red Lion Hotel in Mission Valley.

For additional information, call 594-5669.

Mexico's influence growing in U.S.

Political, fiscal clout now felt

*There is a sleeping political giant
in the United States. . .*

— Luis Echeverría Alvarez,
Mexican President (1970-1976)

By **FERNANDO ROMERO**
Staff Writer

Mexico is quietly exerting growing influence on U.S. life in a dramatic series of thrusts that have been overshadowed by the raging debate over Mexican immigration to this country.

From the economy to communications, education, politics and culture, the Mexican and Mexican-American population is beginning to change perceptions about its role in America, experts say.

The Mexican government, which once shunned the expatriates and their American-born descendants, now embraces them, using their new-found power to establish a political and economic lobby to fight for their interests and its own.

The nearly 14 million Mexican expatriates and Mexican-Americans spread out over the Southwest and other parts of the American landscape now command more political and economic clout than any of the 9 million or so other Latinos living in America, with the possible exception of the strongly conservative and financially sound Cuban community in Florida.

That clout continues to grow. The evidence:

■ The Latino community as a whole spends nearly \$162.2 billion annually throughout the United States, according to figures based on the 1990 U.S. Census and *Hispanic Business* magazine. Almost two-thirds of that is spent by Mexicans and Mexican-Americans.

■ To meet the demand from advertisers and increase their presence in the Latino population — the fastest-growing ethnic minority in the country — newspapers such as *The New York Times*, the *Los Angeles Times*, the *Chicago Tribune* and Denver's *Rocky Mountain*

Giant

Mexico begins to use political, fiscal lobby

Continued from A-1

News, among others, are about to launch or are already publishing sections in Spanish.

In addition, Televisa, Mexico's supernetwork and now part-owner of Univision, the largest Spanish-language network in the United States, is blanketing the nation with its own "Proudly Mexican" programming.

■ The Mexican government recently donated 40,000 new textbooks in Spanish worth \$500,000 to the Los Angeles Unified School District. It is also sending 20 bilingual teachers to help the district educate some of its 280,000 Latino students, most of them Mexican or Mexican-American.

And from Southern California to Illinois, New York, Texas and points in between, thousands of illiterate Mexicans are being taught Spanish through educational programs sponsored by the Mexican government.

■ The Mexican government is also supervising informal leadership elections in migrant communities to ensure that they have proper representation before American city councils or county governments.

Recently, the Mexican Consulate in San Diego supervised one such election at a migrant camp in McGonigle Canyon near Rancho Peñasquitos. Consul General Gustavo Iruegas said his office's intervention "is part of our consular functions: to protect and assist our citizens to have good relations with (foreign) authorities."

A U.S. State Department official said there was nothing wrong with such supervising. "On the face of it, it is hard to object to people being shown how to avail themselves of the rights they have in this country," the official said.

■ Mexican banks, eager to compete with their American counterparts for the Latino market, are buying banks in California, Texas and other parts of the Southwest.

■ The administration of Mexican President Carlos Salinas de Gortari has spent more than \$25 million in the past few years assembling a powerful lobbying group to persuade the U.S. Congress to pass the

North American Free Trade Agreement, or NAFTA, according to the Center for Public Integrity, a Washington think tank.

Moreover, backed by the increasingly politicized expatriate community and human rights groups, Mexico is lobbying for the repeal of the death penalty in states where 25 of its citizens are held on death row.

■ Mexico's main political parties are fighting it out in California for the support of an expatriate population of nearly 5 million. At stake are votes for the 1994 Mexican presidential elections.

Writers and philosophers have said it: For more than 1½ centuries, Americans and Mexicans have been uneasy neighbors, disdaining each other culturally while each takes advantage of what the other has to offer.

Vast difference in wealth has dictated the terms of the relationship. The poverty in Mexico has for decades forced millions of its citizens to seek, legally or illegally, jobs and better living conditions in the United States.

Today, the Mexican and Mexican-American community — the sleeping giant — is awakening and exerting influence in business (some fast-growing U.S. companies are owned by Mexican-Americans), government (two Clinton Cabinet members are Mexican-American), and politics (from Los Angeles to Chicago, hundreds of Mexican-Americans have been elected to public office).

But none of this has happened in a vacuum, experts on U.S.-Mexico relations say. The Salinas administration in Mexico, which has brought liberating changes to that country's society and economy, has influenced the expatriates' fortunes in no small measure.

"He is the first Mexican president (in modern times) to realize . . . the extraordinary potential of Mexicans in the United States," said Dr. Jorge Vargas, a professor of international law at the University of San Diego.

Salinas wasted no time in hitching his administration to the expatriates' juggernaut, Vargas said.

He is offering special incentives to Mexican-Americans wanting to invest in Mexico. He has also created educational programs and cultural institutes throughout the United States to help strengthen those ties, Vargas said.

"(Salinas') administration is carrying out a vigorous policy to make





FILE PHOTO

Mending fences: *President Carlos Salinas de Gortari is credited with strengthening his government's ties with Mexicans in the United States.*

Mexico's presence in the United States stand out," Vargas said. "It's penetrating the economic sectors, the cultural sectors, the social sectors of this country."

Mexico's political establishment has taken notice. The PRI (Institutional Revolutionary Party), the PAN (National Action Party) and the PRD (Party of the Democratic Revolution) all have offices in California. Their leaders traverse the state trying to garner the ballot power of those Mexican migrants who return home annually and to harvest the financial support of Mexican-Americans.

However, the PRD's efforts to allow Mexican expatriates to vote from abroad are finding little support in the Mexican congress, which is dominated by the PRI, President Salinas' party.

The PRI, which has retained power in Mexico for 64 years, is well-aware that the expatriates have little regard for it. That is one

of the reasons why the PRI is conducting a goodwill campaign in the United States, said one of the party's officials in Tijuana.

The change in Mexico's once-antagonistic attitude toward the United States and toward its own expatriate sons and daughters is due to general changes in policy of the Mexican government, said Consul General Iruegas.

The Mexican government "wants to improve the image of Mexico, which had been deteriorating for some time," Iruegas said. But he said that Mexico's growing influence "is not a policy proposed by my government. What Mexico wants is to have a just and orderly economic relation with the United States."

A U.S. State Department official, who asked for anonymity, said the United States is "absolutely not concerned about Mexican encroachment on our sovereignty."

"Mexico has acquired increased influence here because its govern-

(cont'd)

ment . . . has taken enormous steps to modernize its economy and open the doors to others," he said. "Mexico has acquired a lot of respect. Besides, our two cultures are linked. We have Spanish media here and they have English media there. We are getting to know each other better. This is something we view as a good thing."

Some experts say the softening of Mexico's stance toward the expatriates and America is based on its desperate need to get NAFTA approved and nothing more. These authorities say Mexico wants to bring investments, factories and jobs to its territory and will go to any lengths to accomplish that.

"This push to help Mexicans in the United States is not in response to any plan to get close to them, but rather it is part of a bureaucratic design that wants to influence the decision (on NAFTA)," said Adolfo Aguilar Zinser, professor of U.S. Studies at the National Autonomous University of Mexico. "Mexico wants to influence the (U.S.) economic and political processes so that these coincide with (its) interests."

George High, executive director of the Washington-based Center for Immigration Studies, said Mexico's new approach comes from its pro-U.S. leadership.

"The Mexican government is U.S.-oriented, with a lot of bright people educated up here," he said. "It has achieved a level of intimacy with the United States that no other Mexican government has been willing to take on."

Consul Iruegas said Mexico's commitment is real. He said his government has never been comfortable with the flight of its people north.

"We are concerned," Iruegas said. "The fact is that those Mexicans need us."

Last year, the Mexican government started opening cultural institutes throughout the United States to promote Mexican art and offer elementary and high school classes to Mexican migrants and other Latinos.

It has also started challenging the U.S. criminal-justice system. In April, Mexican officials said they would start closely monitoring death penalty cases involving Mexican citizens.

Mexico, which does not use capital punishment itself, is employing legal means to fight the death sentences on 19 of its citizens on humanitarian grounds. It also is unit-

ing with American human rights groups to lobby states that use capital punishment.

Dr. Delal Baer, senior fellow and director for the Mexico Program at the Center for Strategic and International Studies in Washington, said Mexico in the past would not have been so daring in intervening in another country's judicial system. But now, she said, its U.S.-educated leaders understand fully that America's is an open system.

"The Anglo-Saxon system used by our courts of law and system of government is an advocacy system; if you don't show up and make your case, you will lose," Baer said. "Ours is a system that invites external intervention. Every country in the world does it — Israel, Taiwan, Japan, every country."

The Mexican government's involvement notwithstanding, some experts say the hour of reckoning for America regarding Latinos, especially Mexicans and Mexican-Americans, has arrived.

The mass media are recognizing their status, said Patricia Cohen, a U.S. citizen of Mexican ancestry who owns one of the largest advertising agencies in San Diego. From newspapers to advertising and the growing Spanish-language television world, she said, the media realize the Latino market is "an eager market (with) the income that makes it a must to tap."

Mexico's banking industry knows this only too well. Seven of its major banks, including Banamex, have opened representative offices in New York. Banamex and several other major Mexican banks own banks in California and Texas. San Diego's Grossmont Bank is owned by Banamex.

In the meantime, while the number of Mexicans in the United States continues to grow at the rate of 180,000 annually (legally and illegally), according to official statistics, many Mexican-Americans are involved in a process they call reverse assimilation — going back to their roots.

Cohen, who was raised in Mexico, explains it like this: "I'm reverting back to my original culture. I'm doing that along with many, many people because there are so many of us in the United States."

"My radio and television are always tuned to Spanish. I surround myself with Spanish-speaking people. I deal daily with bilingual people. (Other Americans) should face it — this is not going away. We're here to stay."

FYI

Times-Advocate

8-21-93

Festival drops term 'Hispanic'

■ **CULTURES:** *Many Mexican-Americans are offended by the word, prefer "Latino"*

AMY COLLINS / McClatchy News

GILROY — Organizers of the Gilroy Hispanic Cultural Festival have dropped the word "Hispanic" to appeal to a broader audience.

Leaders of the newly dubbed Gilroy Cultural Festival excised "Hispanic" because some complained that it is an offensive catch-all phrase that groups several different cultures.

"It's been offensive for a long time for a lot of people," said Juana Guevara, whose marketing and public relations firm, Zapata Communications, is promoting the festival.

"Hispanic is a government term," she said. "It never has properly described the people it's supposed to."

So organizers changed the name from the Hispanic Cultural Festival to the "Gilroy Cultural Festival featuring Latino, Hispanic and Chicano music, dance and teatro."

The change soothes both politically-correct desires and extends the title to specific groups sometimes classified only as Hispanic.

"We thought it would be more inclusive to do this. What it does is include others. A lot of people don't even realize the diversity within the Latino culture," said Troy Henry, the director of the festival.

"I'm hoping that this has a more positive effect," he said.

Although many of the promotional items still feature the former name, Henry said "we just left it this year because we're in a stage of transition."

"Personally, I'm not offended," Henry said. "(Although) Latino is probably a more politically correct word to use."

Guevara said the term Hispanic is a product of the U.S. Census Bureau to describe all Spanish-speaking people. She said the word is also being taken out of the festival name to encourage participation from other cultures, such as the Japanese Pavilion which has taken part in the past and will be there again for the event next weekend.

"There may be opportunities in the future to display other cultures," Guevara said.

Fire Marshall Bob Ledesma, who is the president of the Hispanic Chamber of Commerce said he prefers Mexican-American, although he is not offended by the other terms mentioned. But he acknowledges that there are others who disagree.

"There are some people who don't personally identify with the term Hispanic," Ledesma said. I personally don't attach any significance to (the name) not saying Hispanic. From a political point of view, it has no significance."

FYI

S.D. Daily Transcript

8-20-93

In College Country, A Trade Surplus In Learning

By JON MARCUS
Associated Press Writer

BOSTON — At an increasing number of college campuses, the normal summer stillness has been interrupted in a babel of languages.

Slovenes and Croatians studied entrepreneurship at Babson College. Mexican managers analyzed the North American Free Trade Agreement at Boston College. Bentley taught environmental management to Eastern Europeans. Chinese officials learned about health administration at Framingham State.

"It's a good use of our resources," said Gerald Tuori, spokesman for Becker College, where Japanese secretaries are studying English. "Higher education is an area in which we are still the envy of the world."

Knowledge seems to be the fastest-growing export in this region, which has one of the most intense concentrations of higher-learning institutions in the world. College after college sets up summer seminars for foreign professionals, who are generally obliged to live in campus dorms and eat at campus cafeterias.

"I cannot conceive of an end to this," said Larry Godtfredsen, a political science professor at Bab-

son. "If you include the former Soviet Union, we're talking about a market of a half a billion people who need training. You plug the Chinese into that, and I don't see any end to this."

But the biggest beneficiaries may be the colleges and universities that are starting to edge out private organizations and consultants in the competition to draw foreign professionals and their expense accounts.

"We are learning how competitive they can be," said Stuart Gedal, director of workplace learning at the non-profit World Education, which also offers seminars to foreigners. "The universities are marketing this, because obviously it's financially rewarding for them. Summer is the time when the libraries are empty, the classrooms are empty, the dormitories are empty."

Gedal's organization, which promotes adult education, started forming partnerships with Massachusetts colleges last year and has already booked seminars for foreign visitors at two-month intervals through 1995.

"This is a big export for the U.S., and particularly this area, because we're such an international education center," said Joseph Gannon,

director of the International Marketing Institute at Boston College.

Framingham State College last month hosted 22 Chinese health officials who participated in a four-week management training program in cooperation with Boston University, the Harvard School of Public Health and World Education.

"It didn't make us a huge amount of money, but it cemented relations, it made us connections and it more than paid for itself," said Framingham State President Paul Weller, who called the potential for more such business "huge, just huge."

Bentley ran a program this year in environmental management for 15 Eastern European executives, including company vice presidents and presidents.

"For company presidents to take three weeks to come to a program like this shows that, yes, there is a lot of demand," said Charles Hadlock, the program's director.

They come because "The areas of growth they're interested in are centered here — the computer industry, the health-care industry," said Gedal. "But a lot of it has to do with the education industry in this state."

The Local Scene

* * *

Saren Spicer, owner of Saren Spicer Distinctive Jewelry; Terry Tsuchida, broker with Prudential California Realty; and Jorge Vargas, professor at USD, have been elected to two-year terms on the board of the San Diego Historical Society. Elected to three-year terms were Vicki Butcher of the Equitable, Robert Esch of San Diego Trust, Bill Evans of the Bahia, retired volunteer Robert Forward, Ardyce Jarvice of Caritas Development Co. and Ralph Pesqueira of El Indio. Rear Adm. Joseph Howard, USN (Ret.), was elected president of the board.

* * *

Business

THE SAN DIEGO UNION-TRIBUNE • WEDNESDAY, AUGUST 18, 1993

Outlook for local economy turns up

By DONALD C. BAUDER
Financial Editor

San Diego County's leading economic indicators rose 0.2 percent in June, brightening economists' hopes that the economy may bottom out and rise gently late this year or early next year.

The index of building permits rose 1.29 percent, stock prices were up 0.65 percent, national indicators were up 0.18 and unemployment insurance up 0.60, as initial claims for unemployment fell for the 11th straight month.

The index of help-wanted advertising, however, dropped 0.55 percent, pointed out University of San Diego economist Alan Gin, who compiles the index. The improvement in initial unemployment claims and the decline in help-wanted advertising represent "a conflicting signal," he said.

The rise in stock prices may also be somewhat misleading, Gin said. Nationally, stocks began surging in late 1990 in expectation of an economic turnaround. Although the U.S. recession technically ended in early 1991, the recovery has been the weakest in history, and stocks have continued rising.

"Historically, stocks have been a leading indicator, but they may be going up even though the economy is in trouble because there is no other (investment) alternative," said Gin.

Although housing permits are at extremely low levels, they are at least on an upturn, he said. "It looks like we have a little momentum on the upside, although it will be tough to match last year's levels," he said.

Last year, housing permits were the worst since 1947, when the county population was less than one-fourth its current level.

Tourism "may be tough the rest of the year," with convention spending dropping off, said Gin, but he looks for robust 1994 and 1995 business.

All told, Gin looks for "a bottom toward the end of the third quarter or the beginning of the fourth, but a small bounce off the bottom."

Max Schetter of the Chamber of Commerce's Economic Research Bureau (ERB) pointed out that Gin's leading indicators haven't registered a negative month since October.

"We're beginning the fourth year of recession," Schetter said. "These are the toughest times economic times (for San Diego) since the 1930s."

He is not so concerned about the decline in help-wanted advertising.

"That is closer to a coincident than a leading indicator (moving with the economy, rather than in front of it)," he said.

"Maybe by the end of this year we may see some improvement in the service sector, in retail or non-defense manufacturing," said Schetter. Next year, the World Cup races, a tuneup for the America's Cup the following year, may boost tourism, he said.

"International trade is a strong factor, with or without NAFTA," said Schetter. At least in six to nine months, there may be signs of strength in San Diego, he said.

Times-Advocate
Wednesday, Aug 18

Building permits lead increase in county index

■ **ECONOMY:** *Construction approvals in June hit their highest level this year*

PAM KRAGEN / *Times Advocate*

SAN DIEGO — A surprisingly large increase in building permits in June led to a 0.2 percent increase in the University of San Diego's Index of Leading Economic Indicators for San Diego County.

Building permits were up 1.29 percent in June. They have now reached their highest level of the year, even when adjusted for the fact that June has historically been the best month of the year for that component.

Also, initial claims for unemployment declined 0.6 percent (which shows as a positive indicator on the chart). Unemployment claims have now fallen for 11 consecutive months. Initial claims totaled 18,624 in June, compared with 25,183 in June of 1992, which is a 26 percent decline when measured year-to-year.

There was also a small increase in the outlook for the national economy. On the downside, help-wanted advertising and tourism decreased moderately during the month.

SD COUNTY ECONOMY

The following figures represent the University of San Diego's Index of Leading Indicators for San Diego County in June.

Building permits:	+1.29%
Unemployment claims:	+0.60%
Local stock prices:	+0.65%
Local tourism:	-0.67%
Help-wanted advertising:	-0.55%
National economy:	+0.18%
USD Index:	+0.2%

Sources: University of San Diego, Employment Development Department, San Diego Daily Transcript, San Diego Convention & Visitors Bureau, San Diego Union-Tribune, U.S. Department of Commerce.

June's increase continued the pattern of small but positive changes in the index seen in the last few months. One favorable development has been the improving trend in residential building permits.

Overall, the positives in the index continue to outweigh the negatives and forecast a small rebound in the San Diego economy in the second half of 1993.

The index has risen each of the past three months by 0.2 percent to 0.3 percent. Still, the index is down slightly from the 115.5 rating it received in June 1992.

S.D. Union-
Tribune,
Wed., Aug 18th

USD football eager to tackle a new league, new challenge

By ED GRANEY
Staff Writer

Brian Fogarty knows the drill, has read the stories. Combine publicity with USD athletics and you will relearn several definitions of the words student-athlete.

Books and exams first, fun and games when the midnight oil has a spark left.

But there are days, minutes, seconds when Fogarty wants you to know there is more to this school's playbook than chemistry formulas. He is the football coach of a team that has had six straight winning seasons, has won seven games in each of the past four years and is preparing for its first season in a new Division I-AA Pioneer League.

"Sometimes," Fogarty said, "it would be nice to be recognized for just having a good football program."

This, his 11th season, could be his easiest sell off the field. And his toughest on it.

The step up from Division III has afforded USD some new perks: An opportunity to compete for a conference championship and all-conference teams. A mention in several national publications, any of which you accept when you play crosstown from a Heisman Trophy candidate named Marshall Faulk. A national schedule, which should draw more to the intimate setting of Torero Stadium.

A chance to be bigger, better. More visible locally.

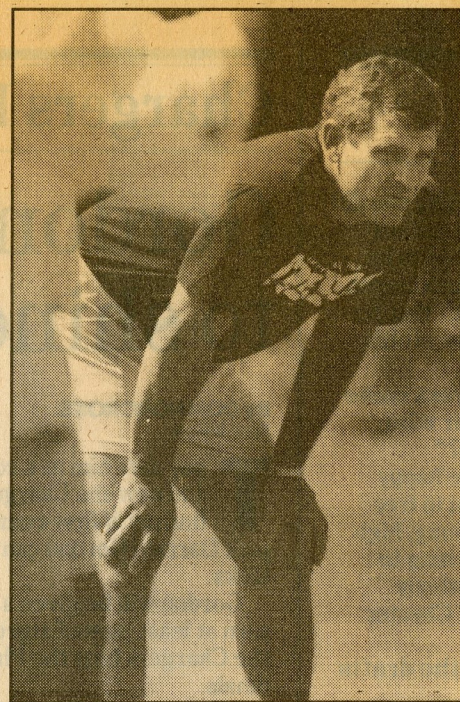
"I understand there are more (SDSU) alumni in this city, and if you have to spend a lot of money to get the recognition, our school isn't going to do that," Fogarty said. "Our players are here first to graduate, but at the same time, we as coaches are very competitive. We want to have an outstanding football team."

What they have is potential and some holes. Three days into two-a-day workouts, USD is staying with what has brought it recent success. Whether Fogarty's traditional defensive schemes and Wing-T offense will work against the Dayton and Butler schools of this new league is unknown. Fogarty is not about to change, unless logic (or an opposing defense) tells him differently.

"We got used to the same teams doing the same things year in and year out, so it's different as far as preparation," he said. "I really don't know if we're going to be able to do what we've always done, but I think we can." "I think it's a great deal for us. I know it's good for the university to play a Dayton or Butler, schools people have heard of. It can only help us."

USD lacks depth on the offensive line — both starting tackles graduated — but 6-foot-2, 210-pound junior quarterback Vince Moiso isn't complaining. This is a chance to

USD SCHEDULE



Union-Tribune / SEAN M. HAFHEY

New era: Brian Fogarty brings his USD football team from Division III to Division I-AA.

Sept. 4	MENLO COLLEGE	7 p.m.
Sept. 11	LaVERNE	7 p.m.
Sept. 18	BYE	
Sept. 25	* at Dayton	1 p.m.
Oct. 2	* at Valparaiso	1 p.m.
Oct. 9	at Cal Lutheran	1 p.m.
Oct. 16	* at Evansville	1 p.m.
Oct. 23	* BUTLER	7 p.m.
Oct. 30	AZUSA PACIFIC	7 p.m.
Nov. 6	* DRAKE (Homecoming)	1 p.m.
Nov. 13	WAGNER	7 p.m.

Home games in CAPS

* —denotes Pioneer League game

play at a higher level, to compete for attention, nationally and at home.

"It's hard playing under the shadow of a Marshall Faulk," Moiso said, "but we'll win some games, and that should make a difference. Being in a conference gives us things to shoot for. It's exciting. I'm confident."

Fogarty, 43, looks at the new league as an opportunity for a school of USD's modest size (enrollment 6,000) to play a national schedule. He is a coach happy in his surroundings, one who doesn't yearn for Division I-A hype and the tireless efforts of trying to sign superstar athletes. At that level, he'll tell you, you have to take the good with the bad. At his level, he takes the good and tries to make it better.

"As a coach or player, you always want to play the highest level of competition available to you," Fogarty said. "This (new league) is the best thing for us. You'd always like to think if you do well, you'll get some credit."

For more than just test scores.

Economic Index Continues Rise

*The Worst Is Behind Region
But No Great News Forecast*

By **ANDREW KLESKE**

San Diego Daily Transcript City Editor

If leading indicators compiled by the University of San Diego are right, the local economy is continuing to show signs of pulling out of its recessionary slump, although not to the degree that anyone is trumpeting a recovery.

The USD index climbed 0.2 percent in June to 116.4, its highest level since economics professor Alan Gin began releasing the data in October 1990.

"Yes, we've reached a new high but it's a bounce off a low level," Gin said yesterday. "It's been a tough couple of years."

The index can be taken at face value, indicating the local economy is slowly righting itself after eight months with no declines posted, or merely as an indication of how deceptive statistics can be. Certainly the 100,500 San Diego County residents on the unemployment rolls in June would choose the latter, particularly as declines in help-wanted advertising continued to be a negative factor.

Advertising for available jobs was off 0.55 percent in June, following a 0.34 percent drop in April and a 0.56 percent decline in May.

Offsetting that loss, however, was a 0.6 percent decrease in initial claims for unemployment insurance in the county, indicating the 11th consecutive month this indicator improved. A 0.83 percent decline was recorded in May and a 0.46 percent drop in April.

"Companies have stopped laying off, but they're not hiring, either," Gin said.

The only other negative factor in June's index was a 0.67 percent decline in tourism activity, following a zero gain for May and a mere 0.04 percent improvement for April.

The biggest boost for the index came from rising building permit activity, measured by the number of residential permits pulled during the month. The seasonally adjusted indicator rose 1.29 percent, with permitting activity reaching its highest level of the year.

Local stock prices, reflecting activity on the *Transcript's* San Diego Stock Exchange, rose 0.65 percent in June, while the national index of leading economic indicators compiled by the U.S. Department of Commerce played its part, increasing 0.18 percent.

Kelly Cunningham, research analyst with the San Diego Chamber of Commerce's Economic Research Bureau, said the index continues to indicate a bottoming-out of the local economy.

"That's kind of what we're thinking too," he said.

Gin said he expects economic activity to jump by year's end, although "it doesn't look like it's going to be a big jump."

San Diego Daily Transcript
Monday, Aug. 16th

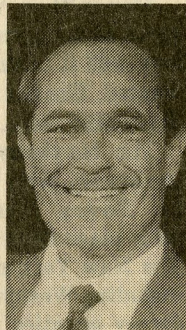
Bersin Has Long Wait Following Boxer Recommend

By SUSAN GEMBROSKI
San Diego Daily Transcript Staff Writer

A visiting University of San Diego law professor may not know for five or six months whether he will be confirmed as U.S. Attorney for San Diego and Imperial counties.

Sen. Barbara Boxer officially recommended Alan D. Bersin last week, but the arduous process includes White House and Department of Justice reviews before Bersin gets the presidential nod.

The U.S. Senate votes on the process — although not in a full hearing as is held for U.S. Supreme Court nominees, according to Sam Chapman, Boxer's chief of staff.



Bersin

"Some nominees probably will become controversial, but we don't expect Alan Bersin to be one of them," Chapman said.

Bersin, 46, was a Rhodes scholar at Oxford University in 1969-71 with President Clinton, although Chapman said the fact that he knows the president "was not considered in the process."

Smooth sailing at the federal level aside, the rumor several months ago that Boxer might recommend Bersin did cause a furor in the local community.

"I hope in the future that Sen. Boxer considers local talent and qualified people in San Diego for positions in San Diego," said Irma Munoz, chairwoman of Latina Leaders. "I hope that the senator promotes diversity in her appointments and (that) Latinas are given consideration."

Several minority candidates, including Assistant U.S. Attorney Maria Arroyo-Tabin, applied for the position.

"I wish him (Bersin) well," Munoz added. "We all need to rally behind him. It is important that we cooperate and support the appointment."

University of San Diego Vice President and Provost Sister Sally Furay, who chaired Boxer's San Diego selection committee, stressed that the committee's decision was devoid of politics.

"Our role was simply to rate the candidates and (Boxer) said she would rely heavily on them, which she has done," Furay said.

Chapman, too, stressed that Bersin was chosen because he received the "highest recommendation" from the eight-person committee, which included three Hispanics, he said.

Bersin could not be reached for comment.

A senior partner at the Los Angeles firm of Munger, Tolles & Ollson, he has been on sabbatical since August 1992 to teach a course on white-collar crime at the USD law school.

"The committee considered his education at Harvard and Yale, and as a Rhodes Scholar at Oxford," Boxer's chief of staff Chapman said. "You couldn't pick a background that is higher. Largely for the firm in Los Angeles, he was involved in complicated litigation. He is bilingual and fluent in Spanish. He worked pro bono for community organizations."

Bersin's resume states that he was the principal litigator in representing the Republic of the Philippines and the government of Corazon Aquino seeking \$1 billion in claims under the Racketeer Influenced and Corrupt Organizations Acts (RICO) against the estate of Ferdinand and Imelda Marcos. The firm successfully obtained an injunction freezing the Marcoses' assets worldwide.

Bersin led a team of lawyers in their representation of San Francisco-based Bank of America in RICO multi-district litigation against National Mortgage Equity Corp. The bank recovered some \$140 million in insurance coverage and property liquidation settlements.

Bersin assisted Salomon Brothers in the wake of revelations concerning irregularities in its Government Trading Desk auction activities. The case was resolved in May 1992.

He represented the city of Los Angeles on a pro bono basis contending that L.A. County exacerbated homelessness by refusing to provide food, shelter and clothing to indigents.

Bersin graduated from Yale Law School in 1974 and is a member of the state and federal bars in California and Alaska. In 1974-75 and again in 1979, he was employed as special counsel by the Los Angeles Police Commission.

His law specialties include commercial, securities and insurance litigation before the trial and appellate courts. Bersin also taught securities litigation as an adjunct professor of law at the University of Southern California Law Center.

He has served as a member of the board of governors of the Association of Business Trial Lawyers in Los Angeles, on the board of directors of Public Counsel, as general counsel of California Industries for the Blind, and as chairman of the board of the Inner City Law Center.

Bersin received his A.B. degree in political science from Harvard in 1968. He was elected to the Phi Beta Kappa National Honor Society and was awarded post-graduate scholarships by the National Collegiate Athletic Association and National Football league Hall of Fame.

In 1967, he was selected to the All-East, All-New England and All-Ivy League football teams.

He was born in Brooklyn, and is married to Lisa Foster. The couple have two daughters, Alissa and Madeleine.



EDUCATION IN FOCUS

ADVERTISING SUPPLEMENT

ADVERTISING SUPPLEMENT

ADVERTISING SUPPLEMENT

University of San Diego Law School Presents Case for Graduate Degree

By Cecil Scaglione

A simple and direct way to accelerate a career in the highly competitive field of law is to earn a Master's of Law (LLM) degree, according to officials at the University of San Diego School of Law.

"A sure-fire way to enhance your job marketability if you're an attorney is to get yourself a graduate law degree," said Debra Cohen, director of USD's Graduate Tax Program.

A graduate law degree also offers law students in-depth knowledge in specific fields besides giving them a competitive edge in the legal job market, she said.

And USD has a 24-credit program dedicated to one of the fastest-growing areas of the legal profession -- tax law.

"Our master of law curriculum at USD's School of Law is designed to provide an in-depth study of tax law," Cohen said. "Courses are structured to prepare students to plan business, real estate, partnership, and personal transactions with an understanding of the policy underlying the technical requirements of tax law."

She said modern-day tax lawyers, to be successful, must develop skills in this area in an academic environment that encourages a continuous immersion in the legislative and administrative process associated with taxes.

She said USD's graduate degree curriculum focusing on taxation is the only such program based in Southern California.

The number of graduate students enrolled in this program has increased substantially this year. "We initiated this program in acknowledgement of the fact that

tax law has become a pervasive force in all areas of law," she said. "And we're committed to making this graduate tax program one of the finest in the nation."

Among the nationally renowned and respected academics on faculty is Law Professor Lester B. Snyder, who specializes in federal taxation and corporate tax. He obtained a bachelor of science degree from Syracuse University and his law degree from Boston University, where he was senior editor of the Law Review. He earned his LLM from Columbia

University, which he attended as a Ford Fellow.

In 1983, he joined the University of San Diego law faculty and was director of the graduate tax program from 1983 to 1989. Before joining USD's faculty, he was professor-in-residence in the Department of Justice's tax division in Washington, D.C.

Richard C. Pugh, who specializes in international taxation, and public international law and corporate tax, is a distinguished professor of law in this program.

He received his bachelor's degree from Oxford University. He, too, is an alumni of the law school at New York City's Columbia University, where he also was a professor of law.

Before joining the University of San Diego School of Law faculty as a distinguished professor in 1989, he was a partner in the New York law firm of Cleary, Gottlieb, Steen & Hamilton.

Beginning fall 1993, visiting professor Donald E. Osteen will be teaching tax administration (civil tax procedure). His current position as Deputy Assistant Chief Counsel (Corporate) with the Inter-

nal Revenue Service, and background from Georgetown University Law Center brings variety to USD's program.

His classes will be Tuesday evenings from 5:30 p.m. to 7:20 p.m. For more information please contact the University of San Diego School of Law Graduate Tax Program at (619) 260-4596.

"The USD LLM tax curriculum is designed to prepare students for the private practice of tax law, for careers as in-house counsel, for government service, or for teaching," Cohen said.

"Besides offering intensive study in traditional tax-lawyering skills, the program requires a broader focus on the legislative and administrative policies underlying Internal Revenue Service pronouncements.



KNIGHT NEWS SERVICE

Pilgrimage crowd: *Thousands of World Youth Day celebrants hiked 14 miles from downtown Denver to Cherry Creek State Park to hear the pope speak.*

Pope tells young Catholics to shun 'anti-life mentality'

By **SANDI DOLBEE**
Staff Writer

DENVER — On the eve of his climactic outdoor Mass, Pope John Paul II hammered home yesterday the traditional church teachings against abortion and artificial birth control and lashed out at dissident Catholics.

In his strongest messages since arriving here Thursday, the 73-year-old pontiff told over 200,000 young Catholics from around the world last night that they must shun all forms of the "anti-life mentality."

To thundering cheers, Pope John Paul also warned that the world's fascination with modern technology is eroding the ability to distinguish between good and evil.

It was a back-to-basics message of morality for the World Youth Day audience gathered from 70 countries. And the reception at Cherry Creek State Park was tumultuous, just as at his opening appearance at Mile High Stadium.

His appearance last night kicked

See Catholics on Page A-14

(continued)

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Catholics

Pope delivers strong back-to-basics message

Continued from A-1

off the prayer vigil that will continue for these young pilgrims until John Paul returns this morning for a Mass.

After the prayer vigil, the throng was spending the night at the park to wait for a midmorning papal Mass marking World Youth Day. Up to half a million people are expected.

But as a growing number of the pilgrims suffered health problems, overwhelming emergency crews, Arapahoe County Sheriff Pat Sullivan urged people to stay away unless they were fit to walk long distances in temperatures expected to climb into the 80s.

At least 20,000 people walked a 14-mile pilgrimage from downtown Denver to the park yesterday, and twice as many joined them along the way. A 61-year-old man, whose identity was not released, died of an apparent heart attack. About 5,500 others fell ill, mostly from dehydration, authorities said. About 150 were sent to hospitals.

During a prayer service with several thousand Denver Catholics yesterday, John Paul offered his strongest admonitions during the afternoon.

In a jab at so-called cafeteria Catholics, who pick and choose what to believe, he urged obedience to all the teachings of the church. "Polarization and destructive criticism have no place among those who are of the household of faith," he said.

The pontiff also singled out the problem in the American church of sexual abuse by priests, repeating comments made to U.S. bishops in June that he shares their concerns for the victims. He urged the church to pray for this problem and use "every human means for responding to this evil."

In another message aimed at the American church, John Paul attacked the destruction caused by urban violence, saying that everyone — individuals, family and the media — needs to take responsibility for stopping it.

But since "the root of violence is the human heart," the pope warned that the destruction will continue until society "reaffirms the moral and religious truths."

As he spoke at the afternoon gathering in McNichols Arena, waves of young Catholics were streaming into the state park 15 miles away. Like an army on the march, they poured steadily onto 120 acres of barren dirt. Onward they walked, carrying the banners of their parishes or the flags of their countries.

Four gray-smocked nuns watched from a crest near the state park's entrance.

"You know, it's amazing to me, really," said Sister Immaculata, who had come with other nuns from her order in Illinois.

"Even the comments the kids are making on TV show what a deep faith they have — and you would not believe it if you didn't see this."

Each new wave of young worshipers was sent to another section of field, cordoned off by orange cords. They unfurled their sleeping bags and unpacked their knapsacks, getting ready for their overnight vigil in preparation for this morning's Mass that will conclude this five-day gathering called World Youth Day.

Cheryl Harkness, a 21-year-old senior at the University of San Diego, brought a foam pad to cushion the uneven, hard-packed dirt. "This is exciting," she said, "It's really an adventure."

Like so many of these other young Catholics, Harkness loves her pope — even though she may not always agree with him.

"Of course I'm not going to believe everything, we're the new generation," she said. "But I listen because he has a lot of valuable things to say."

John Paul began his day with a morning Mass with 750 selected delegates at the Cathedral of the Immaculate Conception.

For Edgardo Rivera, the service was an emotional mixture of fascination and disappointment.

Rivera, one of two San Diego young delegates, had managed to

sneak in a 9-year-old member of his church, Our Lady of Sacred Heart in East San Diego, who has leukemia.

After communion, as the pope began to greet participants, Rivera surged forward, with Nicole Hernandez in tow, so that the Holy Father could bless the young girl.

They did not make it.

"I almost cried," said Rivera, 18-year-old high school senior. Still, he added, fighting to keep the disappointment out of his voice, it was an honor to be there to hear first-hand the pope's challenge to evangelize the world.

"I was just like in a big awe. I was just amazed that I was there," he said.

There are 1,500 participants from the San Diego Diocese at this World Youth Day '93, an international gathering of Catholics ages 13 to 39. "Some people have been calling it a Woodstock for Catholics," said San Diegan Steve Hicks, a 24-year-old member of St. Columba.

Pope John Paul arrived Thursday, one day after the opening of this convention, the largest ever held in Denver. Downtown's Civic Center Park has become Celebration Plaza, a non-stop festival of music, Mass and religious materials.

The Associated Press contributed to this report.

OPINION

The bad guys behind workers' comp

By ROBERT C. FELLMETH and CORINNE D. CLARK

California employers may feel trapped in a workers' compensation system from which there is no practical escape and which is costing more and more every year. But who is really responsible for this nightmare which has been unfolding for employers in this state?

The finger-pointing and scapegoating have focused on attorneys, doctors, vocational rehabilitation workers and the employees who are making the claims. For the most part, the spotlight has avoided any focus on the insurance companies that provide and control workers' compensation coverage.

Yet, the insurers are the players in the scheme who hold the purse strings for themselves and their policyholders — the employers who pay the rapidly escalating premiums. And the nine new laws enacted this year were strongly supported by the large insurers and, unsurprisingly, did not address the basic problem.

The starting point for exposing the insurance company's role is, generally, the policy itself. Presume that you are an employer. You may be shocked to learn several things about your policy.

Suppose you question a claim and want it investigated. Your insurer will say that its policy does not require it to investigate your employees' workers' compensation claims for fraud.

If you tell your insurer not to pay a claim because it is bogus, your insurer may refuse to withhold payment and point to its policy and say, "Where does it say we are obliged to pay only meritorious claims?"

Your insurance company may also claim that under your policy it is not required to share medical information concerning your employees with you — even if it would be used by you to prevent similar future injuries to other employees.

The system is stacked in favor of chicanery and abuse. How rou-

tine is it now for an employee to file a "stress" claim upon being fired? Certainly the coterie of stress reducers, massagers and hot-tub therapists have been stimulating this symbiotic fraud; but the key to the solution is to give those best able to expose it — the insurers — the obligation as well as the incentive to do so.

The point is that California employers need to protect themselves, not only from fraudulent claims submitted by their employees and from unscrupulous attorneys and health-care providers who benefit from the workers' comp system, but also, and in some instances most critically, from their own insurers whose financial interests are not the same as those of their policyholders.

Why do insurance companies do so little to avoid paying fraudulent claims and to reduce employers' losses? Because the system has been set up with an inherent conflict of interest between the employer and its insurance firm — a conflict which even most employers do not realize. How?

- Minimum, not maximum, premium rates are set by law. (There has been no free market price competition between insurers, and this year's law changes do not resolve the problem.)

- The insurer is guaranteed a minimum recovery for its administrative costs. (Cost-savings benefit the insurer, not the employer.)

- Insurers may not promise dividends to policyholders; hence, they have no obligation to deliver them.

- But most important is the conflict created by the insurance company's reserve-setting for claims. Premium rates are determined by a formula whose critical components are controlled by the insurers. All they have to do is find a claim or two and calculate a large "reserve" in case it might cost a fortune down the line. This exaggeration of reserves maximizes the insurer's profits because:

- Higher premiums result in large part from higher reserves.
- Higher reserves confer tax benefits on the insurer.
- Higher reserves allow for the reduction or elimination of dividends to the policyholder.

(cont'd)

S.D. Union-Tribune Sunday, Aug. 15th

FELLMETH is director of the Center for Public Interest Law at the University of San Diego and **CLARK** is a local attorney in private practice.



KENT BARTON

Does the employer have any right to affect or alter the reserves? The insurance company will, once more, say no because reserve-setting is its sole domain. Yet, the insurer will often leave the reserve-setting to the untrained, unguided whim of an over-worked adjuster handling 200 or more claims at once.

Historically, there have been expenses that an insurer cannot use for a false "reserve" or to increase a premium: the cost to the insurer of investigating or exposing a false claim.

In the psychotic world of workers' compensation, the mythical "reserve" must include how much the insurer may have to pay for prospective claims if they are valid, but not the amount spent to uncover claims as fraudulent. So the insurer is given a powerful incentive to countenance fraud — indeed, the bogus claim which is paid by the insurer is nothing more than a chance to add a higher reserve and, hence, to increase the premium again.

Meanwhile, the system discourages the timely payment of legitimate claims, because only by paying all claims made, *and* delaying them as long as possible, are profits maximized.

The Legislature has recently enacted a package of reforms, many long overdue. But it has failed to attack the central problem: the system of insurance regulation with its inherent conflicts between the employers and their insurers. The insurer is not obligated or motivated to lower premiums — and the charges (reserves) are not adjudicated as "excessive" no matter how outlandish.

Senate Bill 30, signed by Gov. Pete Wilson on July 28 to "enhance competition," does not do this job. It assumes there is effective competition unless one company controls over 20 percent of the entire workers' compensation market. But the market has submarkets — and it does little good to have 200 competitors if only one or two offer coverage for a given business.

Another section of the bill requires all insurers to adhere "to the approved . . . rules and experience rating plan." And the insurance commissioner only intervenes if the rates are too *low*.

Again, this does not solve the problem. What we need is assurance of competition within submarkets — where abuse is manifest; and an end to collusion; maximum rate regulation where competition is ineffective; reserves strictly limited; and allowance of premium increases based on prudent anti-fraud expenditures.

Under the current system, what we have are insurers posing as shepherds and getting their regular meals from the leavings of the wolves. Our Legislature knows there is a problem, but has not figured out what it is. And as for hapless small businesses, they are in an irrational regulatory meadow, waiting for shepherds to protect them — from somewhere — and meanwhile condemned to the proverbial silence, and fate, of the lambs.

F.Y.I.

S.D. Union-Tribune

Sunday, August 15, 1993

Letters to the Editor

The San Diego Union-Tribune welcomes letters to the Editor. To be considered for publication, a letter must be signed and include a daytime phone number. It should be addressed to Letters Editor, *The San Diego Union-Tribune*, Post Office Box 191, San Diego, CA 92112-4106 or faxed to 293-1440, or call 293-2330 for modem instructions. Letters should be brief and may be edited.

Paying the price is worth it to start successful business

I'm one of 2 percent of Americans who will be paying substantially higher income taxes, including the surcharge. Would I rather not? Of course. Is it needed? Of course. Is it fair? I think so.

During the past 40 years, I have started three businesses that all became public companies and, by most standards, would be considered successful.

When the first company, Fed-Mart, was founded, the top individual income tax rates were 89 percent. The top rates when the second company, Price Club, was started were 70 percent. The top rates when the third company, Price Real Estate Investment Trust, was started were 31 percent.

Never once did the tax rate enter into my decision to start these businesses. Any entrepreneur worth his salt would not be deterred from starting a business because of tax rates.

SOL PRICE
La Jolla

Pell Grants

Government's College Aid Program Losing Millions To Fraud

By JIM DRINKARD
Associated Press Writer

WASHINGTON — The government's largest cash aid program for higher education is being defrauded of millions of dollars by schools that claim benefits for students who don't attend or are ineligible, according to government documents and investigators.

In schools as disparate as orthodox Jewish academies in New York and a Wisconsin trucker-training facility, Education Department documents describe widespread abuse of Pell grants.

Department officials acknowledge the program has lacked oversight. "There is fraud and abuse in the program that we have to get on top of," said David Longanecker, assistant secretary for post-secondary education.

The allegations have spawned a federal grand jury investigation of at least three dozen orthodox Jewish schools in the New York City area, according to sources familiar with the case, speaking on condition of anonymity.

Some of the Jewish schools have received Pell grants in the names of students who are not attending classes or did not have a high school diploma, Education Department enforcement reports show.

And Sen. Sam Nunn, D-Ga., says a subcommittee he chairs has uncovered evidence that some students were given kickbacks — paid either to attend a school or to allow their names to be used on Pell grant applications.

"There's no real monitoring of the federal funds," said Kenneth Gribetz, the district attorney in Rockland County, N.Y., who handled one case now under federal investigation.

"It's like Santa Claus came to town and just gave out money," Gribetz said. "A good program for needy people could be killed by inadequate supervision."

Last year the government distributed \$6.7 billion in Pell grants to

assist some 3.8 million of America's neediest students — an average of \$1,763 each. Some 6,300 schools nationwide are eligible to participate.

The grants are intended to help needy students attend college or trade school to improve their job prospects.

Concerned by the findings, Longanecker said the department is moving to screen schools more carefully before they are permitted into the Pell program.

And he promised tougher penalties. "If people transgress against the system, they will pay for that," Longanecker said.

Five sources familiar with the New York case say dozens of Jewish schools are under scrutiny and that a federal grand jury is hearing evidence. The sources could not legally identify the schools because of the grand jury probe.

But some abuses are alleged in recent Education Department enforcement reports:

- At Toldos Yakov Yosef, a Hasidic Jewish seminary in Brooklyn, N.Y., officials received thousands of dollars in Pell grants for students who were not attending classes there. In some cases, the school put the names of people attending English classes at local synagogues on falsified grant applications, investigators allege.

In one case, a Russian immigrant unnamed in the report came to the United States in 1988. He told investigators he had attended classes at two Manhattan schools but never in Brooklyn. The school collected \$4,700 in his name from 1990 through 1992, the department said.

The Brooklyn school, which recently closed, received a total of \$2.7 million in Pell grants in 1991. The Education Department is seeking fines of \$475,000 from the school, the report said.

A message left on the school's answering machine went unanswered.

F.Y.I.

San

ESTABLISHED 1886 VOL.

NAFTA's Credited For Rising Interest In Spanish Schools

*Nothing But Taught At The
Spanish Language Center —
Students Say 'Que Padre'*

By **HERBERT LOCKWOOD**
San Diego Daily Transcript Staff Writer

With heavy interest in the future of the North American Free Trade Agreement plus the maquiladora phenomenon, a number of Americans have decided it might be a good idea to learn Spanish.

But what's the best route to take? The yellow pages list 43 language schools. A few of them specialize in exotica such as Arabic and Swedish, but most offer Spanish.

And that's all that the Spanish Language Center in Mission Valley offers.

Gilberto Uriarte and Luz Hutchins are partners and directors of the center, which has 100 students under instruction at any one time.

A UCSD biochemical graduate, Uriarte decided to go in with Hutchins and two others in a Spanish instruction center, but the other two weren't inclined to heavy labor, so the two started out on a shoestring.

S.D. Daily Transcript
Monday, Aug. 9

A longtime teacher in the San Diego city schools, Luz said, "I had to borrow the first month's office rent from my husband. Soon we were working 13 hours a day."

And their methods were different. Two installments of three hours a week in groups of no more than five people, plus one-on-one instruction if requested.

"I did some tutoring when I was at UCSD and found the classes had 35 or more students and ran heavily to an emphasis on grammar. How much time could the teacher spend on one student?" Uriarte asked.

"Then, many language schools emphasize fluency in conversation and ignore grammar completely. We do grammar and conversation."

And how long does it take to get a command of the language?

"We're brutally honest; we don't know. People are different."

Some are lazy; some are industrious. Some have a tin ear, others pick up the nuances of the language easily, so no promises as to the duration of instruction can be made, but if they stick to it, it starts to come to them.

Is all Spanish alike? By no
Please turn to Page 5A

(Continued)

Wise Up And Learn Spanish—

Continued from Page 1A

means.

Classic Spanish as spoken in Madrid and that spoken in Mexico City differ about as much as English and American. But South and Central American languages have adopted Indian words, have evolved words of their own, but generally there's not too much trouble in understanding one another.

In Spain, Catalan, the language of Barcelona, is almost a separate language, and Basque, spoken by Spanish and French alike, is a prehistoric language that's incredibly difficult to learn. In the northwest of Spain, there's a Portuguese dialect. Then there are problems in the south.

And Spain isn't the only nation with problems. When a native of Milan and one from Sicily get together, they haven't the foggiest idea of what the other is talking about.

"Fortunately, regional changes in Mexico are unimportant. Luz comes from Tampico; I come from Mexico City. There's no difference," said Uriarte.

Tijuana, on the other hand, is a different breed of cat.

A visiting professor from the University of Madrid teaching at the University of San Diego groaned audibly when he spoke of the Tijuana lingo.

"Take the worst Brooklynese you can find, corrupt it with foreign words, and even then it would be better than the Tijuana dialect. A typical phrase would be, 'Donde esta el junkyard?'"

"It's Spanglish," agreed the instructor.

So who comes to his classes?

"We have doctors, lawyers, students, members of the U.S. Border Patrol; we are the only school authorized by them. All members of the patrol are required to have a working knowledge of Spanish. One attorney took our classes, was later authorized to practice in the juvenile courts," said Hutchins.

Instruction at the center isn't grim. In fact, they play bingo, tic-tac-toe and other games. They learn about clothing by examining Barbie dolls, and identify fruits and vegetables from models. They go heavy on visual aids as well.

What about competition? There's a lot, of course, but they're holding their own by making their methods

pay.

"We have never been in the red," said Uriarte, but confesses it was a close call once or twice.

Berlitz has been teaching languages for more than 100 years worldwide.

"Our method is based on the way children are taught when they are very young," said Jennifer Katz, San Diego director. "We offer small group instruction and individual lessons."

Three years ago the University of San Diego dropped the method of the lecturing professor and the note-taking student.

"They learn by imitation and repetition, and students start speaking Spanish the first day. Later on, grammar is laid on," said Associate USD Dean Mitch Malikowski of Arts and Sciences. Classes meet three hours a week in two sections: one with 24 students, one with 12.

"They learn about the language and culture as well," he added.

Those seeking degrees must have three semesters of a language, and the dean said that many transfers from other universities who have the required three semesters are behind their own students.

Located at 3443 Camino del Rio South, the Spanish Language Center had no branches, as yet, but the directors are thinking of outlets in North County and South Bay, which could be run by some of their instructors.

How much for instruction?

Individual tutoring is \$20 an hour, and instruction in small groups comes to \$10 an hour.



Union-Tribune.

Mile-high welcome awaits the pope

By SANDI DOLBEE
Staff Writer

When Edgardo Rivera tells co-workers at his summer job that he might get to talk to the pope in a few days, they have some suggestions for the 18-year-old high school senior.

"The ladies that I work with, they are asking, 'How come they don't let women be priests? Ask the pope. Ask the pope.'"

Rivera is not so sure he wants to ask that question.

"I would like to ask about him, besides being a pope, how he was as a child — his interests and hobbies and stuff like that."

From the avenidas of Tijuana to the shores of Oceanside, Rivera and hundreds of other young Roman Catholics

are heading for Denver this week to join Pope John Paul II and youths from around the world for a mile high celebration of their faith and the future of their church.

More than 160,000 teenagers and young adults from 70 countries are registered for World Youth Day '93, an international Catholic forum of workshops, prayer vigils and cultural exchanges that has been hosted by John Paul every other year since 1987.

Joining them will be 1,500 young people from the Diocese of San Diego and 33 representatives from Tijuana who have washed cars, baked cakes,

sponsored dances and sacrificed vaca-

THE
POPE



in the
AMERICAS



Union-Tribune / GERALD McCLARD

Holy observance: Youths lead a procession at USD in advance of the pope's U.S. visit for World Youth Day.

See Pope on Page A-18

Pope

1,500 from S.D. area
are expected to attend

Continued from A-1

tions to be with the leader of the world's 944,578,000 Roman Catholics.

"It's a once in a lifetime experience," said Chris Owen, 17, who is going to Denver with St. Francis parish in Vista.

"I think he's great," said Chris of the 73-year-old pontiff. "He has done more than any other pope, I think. He's definitely made an attempt to be the youth pope. He has done a lot of work with youth in the world."

World Youth Day is Pope John Paul's baby. He began inviting young people — ages 13 to 39 — to Rome for Palm Sunday services in 1984. After 50,000 people responded the first year, followed by 250,000 in 1985, the pope took the program on the road. He held the first officially named World Youth Day in Buenos Aires in 1987, followed by Spain in 1989 and Poland in 1991.

The pope announced last Palm Sunday that World Youth Day '93 would be held Aug. 11-15 in Denver, a city he has never visited and chose because of the majesty of the Rocky Mountains.

The response from U.S. Catholics has been overwhelming — an estimated 70 percent of the participants are from this country.

"We did not think the American youth would participate like they have," said World Youth Day spokeswoman Cindy Matthews, who said organizers initially planned for 60,000 people.

"We thought it was in the middle of the country, and it is not a big city like New York or L.A. or Chicago, so people would have a harder time getting here and it would be more expensive."

Hotel rooms are booked as far away as Fort Collins and Colorado Springs, camp sites are overflowing and the Catholics have had to come up with some rather unorthodox

sleeping arrangements. Among them: A tent city is being erected at a nearby Army base, livestock stalls are being turned into bunks at the Denver Union Stockyards and a three-story parking garage in downtown Denver is being converted into a concrete campground.

The turnout from the San Diego Diocese, which includes San Diego and Imperial counties, also was surprising. "That is a lot considering the expense involved," said Susan Stark, who is director of the Office for Youth and Young Adult Ministries for the diocese.

Magnetic pope

Much of the attraction is the global village atmosphere with people of similar ages and beliefs.

"I am just anxious to be immersed with so many people of the same faith and being able to share it out loud in public because a lot of times in our lives, we can't share it," said Robert Robb, a 28-year-old member of St. Mary's in El Centro who is taking 42 young people to Denver.

But the promise of seeing the pope is the most powerful draw for many.

"He's the only pope in history that really has gone out of his way for us, with all his traveling and blessing of the people," said Sharon Gonzales, a 31-year-old artist who painted a huge banner that she and the others from Santa Sophia Church in El Cajon will hoist during John Paul's outdoor Mass next Sunday.

"I think this is going to be the last time he will be coming to America and I don't think I will get another chance to see him," Gonzales added.

The most traveled pope in Catholic history, this is John Paul's 60th foreign trip and third visit to the continental United States. He arrives in Jamaica tomorrow and will go to Merida, the capital of Mexico's Yucatan state, on Wednesday.

The pope arrives at Denver's Stapleton Airport at 2:30 p.m. Thursday, when he will be greeted by about 500 selected young people from the United States before linking up with President Clinton for an afternoon audience at Regis University. After dinner, John Paul will head for Mile High Stadium to

"He has a way of reacting to the crowd that it just endears him. And he knows what to say."

KEITH DAVIS

To shepherd 39 youngsters to Denver.

greet World Youth Day participants, who will have finished their first full day of events.

The pope will meet with bishops Friday morning at Denver's Cathedral of the Immaculate Conception and then plans to head to a Catholic retreat in the Rocky Mountains.

On Saturday, he is back at World Youth Day for a morning Mass at the cathedral with about 800 selected young people. Two will be from San Diego's diocese — Rivera, from Our Lady of Sacred Heart in East San Diego, and Rocio Cuevas, 22, from St. Anthony's in National City.

That evening, he will lead a candlelight vigil to Cherry Creek State Park, where the young people will stay overnight in preparation for the next morning's papal Mass.

John Paul's Mass on Sunday morning will be open to the public and is expected to draw some 500,000 people. It also will be broadcast live on Denver-area radio and television stations.

After Mass, the pontiff will meet with hundreds of Vietnamese-American Catholics — including about 80 from San Diego's diocese. Hien Nguyen, a 30-year-old member of Our Lady of Sacred Heart, hopes to ask the pope to help put pressure on the government of Vietnam to ease religious restrictions.

After touring a children's center, John Paul will head back to Stapleton Airport on Sunday evening for the long flight home to the Vatican.

Perhaps no one from this area will get closer to the pope than

(cont'd)

Rachel Herriman. The 17-year-old Poway student confessed to a short bout of screaming when she was told she would be among 500 U.S. Catholics to greet John Paul when he arrives at the airport Thursday.

"I think that he is a very holy man," said Rachel, who goes to St. Michael's in Poway. "I really admire him. He has so much pressure, he has to say the right things and he has to make the rules for the church. And that's a really hard job."

Youths see change

Making the rules for the church is a particularly hard job in the United States, where polls consistently show that many Catholics are out of step with the pope on issues ranging from birth control to whether priests should be allowed to marry.

"I see a lot of that changing, not quickly, but I see it changing," said Chris Owen of Vista. Despite his own admiration for John Paul, Chris says, "You would be hard up to find a Catholic who believes in everything the pope does."

Steve Hicks, a 24-year-old computer graphics designer, said he often thinks about the contradictions between what the church says and what many members practice.

"Human beings are not these whole, singular, one-piece minds," observed Hicks, who is going to Denver with St. Columba Church in San Diego. "To just up and leave the church is one extreme but to believe everything to the T is the other extreme."

Catechism, the teachings of the church, will be the topic of many of the World Youth Day sessions. But Hicks points out, "This is a religious event, a pilgrimage event — it's not a political scene."

Sister Camille Crabbe sees this gathering as an opportunity for some remedial centering for younger Catholics.

"I think when they see there are other youth throughout the world that they can identify with and see the power, it will affect them very much — and give them strength," said Sister Camille, who is taking 24 teen-agers from Most Precious Blood parish in Chula Vista.

In the Roman Catholic faith, the apostle Peter was the founder of

the church and the first pope. Popes who followed him are regarded as part of that lineage.

That connection is a powerful one, said Mary Hills, of Santa Sophia parish, who was surprised by her own reaction when she saw the pope in Rome last October.

"All of a sudden, I had this real emotional feeling. I just started crying," said Hills, 42, who is accompanying about 50 participants from her church. "There is a deep tradition; this is the descendant of Peter, who Christ appointed as the head of the church."

Keith Davis, who was a delegate to the pope's youth rally in Los Angeles in 1987, still talks about John Paul's charisma.

"He has a way of reacting to the crowd that it just endears him," said Davis, who will shepherd 39 young Catholics from Our Lady of Grace in Fletcher Hills to Denver. "And he knows what to say."

Participants are financing their own trips. And for some, the fundraising won't be finished even after they reach Denver.

Santa Sophia's youth hope to earn \$2,000 by working at the McDonald's booths at Cherry Creek State Park on Saturday. McDonald's is the official purveyor of World Youth Day meals.

In past youth forums, John Paul has hit on the familiar themes of drug abuse, premarital sex and the other temptations that pull the faithful away from "the truth" — the teachings of Jesus.

San Diego Bishop Robert Brom, who will be at the Sunday papal Mass, said the pope once told him, "The truth is never popular but always attractive."

"... If we love the children of God, we must tell them the truth — even though it is not popular."

Chance to shine

Cuevas, the other San Diego Diocese representative to the Saturday Mass, would like to talk to the pope about gangs, AIDS and the breakdown of the family — subjects she thinks are interrelated pieces of the world puzzle.

"Whether we are Catholic or not, we are still faced with those day-to-day issues," said Cuevas. "I really believe the church has not addressed that yet. That is why it is

important for us as youth to be active and really uncover that."

Along with being the gathering place for the world's Catholic youth, Denver this week also may become a battlefield over the issues of abortion and proselytizing.

Abortion foes like Operation Rescue hope to enlist Catholic youths as active allies in their protests and pro-choice proponents are expected to hold counterdemonstrations.

Christians Evangelizing Catholics will have about 100 volunteers to try to convert World Youth Day participants to fundamental Protestantism, said founder Bill Jackson, from his office outside of Denver.

But Catholic Answers, a San Diego-based Catholic evangelization group, will have 200 volunteers in Denver to clear up misconceptions and do some converting of their own, according to vice president Patrick Madrid.

World Youth Day '93 will be Denver's largest convention ever, costing the Catholic church \$6.5 million and generating an estimated \$167 million in local revenue.

It is being seen as an opportunity for both Catholics and Denver to shine.

"We're trying to be an international city, and here is our chance," said event spokeswoman Matthews, a 25-year-old Denver native and long-time Catholic. The state also wants to overcome the negative fallout created by passage of the anti-gay Amendment 2 ballot measure, which is still tied up in court fights, she noted.

Adoption Battle Raises Painful Questions

■ **Families:** San Diego case is the first under a state law giving unwed fathers more clout in custody fights.

By TONY PERRY
TIMES STAFF WRITER

SAN DIEGO—Michael, who is 2½ years old, loves to play with his plastic dinosaurs and splash in his back-yard wading pool. He laughs a lot.

He and 4-year-old J.T. are best buddies except when, in that classic pattern of young brothers, they begin squabbling over a toy.

If either boy needs help or attention, he cries out for mommy or daddy, and Peggy and John Stenbeck are there. Michael and J.T. appear happy, healthy and secure.

But because of a major shift in California law, Michael may soon be taken from the Stenbecks and given to his biological father, a high-school dropout with a history of alcohol and drug abuse who was 21 when he impregnated Michael's mother, then 15. The new law gives unwed fathers who quickly declare an interest in raising their children an advantage over adoptive parents in custody battles.

The Stenbecks, who met at a church dance and have been married for 11 years, are unable to have children and thus turned to adoption. The adoption of J.T. went smoothly, but the adoption of Michael, despite his birth mother's blessing, has become a legal nightmare.

The tug-of-war over Michael has received none of the national attention given to the case of 2½-year-old Jessica, who was taken this week from her adoptive parents in Michigan and given to her biological parents in Iowa. Still, Michael's case involves the same heart-rending emotions and agonizing societal questions about balancing a father's rights against the best interests of a child.

Since it is the first case to go through the legal system under a change in the law brought on in 1992 by the California Supreme Court, Michael's case may also set legal precedent for other confrontations between unwed fathers and adoptive parents.



DAVID McNEW / Los Angeles Times

Michael, 2½, hugs John Stenbeck, who is fighting to adopt him.

The legal fight has taken an emotional toll on both sides.

"If I didn't have my faith, my family and my friends, I'd be a basket case," said Peggy Stenbeck. Her husband said he has "bouts of depression and tears at work."

Mark King, Michael's biological father, said he feels "like someone has wrapped a fishing line so tight around my chest that it has cut my heart in half."

In two weeks the case will return to San Diego Juvenile Court Judge Michael Wellington, who has already ruled that because of King's objections, the Stenbecks should not be allowed to adopt Michael.

This time, Wellington will decide whether Michael should remain with the Stenbecks or be sent to live with King while a higher court hears the Stenbecks' appeal of Wellington's adoption ruling.

The Stenbecks say they fear for Michael's well-being if he is removed from the only home he has ever known. "Michael would become a broken child," said John Stenbeck. "It would be like taking a hammer and smacking a mirror. The pieces may all stay in the frame but they're shattered."

King said the Stenbecks are unfairly portraying him as a monster and that he has been clean of cocaine, marijuana, methamphetamine and alcohol for nearly three years, an assertion his boss backs

up. "People can change," King said. "If they want something bad enough, like I want Michael, they can change."

For three months he has been working as a \$5-an-hour truck driver in San Bernardino so he could be close to San Diego for his twice-monthly, court-approved visits with Michael, which are closely supervised by the Stenbecks. Michael knows King only as a man who occasionally meets the family at the beach or a park.

After the Aug. 20 hearing, King

plans to return to an \$8-an-hour assembly line job in a window-frame factory in his native Prescott, Ariz., where he has rented an apartment, stocked it with toys, and arranged for friends and relatives to serve as baby-sitters.

King's boss came to San Diego to tell the adoption case judge that King is a hard-working employee with a good future with the company. And since dropping out of school, King has gotten his high-school equivalency diploma.

The Stenbecks are horrified at the thought of Michael being taken to Prescott and exposed to King's family and friends. A court-appointed psychologist said King came from a "dysfunctional, alcoholic family" and that his mother has an "unstable lifestyle."

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ADOPTION: San Diego Case Raises Painful Questions

Continued from A1

"Mark is going right back to the place where he was doing his drinking, doing his drugs, right back into the family model that works that way," John Stenbeck said.

King replied that, like any loving parent, he will shield his son from any bad influences, including from his own family if they are mistreating Michael or behaving "loud and rude."

"Millions of other single parents raise children," he said. "Who says I can't do it?"

Michael is the product of the short and stormy relationship in 1990 between King and a girl named Stephanie. She said he plied her with liquor to get her to consent to intercourse. He says she was the sexual aggressor and that he showed restraint by waiting until her 15th birthday to have sex.

At first King agreed with Stephanie that their unborn baby should be adopted by the Stenbecks, who knew her family. Then King and Stephanie had a fight that left Stephanie with bruised arms and King under arrest, although the charge was later dropped.

King tried to commit suicide and while recuperating in a hospital decided he wanted to adopt the child Stephanie was carrying. Stephanie fled from Prescott to San Diego and lived with the Stenbecks until she gave birth at a hospital Feb. 21, 1991.

The Stenbecks own a modest, older home with a large back yard on a tree-lined street. Toys are strewn about the family room; a sign on the wall says "We Are a Family." A remodeling job has been halted because of mounting legal bills.

Peggy, 33, sold insurance but now stays home to care for Michael and J.T. John, 35, sold real estate but shifted to a different profession so he did not have to disrupt his family life by working nights and weekends.

Making the legal case even more complex is the fact that Stephanie, now 18, has said that if the Stenbecks are not allowed to adopt Michael, she will reassert her parental rights in an attempt to keep King from getting custody. That would set off additional legal rounds.

Until last year, California law was crystal clear in cases where an adoption was being contested by an unwed father. Judges were instructed to act in the best interests of the child.

In fact, Juvenile Court Judge Lisa Guy-Schall in October, 1991, approved the Stenbecks' adoption petition and rejected King's request for custody under the best-interests standard.

But while King's court-appointed attorney was appealing that decision, the California Supreme Court, in a Sherman Oaks adoption case involving a little girl known as Kelsey S., turned the world of adoption law, and the Stenbeck family, upside down.

The state high court ruled in February, 1992, that in cases where an unwed father contests an adoption arranged by the mother, the father should receive custody if he can prove that he came forward and offered "a full commitment to his parental responsibilities—emotional, financial and otherwise" as soon as he learned of the pregnancy.

The Kelsey S. case, in effect, replaced the best-interests standard with one that stressed the unwed father's civil rights, a victory for the fathers-rights movement.

Citing the Kelsey S. decision, the appeals court in San Diego in August, 1992, sent Michael's adoption case back to Juvenile Court, with the heavy inference that King had met the new standard of having offered a sufficient and timely commitment.

Doug Donnelly, the Santa Barbara attorney who represents the Stenbecks, was particularly furious at a suggestion by the appeals court that, in evaluating King's actions as a father, the court should give him credit for the efforts he has made to straighten up.

"In other words, a suicidal drug addict has a lesser burden of proof to show diligence [of parenthood] than someone who is not a suicidal drug addict," Donnelly fumed.

In February of this year, Juvenile Court Judge Wellington agreed with the appeals court and ruled in King's favor, a decision the Stenbecks promptly appealed.

Wellington said the Stenbecks had provided Michael with "excellent, experienced and loving care" and that it is "a cruel twist of fate that we are now considering separating them." He said, however, he was bound by the Kelsey S. decision.

Donnelly believes King has not

met the Kelsey S. standards because of his lack of emotional stability, his lack of financial support for Stephanie, and his early approval of the adoption. King's attorney, Monica Vogelmann, disagrees, noting that King tried to get custody in Arizona within days of the birth and pursued custody with a vigor rarely found in unwed fathers.

Vogelmann supports the Kelsey S. ruling because she believes it begins to give unwed fathers some

of the same rights as unwed mothers: "I don't think in America we are in the business of taking children away from parents and giving them to 'nicer' homes. That's what they did in Nazi Germany."

Robert Fellmeth, law professor at the University of San Diego and director of the Children's Advocacy Institute, disagrees with Vogelmann and thinks the Kelsey S. decision is dangerous. He says that, in the name of fathers' rights, courts have regressed from a paternalistic attitude of protecting children to the 19th-Century view that children are property.

Fellmeth, who does not have a direct role in the case, hopes for legislative action to restore at least a modified version of the best-interests standard, possibly next year. So do the Stenbecks and the leaders of two organizations of adoption attorneys.

But the only bill in Sacramento to clarify the Kelsey S. decision would broaden rather than restrict fathers' rights. Authored by State Sen. Charles Calderon (D-Whittier), the proposed legislation would give unwed fathers up to 90 days after the birth to begin showing concern and thus get custody. The

Please see ADOPTION, A23

(continued)



DAVID McNEW / Los Angeles Times

Mark King, in San Bernardino park, talks about his fight for custody of his son Michael, 2½.

ADOPTION

Continued from A22

Kelsey S. ruling requires that such concern be shown as soon as the pregnancy is known.

The Stenbecks have gathered 500 signatures in opposition to Calderon's bill and traveled to Sacramento to testify against it. The bill is set to be heard by a subcommittee of the Senate Judiciary Committee on Aug. 17.

The Stenbecks say their legal bills are approaching \$50,000. As a middle-level manager at Price Club, John Stenbeck makes \$30,000 a year. King's attorneys are paid by the state because he is legally indigent and his parental rights are at stake.

King, 24, calls what the Stenbecks are attempting a legal kidnaping. "There's very few times in

the day when Michael is not on my mind," King said.

He denies that he only wants to get custody of Michael in order to be reunited with Stephanie, although he keeps her picture and says he still loves her.

As devout Catholics, John and Peggy Stenbeck say they pray for King's continued progress but they do not want Michael put at risk. They say they are prepared to appeal to the Supreme Court.

Already they feel Michael has been harmed. He has regressed with toilet training and returned to drinking from a bottle.

The Stenbecks also fear that J.T. will be traumatized if Michael leaves and may fear that he, too, will be sent away forever. And how will the family react if Michael is taken away?

"If we lose Michael," John Stenbeck said, "it will be as painful as the death of a loved one."

Tuesday, Aug. 3

B-4

C

THE SAN DIEGO UNION-TRIBUNE

OBITUARIES

Gilbert L. Brown Jr., 75; raised millions for USD

Gilbert L. Brown Jr., who helped raise millions of dollars for the University of San Diego as its vice president of university relations, died Saturday at his Point Loma home following a long battle with cancer. He was 75.

Mr. Brown also is credited with the creation in 1979 of the Invisible University, a popular outreach program which offers free educational seminars by USD professors in community settings. He was serving as special assistant to USD President Author E. Hughes at the time of his death.

A native of Pasadena, he earned two degrees



**Gilbert L.
Brown Jr.**

from the University of Redlands before receiving a Ph.D. at the University of Southern California in the late 1930s.

Mr. Brown, who devoted most of his career to higher education, began working at the University of Redlands as a public relations assistant in 1939. Over the next three decades, he served the university as director of public relations, associate professor of journalism and as vice president for development and public relations.

In 1972, Mr. Brown joined the University of San Diego as its first vice president for university relations. During his leadership, contributions to the school grew from less than \$100,000 in 1972, to more than \$6.2 million in 1984. He also helped establish USD's deferred giving plan. Throughout his life, Mr. Brown was active in various professional and civic organizations, including the American Red Cross and the Ameri-

can Association of University Professors.

He was a recipient of the B'nai B'rith Leadership Award, the American College Public Relations Association's Seasoned Sage Award, and the Southern California Industry-Education Council's Educator of the Year Award.

Mr. Brown is survived by his wife, Marion; two daughters, Candace Deaton of Oceanside and Jill Becotte of Redlands; two sons, Gilbert of Redlands and James of Texas.

A funeral service will be held at 10:30 a.m. Thursday in Founders Chapel on the USD campus. Private burial will be held in Redlands on Friday.

The family suggested contributions to the Gilbert L. Brown Memorial Scholarship Fund at USD.

GILBERT L. BROWN
University executive

Gilbert L. Brown, 75, of San Diego died of cancer Saturday in San Diego.

Brown, a native of Pasadena, was a former resident of San Bernardino County. He was spe-



cial assistant to the president of the University of San Diego. Brown began working at the University of Red-

lands as a public relations assistant in 1939 and eventually became director of public relations. He also directed the university's Salzburg Semester in Austria and its European Program.

Brown was active in numerous professional and civic organizations, including the American Red Cross, the Phillip Y. Hahn Foundation, the Redlands Chamber of Commerce, the San Bernardino-Riverside Industry Education Council, the San Felipe del Rio Corp. in Taos, N.M., and the American Association of University Professors. He was a recipient of the B'nai B'rith's Leadership Award, the American College Public Relations Association's Seasoned Sage Award, and the Southern California Industry Education Council's Educator of the Year Award.

Survivors include his wife, Marion; two daughters, Candace Brown Deaton of Oceanside and Jill Brown Becotte of Redlands; two sons, Gilbert D. of Redlands and James N. of Kingwood, Texas; nine grandchildren; and one great-grandchild.

Services will be 10:30 a.m. Thursday at the Founders Chapel on the University of San Diego campus. Interment will be 10 a.m. Friday at Hillside Memorial Park, 1540 Alessandro Road, Redlands.

The family suggests donations to the Gilbert L. Brown Memorial Scholarship Fund at the University of San Diego, 5998 Alcalá Park, San Diego 92110.

San Bernardino Sun
Tuesday, Aug. 3

S.D. Union-Tribune
Monday, Aug 2

News fit to print — in obituaries

To many, he was a pillar of their community. Then came scandalous allegations. Because of his position, stories about his personal troubles appeared in local newspapers.

That was years ago. When he died last month, an obituary about him appeared in *The San Diego Union-Tribune*. And the allegations? They were right there, in the middle of the obituary, along with his good works.

Now his family is not only grieving for him, but is reeling from seeing the allegations once more in print. They say it's unfair.

I am not going to name the man. Family members do not want to see anything more in the newspaper about the unfortunate episode.

The information the family questions included both an allegation of sexual misconduct, which the man denied, and alleged drug abuse. There was no criminal prosecution; nothing on the public record beyond newspaper stories. Given that, was it really necessary to include the information?

I am conflicted about this: It is a powerful argument that the previously reported allegations did not involve criminal prosecution; it is a powerful argument that the man denied one of the allegations and that he cannot defend himself from the grave. I am also haunted by the pain the information in the obituary caused family members. I am equally aware that the name would be recognized by readers who might accuse the newspaper of covering up for a person with powerful ties in the community.

The man no longer lived in the county; the newspaper learned of his death through a notice submitted to the newspaper by a relative. As is usual practice, the reporter took the facts and supplemented them with information from the newspaper files. In this case, the information in the files included the allegations.

Had the family submitted it as a paid death notice, it would have appeared exactly as it was written by the relative. However, a paid death notice does not preclude a news obituary; if a person is prominent enough and there is space,

Gina Lubrano

news obituaries are written.

I suspect not many readers know the difference between news obituaries and paid death notices that appear on the same page; the family did not, despite an item explaining that paid announcements are placed through the classified advertising department. Paid notices look different from regular news stories and obituaries. The type is smaller and in a different style.

Readers asked why the newspaper had to include the information that was so distressing. Explaining that the information was news didn't do it. One woman called the newspaper a four-letter name before slamming the phone down.

This was an obituary, readers said. It is probably the last word the public will read about the person. They say it is like a eulogy. It should concentrate on the good, not the scandalous.

Now look at it from the standpoint of a newspaper whose mission it is to report the news. Including the well-publicized allegations in the announcement of this man's death was a point of information for readers who may remember the name and wonder if he is not the same person they had read about in the past.

In this case, the information some readers feel should not have been included was deep in the story, in the seventh paragraph of an obituary that was 11 paragraphs long. Had the newspaper been attempting to sensationalize, the information would have been in the first paragraph and in the headline.

Even so, I have to agree with the family member who said: "So what? You know what the reader is going to remember."

Writing such an obituary is probably one of the most unpleasant tasks faced by any reporter. He or she knows the information probably should be included to give the full story, but most writers usually do

not relish doing so. The reporter knows the "professional" reasons for using the information: It's part of the man's past and the paper could lose credibility if it published a sanitized version.

Ombudsmen at the *Sacramento Bee* and *Baltimore Sun* did not see how the *Union-Tribune* could avoid reporting the information, but I could hear the reluctance in their voices.

As Art Nauman of the *Bee* put it: "My heart is in one place but my professionalism tells me something else."

Because it makes thoughtful journalists as uncomfortable as I know it does, newspapers need to put a little heart into their "professionalism."

♦ ♦ ♦

A story July 25 about State Bar of California discipline of attorneys said that Clarence W. Hunsucker could not be reached for comment. There was no listing for Hunsucker in the telephone book or in attorney directories. The reporter did a computer search of the *Union-Tribune* library and found nothing. Apparently, she did the research a full week and a half before the story appeared. Had she done the research later, she would have found a paid death notice. Hunsucker died on July 11 and a notice first appeared July 18. Friends said that he had not practiced law for some time.

♦ ♦ ♦

Usually, the names of the immediate family members are in the list of survivors in obituaries. An obituary last week for Dwight M. Lobb did not include his mother, Aline Lobb, of San Diego. The information, unfortunately, was not provided by the source.

♦ ♦ ♦

Gina Lubrano's column commenting on the media appears Mondays. It is the policy of The San Diego Union-Tribune to correct all errors. To discuss accuracy or fairness in the news, please write Gina Lubrano, readers representative, Box 191, San Diego, CA 92112-4106, or telephone 293-1525.