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PETER ROWE

Siren song draws us to sea, in shifts

One recent afternoon between rainstorms, I stood on Mission Beach and stared at the Pacific. Deep water, shallow thoughts.

I shared this private moment with a goodly number of the public — a young mother with a dozing infant, a man with a video camera, a dozen folks looking west.

Nothing is more ordinary. Yes, many of us came to see extraordinarily big waves, kicked up by El Niño. But no matter the weather, you can always find a San Diegan staring out to sea, poking his feet in the sand and his head in the clouds. If the ocean was as even-tempered as Pollyanna, it would not matter. We would be there yet, gaping.

We are pulled by an irresistible force. Called physics.

"The Southern California wave problem is one of the most complicated physics problems in the entire world," said Reinhard Flick, a research associate with the Scripps Institution of Oceanography.

Or do we respond to something less tangible?

* "The mystery draws us," said Jerome Hall, a marine archaeologist at the University of San Diego. "Your ancestors came across the ocean, my ancestors came across, some Americans' ancestors came across by force.

"For me, it's the great mystery."

Geological mugging

Of all the ways of viewing the ocean, Flick's vision may be the most turbulent.

He sees a liquid migration that begins in the Gulf of Alaska, sweeping south at speeds of up to several hundred miles a day. When this fluid hits the California coast, it is spun and squeezed and pummeled by islands, points, undersea canyons and sandbars.

Ordinarily, the sea survives this geological mugging quite well, thank you. Roughly 85 percent of the year, long, even swells hit San Diego's shore at 10-second intervals. But in stormy weather — that is, like much of this month — the swells are larger and faster, pounding the coast every five or six seconds.

"Now, in Southern California, we can make a breakthrough in being able to model and predict these shorter waves," Flick said. "That's why this weather is so important to us."

Those models and predictions lead to more accurate weather forecasting, a tool that can prevent more than soggy picnics. This month, scientists using models developed by the Navy accurately predicted 30-foot waves at Stinson Beach — a day and a half before these potentially devastating waters crashed ashore.

The prediction was made possible by tools purchased by various federal and state agencies, at a cost of roughly \$15 million. Was the investment worthwhile?

"All you need is to save 10 or 12 homes in Stinson Beach and you've got your money back," Flick said.

A great barrier

The next day, I stood on Mission Beach with Hall. Storm clouds were sailing in on a chill wind, but my companion's tone was as sunny as a postcard from, say, Mission Beach.

"We're lucky to be here on this little edge of the continent," he said. "I'm surprised that not everybody is out here."

As it was, we were sharing this continental slice with a TV crew shooting an episode of "Pensacola," plus a full complement of dog-walkers, bird-watchers and sea-gazers.

Hall grew up near here (Mission Bay High, Class of '74), but he's only recently come home after professional stints in Texas, Puerto Rico, Israel and points between.

While excavating a 2,000-year-old fishing vessel near the Sea of Galilee, Hall read and re-read the Bible. "St. John writes, 'In heaven, there is no sea.' In Scripture, the sea is often a barrier. It's a vast distance that all of us have come across."

Having survived the voyage, we look back.

"We're here," Hall said, "and we don't really know why."

No. But when we finally figure it out, the sea will still be here, waiting for us.

PETER ROWE's column appears Tuesday, Thursday and Sunday. He welcomes phone calls, (619) 293-1227; faxes, (619) 235-8916; and e-mail, peter.rowe@uniontrib.com

mystery of the

MOCHE

One in an occasional series profiling local scientists.

By Scott LaFee

STAFF WRITER

The first clue was a stain — apparently organic, perhaps spilled blood. It had spread and discolored the plaster floor of a room once deep within Dos Cabezas, a massive, mud-brick pyramid erected by an ancient Peruvian culture called the Moche and later modified by their successors, the Lambayeque.

Dos Cabezas is Spanish for “two heads,” a reference by archaeologists to the site’s two massive earth mounds rising from the floor of the Jequetepeque Valley — one the still-standing remnants of the pyramid, the other rubble created by grave robbers looking for loot over the centuries.

But here beneath this floor, robbers had apparently overlooked something, thought Alana Cordy-Collins, an archaeologist at the University of San Diego who has worked seasonally at Dos Cabezas since 1983: On three sides of the stain were oval-shaped breaks in the plaster floor.

“We thought something might have been buried in those three places before the stain-

ing took place,” Cordy-Collins said.

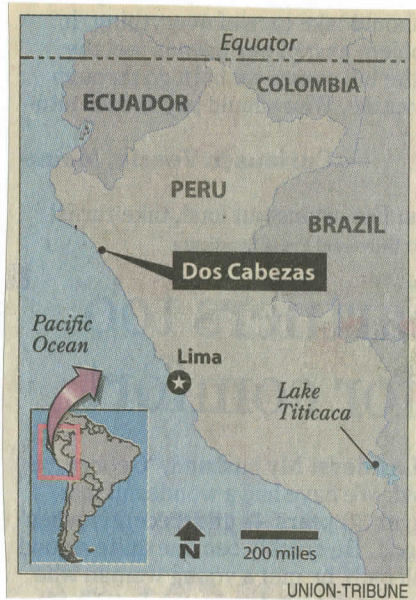
Digging into the south oval first, Cordy-Collins and colleagues quickly unearthed the shrouded head of a young man, a discovery soon followed by the revelation of three more skeletons belonging to women.

“The three women were buried at a deeper level than the man,” Cordy-Collins said, “indicating that he had been the last to be placed in the tomb. All four were facing north and seated in a loosely flexed, cross-legged position. All were shrouded in multiple layers of textile and had many grave goods: lidded rectangular baskets, fancy ceramic bottles, shallow gourd plates filled with food remains. The women had tiny, oxidized, crescent-bladed knives called tumis. We had never seen these knives with women before or this small.”

Turning next to the western oval, now suspected to be another tomb, researchers found more skeletons: Two more females facing east, both elaborately outfitted for the afterlife. One woman, nicknamed “Pandora,” was buried with an ornately carved wood-lidded box — the only such item ever excavated archaeologically, though others are known from museum collections and auction

See **MOCHE** on Page E-4

THE SCIENTIFIC LIFE



**New discoveries
and questions
about ancient
Peruvian culture
keeps USD
archaeologist
digging**

Man in blue: Found near the tomb of the giant, this 9-inch-tall figure was formed from sheets of copper, now oxidized. Researchers believe it may be a representation of the giant in life.



Cranium room: *A partially sacked temple room at Dos Cabezas, filled with severed skulls and apparent remnants of a long-ago sacrifice, was uncovered in 1994 by USD archaeologist Alana Cordy-Collins and colleagues.*

Moche

New discoveries keep archaeologist digging

Continued from E-1

sales.

The box contained beautiful ground mineral pigments, each color bound up in a square of leather or cloth, interspersed with what later would be identified as the toe bones of a fetal llama.

Pandora herself was cloaked in fabric festooned with more than 10,000 tiny white shell beads. Her companion wore a "pectoral," a decorative piece of ornamentation covering her chest and shoulders composed of 5,000 black, tubular beads, most likely cut from quills. In her joined hands, she clasped a prized, imported *Spondylus princeps* shell filled with powdered lime used to release the alkaloids in coca leaf.

In the last, eastern oval, Cordy-Collins found one more body, this time facing west: a young woman estimated to be 14 to 17 years old with a severe, crippling hip dislocation.

"I winced thinking of how painful her brief life must have been," Cordy-Collins said.

In death, the girl wore bracelets of abalone shell and a pectoral similar to Pandora's companion. She was buried with an heirloom piece of spinning equipment — a spindle that had been made by Moche ancestors from another valley.

Carefully, deliberately, the researchers mapped, photographed, measured and described their findings, struggling against excavated walls of sand that threatened to bury their work at any moment, destroying the artifacts and the revelations they contained forever.

"It was tense," said Cordy-Collins, "knowing that we had very little latitude for error. We had to make the right decisions the first time around and do it before the sand caved in."

Then came the most startling discovery of all: The young girl with the dislocated hip had not died from her disability. Rather, she appeared to have been strangled. Indeed, all of the dead — whose bodies formed a rough circle, each facing inward — seemed to have suffered the same fate. Each was found with a many-stranded cord of cotton wrapped tightly around his or her neck.

"The cords were standard, each about 80 centimeters long (30½ inches) with two knots pressed into the neck where they would cut off the air supply," Cordy-Collins recalled of the excavations in 1996. "When we found that all of the bodies were the same, well, it made the hairs on the back of my neck stand up. Nothing like this had even been found before."

(Later, after the victims were buried, Cordy-Collins speculated that something else was sacrificed over the tombs — a llama perhaps — resulting in the large telltale stain.)

Who were these people killed

DATEBOOK

The Giant of Dos Cabezas Peru, a slide-illustrated lecture by USD archaeologist Alana Cordy-Collins

7 p.m. Thursday, Feb. 5, San Diego Museum of Man, 1350 El Prado, Balboa Park. \$7 (\$5 for museum members); (619)239-2001.

roughly a millennium ago? Their grave goods indicated membership in Lambayeque high society. But the only physical evidence linking them was a motif: All were buried with objects depicting birds.

"Maybe it was an avian cult. This could be an isolated incident in that this is the only such find of its kind ever made archaeologically," said Cordy-Collins. "But I have trouble believing that this was something the sacrificers just came up with on the spur of the moment. I'm willing to bet there are other examples elsewhere in the dirt of northern Peru."

If there are, Cordy-Collins, 53, is a good bet to find them.

Almost from the beginning of her life, it seems Cordy-Collins was destined to become an archaeologist. Growing up in Los Angeles, she was the only child of a museum curator, Napoleon Cordy, who deciphered Maya hieroglyphics in his spare time and a part-time portrait painter, Agnes Mave Cordy.

"As a child, I accompanied my dad on local digs he ran for the Southwest Museum. I also spent a lot of time in the museum," Cordy-Collins recalled. "I was always interested in art and science and mystery. We all read constantly. I have

no doubt that growing up in such a home predestined my life."

But her interest in archaeology is more than just familial.

"There is such a reward in adding new knowledge to the world, no matter how small the scale," said Cordy-Collins, who has focused much of her effort in the Jequetepeque Valley where Dos Cabezas is located. "Looking upon the Lambayeque sacrifices, I have felt tremendously privileged to be part of something that no one has known about for a thousand years or more."

"There's no doubt Alana is a world-class scholar," said Christopher Donnan, a professor of anthropology at UCLA who has known Cordy-Collins for more than 30 years and frequently collaborates with her on research. "Her work on the cultures of northern Peru is unequaled."

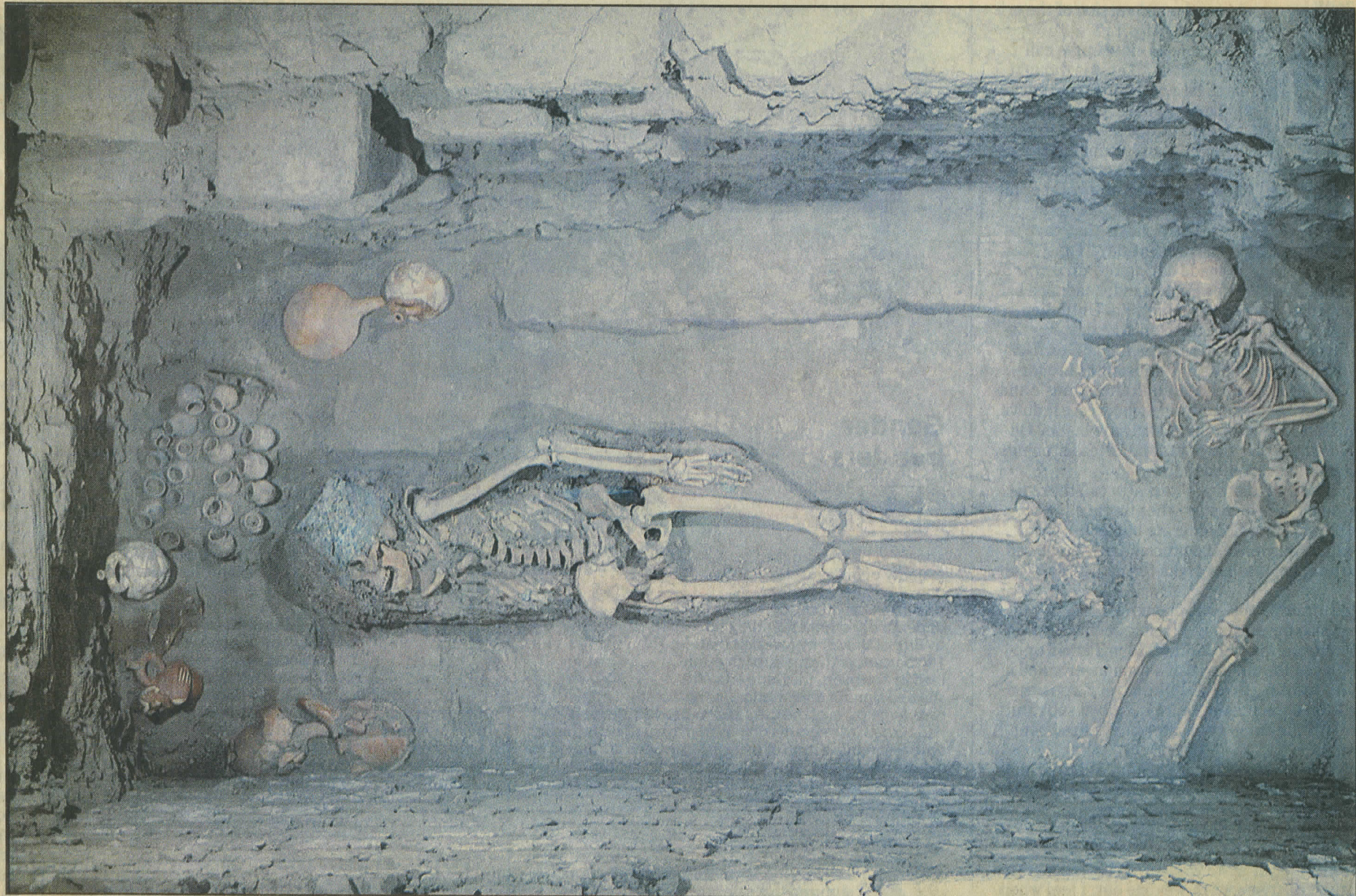
Nearly 2,000 years ago, at a time when ancient Rome was claiming its largest empire in the first century A.D., the Moche were doing something similar halfway around the world.

To be sure, this comparison has limited value. Unlike the Romans, the Moche were a non-literate society, with no evidence of a writing system and a language that, while vestiges of it may have survived as late as the 1920s, is now irretrievably extinct.

"By the time the Spanish arrived in the 16th century, the Moche were long gone," said Cordy-Collins. "There are no firsthand accounts of their culture."

And while the Roman empire once sprawled across most of Europe, the Middle East, Egypt and North Africa, the Moche at their peak occupied only a 250-mile stretch of coastal Peruvian desert sliced by a series of valleys, each dominated by a river flowing from the Andes Mountains.

"I would characterize the Moche as more like a kingdom, whereas the Inca created an empire," said Donnan, who also has studied the Moche for decades.



CHRISTOPHER DONNAN photos

Fallen giant: Most Moche averaged around 5 feet in height, but this male, unearthed at Dos Cabezas, was 6-foot-1, a relative giant. His companion in death, unceremoniously squeezed into the foot of the tomb, was a young girl.

Yet for all of these limitations, growing evidence suggests Moche culture was vibrant and influential, one that predates the larger and more famous Inca civilization by nearly 1,000 years. Indeed, some of what now helps define Inca culture was characteristic of the Moche as well.

"Each society did some things better than the other," said Donnan, "but both the Moche and the Inca shared the same world view, the same overall technology."

The first scientific exploration of Moche culture did not begin until 1899, when Max Uhle, an amateur German archaeologist, began systematically excavating and cataloging 31 graves at the site of Huaca de la Luna or Pyramid of the Moon in the Moche valley, the center of Moche culture.

Centuries of erosion, shifting weather patterns and human destruction have largely reduced Moche pyramids to misshapen mounds, but in their heyday, many were monumental structures. The nearby Huaca del Sol, for example, or Pyramid of the Sun, was the Moches' most massive edifice: at least 135 feet tall, with a base covering 12½ acres and built with more than 140 million sun-dried bricks.

The pyramids, scientists believe, were focal points for Moche civilization, designed not as mausoleums but as religious and administrative centers. In fact, tombs for rulers and other important people were carved into the flat-topped pyramids only as needed — almost as an afterthought.

As many as 10,000 people may have once lived in the urban areas surrounding the Sun pyramid. Most lived in relative comfort. Moche valleys were fertile places, producing cultivated, canal-irrigated crops of corn, potatoes, avocado, peanuts, squash and peppers. Inhabitants also harvested fish, seals, sea lions, crabs and shrimp from the sea and estuaries in small, reed boats. They domesticated the guinea pig and Muscovy duck, llama and alpaca — the latter two providing not just meat but the means for textiles and transportation.

Without a system of money, the Moche were consummate traders, bartering food and manufactured goods with other societies for objects they could not obtain at home: lapis lazuli from Chile, spondylus shells from Ecuador, boa constrictors, parrots and monkeys from the inland jungles.

With ample food, shelter and materials, the Moche avidly pursued and developed their arts, creating, in fact, a class of full-time craftsmen. These artists' visions and expertise are unmistakable and magnificent. Moche pottery is complex, shaped and molded in fantastic forms depicting cultural beliefs, ceremonies, individuals and anthropomorphic creatures. The Moche also invented ceramic molds and stamps that allowed them to mass produce their more utilitarian pottery.

More remarkably, centuries before the taming of electricity, the Moche invented a process of electrochemical plating that worked without a source of current. This ability permitted them to gild gold to copper, creating lustrous masks, jewelry and body armor metallurgically more sophisticated than that of the later Inca.

(Nowhere are the riches of Moche art more obvious than in material excavated in 1988 from the royal tomb of Sipán in the nearby Lambayeque Valley. There, researchers uncovered the entombed remains of a warrior-priest buried in elaborate garb featuring gold, silver and copper, along with artistically wrought earthen vessels, turquoise jewelry and other gilded ornaments and emblems of high society. The discovery remains among the most fabulous made of the Moche, a New World version of finding King Tut's tomb.) Warfare is a principal theme in Moche art. Rendered scenes and allusions to ritualized battle are common. "The images are not of large battles or groups fighting," said Cordy-Collins, "but rather one-on-one confrontations, almost like duels in which the time, place and duration of the fight have been set."

Nonetheless such fights, with contestants wearing full battle regalia, were deadly affairs conducted with clubs and maces. Losers, knocked senseless, were stripped naked, throats slashed, the blood consumed by priests and the bodies dismembered for trophies.

It's impossible to know how common these battles and subsequent sacrifices were, said Cordy-Collins, or why precisely the Moche practiced them when other contemporary cultures did not.

"The combat probably had a religious foundation," said Donnan at UCLA. "These were Moche-against-Moche fights, not Moche against outsider. In every scene, the combatants are wearing typical Moche dress."

A complete understanding of Moche beliefs and behavior is not likely. Without a written language, Donnan said, it's virtually impossible to know exactly what the Moche were thinking or what their symbolism meant.

Cordy-Collins agreed: "I don't think that particular curtain will ever go up."

Neither, perhaps, will science ever fully answer the question of what ultimately happened to Moche, whose culture disappears after the eighth century A.D.

"There's no clear line marking the end of the Moche," said Cordy-Collins. "The evidence suggests they just sort of metamorphosed into something else, becoming part of a succeeding culture."

One theory, however, suggests that the Moche were at least partial victims of the weather, specifically El Niño, the recurring global weather phenomenon that can cause severe periodic flooding and drought.

In excavating portions of the Jequetepeque Valley where she has worked seasonally since 1983, Cordy-Collins said the earliest buildings appear to have been built on solid bedrock. Later buildings, on the other hand, are erected on sand.

"It was like they were overwhelmed by the stuff. They started constructing on sand, something no one would do if they didn't have to. Eventually, the sand just became too much and the Moche abandoned the site around 450 A.D."

When human inhabitants returned to the valley floor a few centuries later, they no longer resembled the Moche, Cordy-Collins said. "By then, cultures of the region were not so isolated. It was a very dynamic time and you can see a lot of different, foreign elements mixing together."

The new culture, in the Jequetepeque Valley at least, is known as the Lambayeque, who would prevail until A.D. 1350 when they were conquered by their cousins, the Chimu, who in turn would fall to the empire-building Incas in 1470.

By then, though, the Moche were mostly a memory.

QUEST

In a tomb excavated by Cordy-Collins at Dos Cabezas last year, diggers unearthed the remains of a man and a woman. The male was clearly intended to be the principal tenant. He lay stretched out in the center of the tomb, with fancy ceramics arrayed around his head and metal objects placed on and beside him. The female, in contrast, was squeezed crosswise into a space at the male's feet, with only two small ceramic spindle whorls for grave goods.

The male drew Cordy-Collins' attention for another reason: He was huge, perhaps 6-foot-1, a relative giant.

"Moche adults typically stood only 4-foot-10 to 5-foot-6. The girl in the grave was just 4-foot-9," said Cordy-Collins, "So the male was exceptionally big, the only known giant in pre-Columbian Peru."

In life, however, this "giant" probably did not stand so tall. His bones, said Cordy-Collins, were exceedingly thin and frail due to a malfunctioning pituitary gland. And kyphoscoliosis had caused his spinal vertebrae to twist and fuse.

Still, said Cordy-Collins, the giant was likely treated with reverence and awe by his peers. "I can imagine him among his fellows," Cordy-Collins said, "hulking across the coastal landscape in the late second century A.D., towering even in his stooped posture above everyone else. What a surprise he must have been to his parents, siblings and the general community. He must have been an extremely impressive — and legendary — figure."

It's also likely that researchers will never be able to definitively determine why the giant died. His skeleton contains numerous injuries — healed and partially healed fractures in the skull, shoulder, legs and ribs. These may have been incurred in combat, but they may also have been the legacy of his disease.

"He has injuries, that's for sure, but some may have been sustained by just breathing," Cordy-Collins said. "He is a delightful puzzle."



ALANA CORDY-COLLINS

Dos Cabezas: Time, erosion and grave robbers have dramatically altered the mud-brick Moche pyramid called Dos Cabezas, but it remains an impressive structure rising from the floor of the Jequetepeque Valley in northern Peru.

HEARTFELT

Race is just one factor
in this rich rendering of family

Reviewed by Doug Payne

Finally, after all this time, I once again felt that thump against my heart which I feel only when a writer speaks to me from the depths of self-experience."

Thump: I felt it only a few pages into "Lady Moses," a terrific novel by Lucinda Roy, and would feel it again and again as I read on, long into the night, enthralled.

It started with the family. The narrator, Jacinta, is the daughter of an African writer, Simon Moses, and a British actress, Louise Buttercup. Most of the representations of interracial relationships I have encountered make me feel a little embarrassed for the writers, but Roy is superb. She lets race be one factor among many inflecting experiences of the Moses family, rather than having it dominate them as if they existed only to illustrate an idea.

Jacinta's family appears as a complex configuration of love and conflict, ambition and rationalization, in-jokes, private rituals and playfulness: an actual family

LADY MOSES

Lucinda Roy
HarperFlamingo,
400 pages, \$23

that creates its own forms of belonging. At one point, Louise explains to Jacinta that although the family is poor, they are not truly "working-class," but artists — "Bohemians" — and therefore classless. Jacinta is precocious, but still too young for this distinction: She

tells her school friends she is from Bohemia. Jacinta's comment suggests some of the richness of Roy's rendering of the family in all its intimacy, strength and oddity: "She often confused me, my mother, because she refused to talk down to me." Thump.

From interracial relationships to the child's experience of a parent's death to the ego games of graduate students or the awkward vibe of a wedding that's not exactly promising eternal bliss, Roy keeps the thumps coming with grace and daring. Although "Lady Moses" is frequently hilarious, as when Jacinta visits Quasar Hicks' Drive-In Funeral Home in rural Virginia, its deepest concerns seem to be with loss, with the ways in which inadequate responses to suffering are compounded over time, with "evil and its strange intersection with glory."

In the "thump" quotation above, Christa Wolf is speaking of Joseph Conrad; she links his power as a writer to his knowledge of sorrow. Roy's sorrows are different, but knowing sorrow is comparably central to her art. She is attracted to the idea of the artist as Moses, leading the people out of the land of suffering, or at least working to "take your pain and fashion it into her beauty." But she has the integrity to show the miscarriages of this aspiration, notably with Jacinta's husband, Emmanuel Fox. Manny has passion, intelligence, even, on occasion, a penetrating self-knowledge, but these gifts don't enable him to succeed as an artist or a man. He is swallowed by pain.

"Lady Moses" is one of the best books you will read this year, but it is not perfect. The third section, set in Africa, contains some great scenes but feels strained, particularly as two strikingly conceived characters are less fully realized than those in the English and American sections. The concluding catastrophe and the conception of evil seem arbitrary, and I felt Jacinta was more real and vibrant as a child than as a mother.

All this may be a fancy way of saying the novel ended before I wanted it to. "Lady Moses" is compelling, funny and wise. It's thrilling to hear a voice speak to you "from the depths of self-experience." Listen to Lucinda Roy.

Doug Payne teaches 20th-century literature and theory at USD.

Brem Sun 10/28/97 (Bremerton, WA.)

SUBMARINESURGE

Subs dive deep on the cheap

Annual sales of anti-submarine warfare gear soon will top \$1.4 billion, making it one of the last growth industries in the defense business.

"Growth is expected in all segments of sensors, command systems and torpedoes," an unclassified Naval Intelligence report said.

A submarine can be purchased for about \$650 million. An aircraft carrier can cost \$4 billion or more to build, not counting the billions of dollars for aircraft or support ships to make it a viable threat.

* Pat Drinan, professor of political science and chairman of the division of arts and science at the University of San Diego, said Third World countries are finding subs offer the boost of chemical or biological weapons as ways to threaten potential adversaries.

Eleven nations from Asia and the Pacific Rim, six from the Middle East, eight in South America, seven from the non-NATO portion of Europe and 11 American allies in NATO own a total of more than 400 submarines.

— Los Angeles Times

By Tony Perry
Los Angeles Times

Michael Harrington, a weapons officer aboard a fast-attack submarine, has a simple description of how the end of the Cold War has changed the U.S. Navy's submarine service.

"We used to hunt for Ivan," said Harrington, a lieutenant commander. "Now we hunt for Ivan and everybody else."

The fall of the Berlin Wall and the demise of the Soviet Union have greatly eased military tensions between the two superpowers, but they also have triggered a submarine arms race among Third World nations.

Some of the countries considered the most politically unstable and potentially hostile to the United States and its global allies and interests are buying, building and arming submarines seemingly as fast as their treasuries will allow. And their leaders are quick to boast about the military prestige and power the subs bestow.

One reason is that nations that once depended upon the Soviet Union to flaunt sea power on their behalf are now on their own.

China, Iran, North Korea and other nations of volatile temperament and uncertain intentions are buying quiet, modern and lethal submarines from shipyards in the old Soviet Union.

For a Third World nation looking for instant status as a player on the regional — if not

global — stage, a Russian-made sub is a bargain.

"Countries are finding that if they want to show their people that they are ready to stand up to the 'western imperialists,' one thing they can do is to buy submarines," said Ronald Bee, senior analyst at the Institute on Global Conflict and Cooperation at the University of California, San Diego.

Only the wealthiest of nations can afford an aircraft carrier and the accompanying planes and surface ships, but submarines — called by some experts the most stealthy, deadly and intimidating of offensive weapons — are relatively cheap.

"You can, in a fairly short period of time, become a very capable submarine force," said Rear Adm. Jerry Ellis, commander of the U.S. Navy's submarine fleet Pacific, based in Hawaii. "When you buy a Russian sub, you get maintenance, spare parts, training and weapons, a full package."

Other nations buying or already owning submarines include India, Indonesia, Pakistan, Singapore, Libya, Algeria, Egypt and Syria.

Only the United States has worldwide assets and experience to deter any reckless use of this growing number of undersea killing machines, military analysts say.

Although it is true that U.S. planes and surface ships are

See SUBMARINES on B2

Journal To Showcase New Writers

The Transborder Institute of the University of San Diego will introduce "Acentos" to the San Diego area this month.

"Acentos" is a nonprofit literary journal published by the Centro Cultural Tijuana in collaboration with the Instituto de Cultura de Baja California. The journal is designed to showcase the work of new writers. "Acentos" is being introduced into the San Diego area in an effort to create a multicultural and bilingual venue where new writers can show off their talents.

An introduction ceremony will be held Feb. 20 at the French Parlor Room in the Founders Hall on the University of San Diego campus. The ceremony is scheduled to begin at 1 p.m. A panel of writers from both sides of the border will read some of their unpublished work during the ceremony.

What a Difference

After a marathon recession, San Diegans deserve the good times we predict lie ahead. But don't relax too soon. A tsunami from Asia could catch us off guard.

By Virginia Butterfield

THE GOOD NEWS: San Diego's housing industry has staged a dazzling turnaround. Homes are sold in as little as a day, with buyers frequently offering more than asking price.

Michael Lange, a downtown Coldwell Banker realtor, reports three condos (generally the most difficult properties to sell) going in 28, 13 and 11 days—with two at full price and one at more than the asking price.

Tales of buyers outbidding each other surface every day. Last year at this time, home sales were fairly slow and prices were only beginning to escalate, but what a difference a year makes. One reason for the turnaround is low inventory; another is that people who left the area during the lean years are coming back.

The bad news: the Asian financial crisis. San Diego's high-tech firms, our pride and joy during the recent recession, will certainly be affected. Here's how it goes: The Asian markets we depend on to absorb our exports have run into hard times. Their currencies are devalued (the Korean *won* lost half its value last year), and this significantly raises the cost of U.S. goods in those countries. Orders are canceled at our high-tech firms.

At the same time, the devalued currency in Asia makes Asian goods cheaper for Americans to buy, making it harder for U.S. manufacturers to hold the line on prices. Some high-tech firms have already begun to report lower earnings expectations—with the result that many of the superstars of the technological age have lost major value on the stock market.

Technology stocks, of course, are notoriously volatile, and moves in either

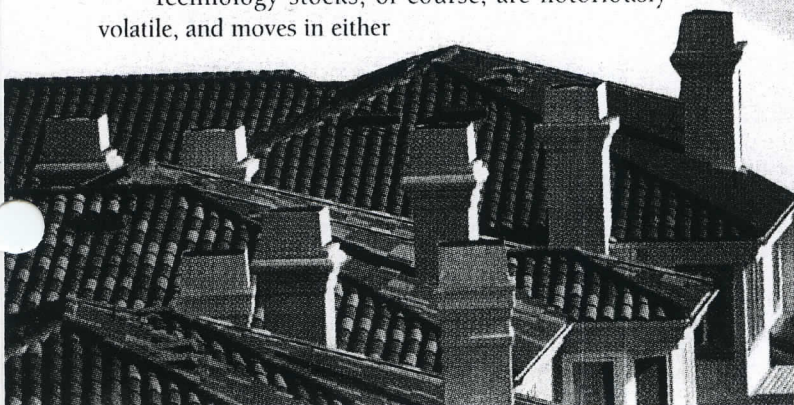
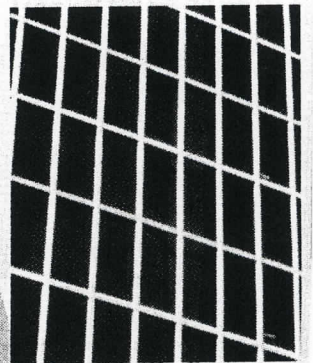
direction tend to be exaggerated. But when Intel drops from 100 to under 70, something's amiss. Our own local star, Qualcomm, whose stock price hit 70 a few months ago, shed major points in late December to the mid-40s. One day's eight-point drop was blamed on the fact that Korea is perceived as a major market for Qualcomm's CDMA technology.

Says Julie Cunningham, vice president of investor relations for Qualcomm: "It's difficult to quantify the exact impact. We continue to see strong demand for our products in South Korea, but it remains to be seen what longer-term impact there might be. Wall Street is not tolerant of uncertainty."

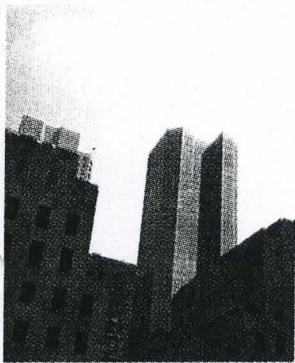
"People are worried that there are a lot more earnings disappointments coming from companies with exposure in Asia," said Allen Sinai in December, when Oracle dropped a third of its value on its heaviest one-day volume ever (171 million Oracle shares traded hands). Sinai is chief global economist for Primark Decision Economics. At about the same time, 3Com, the largest maker of interface cards (which allow personal computers to communicate over office networks), dropped one-third, and the price of another computer-networking manufacturer, Cabletron, was cut in half. Compaq Computer, which makes more personal computers than any other company in the world, also took a nosedive.

How can this picture be reconciled with the news that many tech firms are still begging for additional employees? Sony in Rancho Bernardo, for example, needs 130 engineers. And it's planning a \$60 million expansion in the summer to produce large-screen computer picture tubes. For this project they'll need 400 additional workers.

"Sony is so global," explains Greg Dvorken, public relations representative for Sony Technology Center. And so diverse, including, as it does, 1,000 facilities throughout the world. It does \$10 billion in sales in North America alone and \$50 billion worldwide.



a Year Makes



"We were affected more when the U.S. market went down [in October] than by the Asian crisis," says Dvorken.

It's a conundrum—as the study of economics usually turns out to be. Some things go up; some go down. It's hard to generalize. But wouldn't it be ironic if—just as we are coming out of our recession, just as jobs are picking up and confidence rising—ominous events in

the Far East threw a pall over our new successes.

And ominous they are. George Haligowski, CEO of ITLA Capital Corporation (the holding company for Imperial Thrift & Loan) and an expert in Japanese matters—his mother was Japanese, his father European, and his specialty is international trade—likens the closing of banks and brokerages during the past few months to our own dilemma at the closing of U.S. S&Ls in the early '90s. But the Japanese, holding to the status quo—and hamstrung by old-school politicians, bureaucrats and cronyism—didn't face the issue head-on. Now, belatedly, banks and brokerages are faced with bad paper, and the government is faced with Draconian remedies.

And it's not only Japan. South Korea, Thailand, Indonesia and even Hong Kong are in the middle of severe financial crises. The International Monetary Fund (IMF) loan guarantee of \$57 billion to South Korea may or may not save the day.

BUT LET'S RETURN TO OUR OWN GOOD NEWS: the housing market.

"We recovered from the recession later than the rest of the country," says Jeff Lipscomb, investment advisory associate at E.Q. (Equitable) Financial Consultants Inc. "The good thing about the recession was that it pointed out our weaknesses: relying too much on defense and tourism. Now we've done a good job attracting clean

businesses—with growth in several sectors, including telecommunications and the golf products industry."

Lipscomb doesn't worry much about losing our high-tech markets in Asia. "Are people going to stop buying phones?" he asks. "Only 2 percent of people in China now have phones." He sees the Asia crisis as an "economic blip," possibly solved in one or two years.

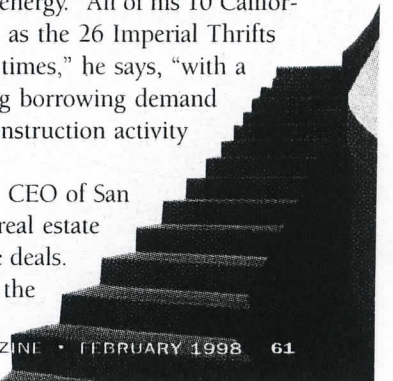
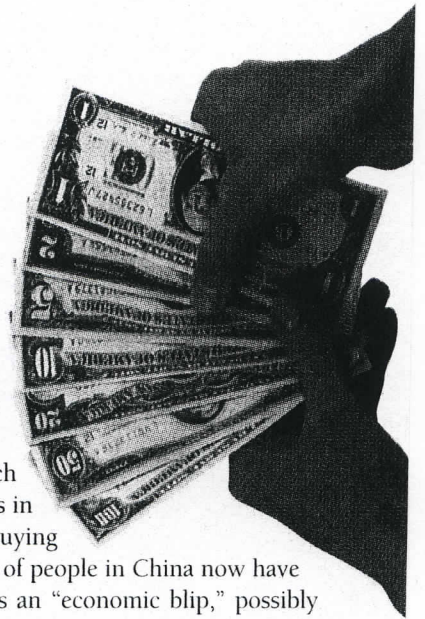
More like two or three, says Haligowski, "right through '98 to the turn of the century. The Japanese were overextended. And unlike our RTC [Resolution Trust Corporation] solution, where the government masterminded the sale of failing banks to healthy ones, the Japanese have been slow to move. They buried their problems too long," he says. "It's a cultural thing. They way overpaid for buildings in the United States, sometimes granting 100-year mortgages. But the world changed. That type of system lost out competitively."

And the result? The recent failure of many Japanese banks and two giant financial houses, Yamaichi Securities and Sanyo Securities. "These are major investment firms," says Haligowski, "like our Citibank. Imagine if our Citibank should fail."

"They need a Greenspan over there in the worst way," comments Lipscomb, referring to U.S. Federal Reserve System chief Alan Greenspan.

As for business here, Haligowski reports that, from a banker's perspective, he sees "a lot of vibrant energy." All of his 10 California branches are prosperous, as well as the 26 Imperial Thrifts across the country. "These are good times," he says, "with a lot of capital available. There's strong borrowing demand with low delinquency—and high construction activity throughout San Diego County."

Robert Horsman, president and CEO of San Diego National Bank, sees "a lot of real estate projects here at the bank. Big, sizable deals. It feels almost like we've returned to the



'80s. But with the lessons we've learned, we're requiring appreciable equities in our real estate deals. We're seeing a lot of activity in big, single-family tracts, especially in inland North County along the I-15 corridor. And high-end homes—in the \$500,000 to \$3 million range—are selling like hotcakes.”

Curt Stephenson, senior vice president of Grubb & Ellis, sees two kinds of com-

mercial real estate investment occurring. Wall Street and the pension funds are seeking Southern California property for their real estate investment trusts. And at the same time, local money is building industrial parks in certain pockets where land can still be found—notably Carlsbad, Poway and eventually South County. But land is scarce, and much of what is available is not commercially zoned.

“Land prices in prime North City/County suburbs doubled and even tripled during the last two years,” says Shaun Burnett, senior vice president of The Irving Hughes Group, “with some buyers opting to overpay for property in the midst of a feeding frenzy, knowing if they didn't, there were others waiting in line who would.”

His colleague at Irving Hughes, Michael Labelle, agrees: “Nearly everything is leasing up, and the time frame for making a deal for space has become much shorter. Landlords have now adopted take-it-or-leave-it attitudes.”

“For the first time in years we have a strong office market, even downtown. And housing prices along the coast are escalating dramatically,” says Grubb & Ellis' Stephenson. Residential builders are mainly working in two areas: South County, including the EastLake and Otay Mesa areas of Chula Vista, and North County in Carlsbad and San Marcos.

Kelly Cunningham of the San Diego Chamber of Commerce agrees that housing prices are jumping fast. “The first part of the decade saw a 20 percent slide,” he says. “But I see prices jumping above where they were before. In 1998 and '99, they'll be above the '90 peak. The peak average price for a single family home in '90 was \$233,000. In '97, the average is already \$209,000.”

WHAT HAPPENED? Very little inventory, says Cunningham, and a population immigration, starting in '96, attracted by San Diego jobs. “We have full employment—and labor shortages. All those construction workers who fled to Las Vegas and Arizona—now we need them back. These are good-paying jobs. The demand most evident is for homes in the \$300,000-\$400,000 range.” Where he sees an affordability problem is in the high-density scene, where apartment rentals are tight. “The vacancy rate in apartment rentals is 1 percent—and in many areas, zero.”

“The real estate market turned last year,” says Quentin Smith of Coldwell Banker. “It's like someone flashed a green light.” How does he explain it? “People have significant dollars in the stock market; they're comfortable their jobs won't go away.” Smith tells of an ad he placed in *San Diego*

Magazine that came out before the home's multiple listing went into effect. "The first day the magazine hit the stands I arranged a showing, and the client bought the house right then and there—a \$650,000 house, sold in one showing."

When we asked Smith to give us a list of lower-priced single-family homes, say, under \$240,000, along the coastal strip, he could turn up only six—all the way from Del Mar and Solana Beach through Cardiff, Encinitas and Leucadia. He found 40 at \$300,000-plus, seven at \$240,000-\$300,000 and six in the \$150,000-\$240,000 range.

"You used to be able to buy something fun [and affordable] along that coastal strip," he says wistfully. No more.

His prediction: Areas like Adams Avenue or neighborhoods in El Cajon will be the new hot spots—"pedestrian" areas where you can walk to a coffee shop or a movie. If you can't afford the coastal areas, these neighborhood charmers will do very nicely. Smith feels buyers will be downsiz-

ing, buying less furniture, no longer willing to be strapped with giant dining tables and extensive belongings. Smaller houses will be in demand.

One of our correspondents asked us to check on how many people are using the new capital gains exemption of \$250,000 (for a single taxpayer) and \$500,000 (for a married couple) that went into effect in August 1997. It would be assumed that anyone sitting on a house that had appreciated vastly in value would now rush it to market.

"You'll see a lot more of those homes hit the market after January," says Smith, who believes people aren't aware of the new tax exemption yet. But real estate people are braced for a rush in the spring.

WHAT COULD INTERRUPT this feeling of prosperity and rush to buy? "One of the things that could happen," says Leon Reinhart, president of First National Bank, "would be a drop in the stock market. That could change everybody's outlook quickly.

We tend to measure our net worth by a successful stock market. But right now Japan's banks are reeling from financial problems. They estimate \$200 billion to \$400 billion in problem loans. The Thai market is down 70 percent this year, with that currency devalued 38 percent.

"A lot of money managers [of mutual funds] have invested in Asia. Now the United States, the IMF and other entities are sending billions of dollars in rescue money. As it did in Mexico, this will generate confidence. It's not the actual money itself—Mexico never even used more than \$20 billion of the \$50 billion the IMF made available. But investors develop confidence, and instead of money leaving the troubled country, it reverses the flow."

San Diego is fortunate in this respect: The Asian market makes up only about 20 percent of our export market. We do much more business with Mexico and Canada (50 percent). Many feel this will minimize the Asian effect on San Diego, unlike what could happen in the Silicon Valley and

San Francisco, with their vast exports to Asia. But any prolonged slump could affect some local industries—typically electronics manufacturers and golf equipment suppliers.

Reinhart has special advice to San Diego businessmen: Because of a NAFTA ruling that all product for maquiladoras in Mexico must come only from North America by the year 2001, there is a need to find sufficient North American suppliers by that time. Currently, 40 percent of the raw material sent in to be finished in Mexico comes from Asia.

"That's where the opportunity is in San Diego," says Reinhart. "Anybody in business here who produces anything at all should be looking to Mexico. Only because of ignorance, they're not doing it. Out of the 3,500 maquiladora plants in Mexico, 950 are in Baja—only 30 minutes away. Yet we don't do much business with them. Texas does 10 times the business across its border. We are provincial to our own detriment."

In an interview with the *Washington Post*, Phil Schettewi, managing partner of Loomis, Sayles & Company, sounds a hopeful note. "The technology revolution that started 10 years ago is not ending today. It's not ending tomorrow. It's not ending next year," he says. Despite the recent volatility in high-tech stock, he urges investors to buy. "But carefully," he cautions.

Alan Gin, economist at the University of San Diego, sums up our situation: In San Diego County, we had a gain of 25,000 jobs in 1997. He estimates 24,000 more for '98. Residential building permits, which had been stuck in the 6,000-7,000 area for five straight years, will number 10,000 in '98—the highest figure since 1990.

"With good job growth and tight housing, yes, we have some problems," Gin admits. "And the Asian financial flu will possibly hold back some San Diego manufacturers. But the problems we have are caused by booming economic activity. That's much better than the other way around."

Our own office prophet has a simple way of forecasting the future: She judges next year's prosperity by the quantity of holiday lights displayed on houses. And this year? "It was a very sparkly Christmas in San Diego," she says. □

San Diego Economy

Growing, Glowing

USD Index Shows 33 Months Of Gains

By KIM PETERSON
San Diego Daily Transcript

San Diego County's economy has shown positive gains for 33 months in a row, say local researchers who predict the region will continue to enjoy good economic health in 1998.

The University of San Diego's index of leading economic indicators rose 0.6 percent in December, reporting strong increases in local stock prices and tourism. In addition, fewer people applied for unemployment insurance in December compared to the month before, according to the index.

Economists generally look for three consecutive increases or decreases in an index before passing judgment on the direction of an economy, USD Professor Alan Gin said. In the case of San Diego — with 33 consecutive monthly increases — it's safe to say the outlook remains bright, he said.

"Economists generally look for a pattern," Gin said. "You might have a significant month where the situation is odd. But three consecutive months is a full quarter, and that is an indication that a trend has developed."

Gin said San Diego's 33-month pattern is very positive, but not out of step with the rest of the country. The nation is reporting solid growth as well. December's increase is not as great as gains in previous months, such as the 1.1 percent rise in November and the

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San Diego Economy

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1.2 percent increase in October. Still, Gin said, December showed a significant advance.

"It's a pretty good number," he said. "The key thing is that it's a positive move like it has been."

The index is divided into five different focus areas, all of which showed increases in December. The number of building permits for residential units in the county rose 0.10 percent, according to figures from the Construction Industry Research Board.

Initial claims for unemployment insurance in the county increased 1.07 percent for the month, but the figures from the Employment Development Department are inverted, meaning that fewer people needed unemployment insurance.

Local stock prices showed the strongest gains, rising 0.99 percent in December, according to the *San Diego Daily Transcript* stock exchange index.

Tourism activity in the county rose 0.85 percent in December,

according to the San Diego Convention & Visitors Bureau (ConVis).

The bureau recently reported impressive figures for the month of December as well, including a 10.5 percent increase in hotel room rates compared to rates in December 1996. Hotel occupancy rates in December averaged at about 54.2 percent, up from rates of 52.4 percent in December 1996.

Help-wanted advertising rose 0.50 percent in December 1997, according to records from the Greater San Diego Chamber of Commerce.

San Diego's economic indicators look even brighter when compared to the national economic index, which reported no change at all in December.

In addition to releasing December figures, Gin reviewed the county's economic data for the entire 1997 year. Building permits for residential units totaled 11,402 last year, Gin said, a 66 percent increase over the 6,868 permits authorized in 1996.

Industry analysts say the region's healthy economy and low unemployment rates have induced people to build more homes than in years past. Indeed, the December 1997 unemployment rate was 3.1 percent, down from a 4.1 percent rate for the same period in 1996.

"We've had good job growth, which means higher incomes and more money for people to be buying homes," Gin said. "The housing market is tight, and there has not been much construction in recent years."

The ConVis visitor index averaged 141 for the year, a 7.5 percent increase from 1996's index average of 131.2.

The county's average monthly employment in the nonfarm sector was 1.02 million in 1997, a 2.3 percent increase over 1996 nonfarm employment of 999,000.

More positive results are expected in 1998, Gin said, adding that he is sticking with his earlier forecast that the region will see 24,000 new jobs in 1998.

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Local Jobless Rate Dips to Unseen Low

BY MIKE ALLEN

Staff Writer

San Diego's economy continues to thrive, with the latest unemployment rate dropping below what many analysts consider full employment.

For December, the regional employment rate was 3.1 percent, down from November's 3.6 percent, and below California's unemployment rate of 5.5 percent. The national unemployment rate was 4.4 percent.

"It's amazing," said Alan Gin, a USD economics professor. "We are below what most economists would consider full employment. Usually, there is at least 4 percent of the population that is looking for work, in-between jobs, or the very worst cases."

According to the latest report from the state's Employment Development Department (EDD), during December, the region added 3,500 new jobs, with the retail sector providing about 2,800. The total number of nonfarm salary jobs was 1,043,800, a gain of 28,700 from December 1996.

Gin said he expects the local economy this year to add 24,000 new jobs.

"I credit a lot of (the growth) to a more diversified industrial base we have now in San Diego," he said.

The USD Index of Leading Economic Indicators, which Gin compiles, rose 1.1 percent in November, the 32nd consecutive month it has increased.

Gin doesn't see any slowdown during 1998, and discounts serious impacts from the economic "Asian flu" because only 23 percent of the region's exports go there.

However, he said San Diego could be hurt if there is a big slowdown in the state from larger exporters to Asia which do business with local suppliers.

Gin predicts job gains this year in many of the higher-paid sectors such as construction, manufacturing, finance, engineering and management.

In construction, he estimates a 13 percent gain in the number of residential permits this year to 13,000, up from 11,500 in 1997.

Economic Task Force Appoints 14 Members

The newly appointed San Diego County Economic Task Force includes key corporate business leaders, industry experts, labor representatives and an economist.

The 14-member panel develops strategies to enhance business development in the county through government policy.

The new panelists are Jerry Butkiewicz, secretary/treasurer of the Labor Council of San Diego and Imperial Counties; Scot Cheatham, CEO of **EOS International**; Mark Dankberg, CEO of **ViaSat, Inc.**; William Ehlen, president of **Valle de Oro Bank**; Alan Gin, a USD economist; Fred Hallett, senior vice president of **National Steel and Shipbuilding Co.**; Motoharu Iue, CEO of **Sanyo North America Corp.**; Jackie Jennings, president of **Johnson & Jennings General Contractors**; Ralph Koehrer, president of **Anacomp, Inc.**; Henry Nordhoff, CEO of **Gen-Probe, Inc.**; Tom Walsh, CEO of **Channelmatic**; Bob Watkins, president of **RJ Watkins and Co., Ltd.**; John Young, vice president of the Communications Workers of America, Local 9509; and Walter Zable, CEO of **Cubic Corp.**

**USD and ITESM Sign Accord for
Dual Degree Program**

"International business education" is taking on a new meaning at the University of San Diego (USD). Instead of spending a semester or a summer earning credits in a foreign country, a group of business students will have an opportunity to earn two concurrent degrees: one from the United States and one from Mexico.

USD officials recently met with officials from the Instituto Tecnológico y de Estudios Superiores de Monterrey System (ITESM) at a San Diego Signing Ceremony for a new USD-ITESM Dual Degree program.

Participating in the ceremony along with USD officials were Ing. Ramón de la Peña Marique, rector of ITESM's Campus Monterrey; and Dr. Jaime Alonso Gómez, dean of ITESM's Graduate School of Business Administration and Leadership.

Students in the new two-and-one-half-year dual degree program will spend at least one year at USD and at least one year at any of ITESM's 26 campuses throughout Mexico. Upon completion, graduates will have earned a master's degree from both USD and ITESM.

Applicants must have enough fluency in both English and Spanish to take courses in both languages. They also must have two years' work experience in business.

Stability in Asian markets is shaky at best

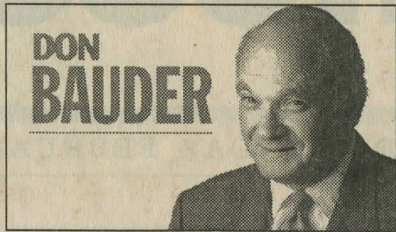
It ain't over 'til it's over. The Asian crisis, that is. Over the last several weeks, as Korea restructured short-term debt, Indonesia entered into serious debt negotiations, Thailand relaxed exchange controls, and Federal Reserve Chairman Alan Greenspan uncharacteristically waxed Panglossian, the stock markets in Asia and the United States rejoiced that the crisis had bottomed.

"Don't bet on that," says Bruce Steinberg, Merrill Lynch's chief economist.

"Any sense of stability in Asian markets is tenuous. Even if markets have bottomed, the economies of the region will be in deep re-trenchment throughout 1998."

One huge risk involves the unraveling of bewilderingly complex, extremely speculative derivatives, say Frank Partnoy of San Diego, author of the best-seller, "F.I.A.S.C.O.: Blood in the Water on Wall Street," and James Dines of the *Dines Letter* in Belvedere.

For years, there has been an "an unbelievable amount of dysfunctional financial behavior in Tokyo, a haven for anyone selling derivatives," says Partnoy, who is an assistant professor of law at the Uni-



versity of San Diego. Hence, as Japan's Ministry of Finance goes about closing the many ill financial institutions, "there is still a lot of risk."

"Both Asia and America have yet to weather the major effects of the crisis," says David A. Levy of the Jerome Levy Economics Institute in Mt. Kisco, N.Y. "The financial eruptions of late 1997 were just the beginning, not the end, of the economic problems."

International Monetary Fund inflows may have temporarily plugged financial holes, but it's no time for cartwheels, because the IMF was set up to deal with liquidity crises — countries with good assets but short of cash. This is a case of countries with bad assets.

"The region's expansion has been out of balance for years," Levy says.

"There has been too much undisciplined lending and speculation, both foreign and domestic, as well as corruption, asset inflation and industrial overexpansion. It may well be years before the region's economies fully recover."

This year, Korea will be in recession and Indonesia will remain a powder keg, Steinberg says, and the best Japan can hope for is a flat economy, no matter what stimulus package the government announces.

He says weaknesses — declining export orders and plunging import and commodity prices — are just beginning to show up in American economic statistics.

"A tidal wave of cheap foreign goods will intensify price pressures," says Wayne A. Stork, chief executive of Delaware Investment Advisors. "This may be positive for inflation, but it's a lousy environment for profits."

A big deceleration in corporate profit growth is a problem "in the context of prevailing stock market overvaluation (in the United States)," he says.

Of course, the worldwide flood of liquidity to fight the crises could propel markets further upward. The underlying economic problems

are not so easily cured, however.

"The problem in Asia is huge," says economist Jack W. Lavery of Merrill Lynch. "What is needed is revelation about the size of problem loans."

As the Ministry of Finance in Japan peers behind long-closed doors, however, it won't like what it finds.

"The collateral of the Japanese banking system (real estate and stocks) is hopelessly in trouble," Dines says. "A lot of derivatives go through Japan; the whole thing could come down like a house of cards."

"The banking system is closely interlinked around the world," Dines says, "and you can't have trouble in one place without trouble elsewhere."

And that trouble may come from derivatives: financial instruments linked to some other security, such as a stock, bond or currency.

"Two kinds of derivatives got Japan into trouble: the loss-hiding ones designed to shove losses under the rug, and the ones designed to get around regulations," Partnoy says.

Japanese accounting standards are notoriously loose, and Japanese companies have been using derivatives to cook the books in this de-

cade, often fraudulently, he believes. The big Japanese brokerages are closely tied to organized crime.

And many of the wildly Japanese speculative derivatives have been purchased with borrowed money, Partnoy says.

"Big losses are sitting there, hiding under the rug, waiting to be discovered," he says.

When Yamaichi Securities went under last year, "people were surprised that it announced a \$2 billion loss," Partnoy says, "but it was not sudden, it was accumulating over time."

"There are surprises like this in Japanese banks, brokerage institutions, insurance companies and trading companies," he says. Now with the finance ministry shutting down losing institutions, "there may be some persons interested in uncovering these transactions."

"There are fundamental ways in which these markets are dysfunctional," Partnoy says, "and until these problems are corrected, they will carry the seeds of their own destruction."

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OPINION

When golf meets the law of the land

By John H. Minan

The Buick Invitational Golf Tournament, being played at Torrey Pines this week, has many people's minds turning to golf. Golf also is in the news lately because of a young man named Casey Martin.

Martin, 25, wants to play professional golf. He already has won playing privileges on the lower-level Nike Tour. He recently won over \$40,000 in the Nike Lakeland Classic in Florida. To many, his golf skills and accomplishments under difficult physical circumstance are an inspiration.

Martin's situation is being watched nationally, especially by people with disabilities and by people interested in the game of golf. The final resolution of his story is likely to have significant ramifications.

Martin was born with Klippel-Trenaunier-Weber Syndrome, a rare congenital muscular and circulatory disorder, in his right leg. The disorder causes him to limp with severe pain when he walks. Neither the existence nor the severity of his congenital disorder is in doubt. The disease may ultimately require the amputation of his leg below the knee.

Martin is in a legal battle with the Professional Golfers Association (PGA) Tour over being able to use a motorized golf cart. The PGA Tour, a nonprofit association consisting of the world's best professional golfers, has a "walking-only" rule. He would prefer to walk, but it is too painful. Martin has sued the PGA in federal court in Oregon claiming that the tour's rule is a violation of the Americans with Disabilities Act (ADA). He has asked for an injunction requiring the PGA Tour to permit him to use a golf cart during tour events.

Congress enacted the ADA in 1990 to protect the disabled from discrimination by removing barriers that prevent them from sharing in and contributing to the vitality of American life. The thrust of the law is to provide access. Martin argues that the no-cart rule violates Titles I and II of the ADA. Title I prohibits "covered entities" from discriminating against qualified persons with disabilities in all employment situations. Title III contains the basic prohibition against discrimination in public accommodations.

The Martin case presents two questions. First, is the PGA Tour subject to the ADA? Next, if the ADA applies, would giving Casey the right to use a cart fundamentally alter the nature of Tour competition? If it would, the tour is not obligated to accommodate him.

The tour argues that it is exempt from the ADA as a "private club or establishment." In its view, Congress never intended that the ADA require a private organization, such as the tour, to change its tournament rules to accommodate a would-be participant such as Martin.

The tour also claims that its tournaments are not places of public accommodation. It admits that the ADA expressly lists "golf courses" as places of public accommodation, but argues that a golf course is only a public accommodation when it is engaged in the ordinary and usual operation of selling tee times to the general public and that tour tournaments are private events.

Whether the ADA applies to the PGA Tour tournaments is a matter of statutory construction. The issue is what Congress intended. A reasonable interpretation of the ADA is that Congress indeed intended it to apply.

Saying the ADA applies to the tour does not mean that Martin wins, however. If allowing Martin to ride in a cart would fundamentally alter the competition, the tour

The essence of the game is the ability to make a good shot, not getting to the ball. How one gets to the ball is irrelevant.

would not be required to accommodate him.

The Rules of Golf are written by the United States Golf Association and the Royal and Ancient Golf Club of Saint Andrews, Scotland. These rules, which establish the framework for playing the game, do not state that walking is fundamental to the game.

Giving Casey the use of a motorized cart would not fundamentally change the nature of the competition. I am not convinced that walking is an essential part of the competition.

The essence of the game is the ability to make a good shot, not getting to the ball. How one gets to the ball is irrelevant. The idea is to find out who is the best at getting the ball in the hole in the fewest number of strokes.

The tradition of walking developed before motorized carts existed. Thus, tradition is not a compelling reason for saying that walking is inextricably bound up in the essence of the game. The sport has regularly embraced advances in technology over the years. In a relatively short period of time professional golfers have gone from wood to steel to titanium clubs. The technological development of the golf ball used by professionals also suggests a willingness to embrace change.

Professionals who play on the Senior Golf Tour already are given the option of using motorized carts. The fact that esteemed golfers, such as Jack Nicklaus, refuse to use a cart despite arthritic hips or other disabilities is not persuasive. Why? It is their choice not to ride. Martin simply wants the chance to play.

The tour argues endurance is part of the sport. Stereotyping likely is closer to the reality. Walking is part of the sport as portrayed on television, an important source of revenue for the tour. Martin does not fit their image of players wrestling with the torments of the game as they walk between holes or the victor confidently marching up the fairway.

A sensibly administered accommodation rule on carts would not give Martin an unfair advantage. The cart could be limited to his transportation alone, confined to use on the course in a way that does not confer special advantage, and restricted in ways that avoid damage to the golf course.

The PGA Tour should realize that the publicity it has received damages its good will and reputation. The tour is sending the wrong message to countless Americans with disabilities — "don't apply if you cannot walk." Many professional golfers have expressed sympathy for Martin's plight. He does not want sympathy. Rather, Martin wants a chance to compete — to prove "anything's possible."

MINAN is writing a book on the "Real Rules of Golf" in which he examines legal issues affecting the sport. He is a professor of law at the University of San Diego.

**RICHARD
LOUV**



Congress has several ways to act in scandal

Right now, President Clinton seems immune to impeachment, inoculated by the best economy in 30 years and public ambivalence about issues involving sex and privacy. But such good will (or ambivalence) could evaporate overnight if the accusations against Clinton prove to be true, or if other allegations surface.

If the tide turns, does Congress have a way to act decisively without resorting to impeachment? Could Congress censure the president, as it has its own members for behavior unbecoming their office? I asked several experts on constitutional law and the presidency if there is such a mechanism.

"It's an interesting question," says Edward Heck, a San Diego State professor who specializes in public law and judicial politics. "Congress could pass a joint resolution. Joint resolutions are most often used to support a chief executive's decision to take military action without a formal declaration of war." They require the president's signature or, if he refuses, two-thirds of the votes of both houses.

Another procedure is called a concurrent resolution, which requires majority votes in both houses and does not need the president's signature. "A resolution isn't a law; it's not binding in any respect," says Heck. "It's just an expression of what Congress feels."

Such a resolution would fall far short of impeachment. No Senate trial, no expulsion from office. But for a president concerned about his place in history, such a resolution would be no small thing. If the current allegations are true, he could become the first president to be censured by Congress for sexual indiscretion and suborning a witness.

What are the arguments against such a resolution? The most direct answer is the principle of separation of powers of the executive, legislative and judicial branches of government. "I try not to overstate this principle, because the Constitution isn't nearly as clear on the separation of powers as some judges have said it is," says Heck. "The real question is political."

Impeachment, as prescribed in the Constitution, is such a solemn and legalistic process that no Congress will pursue it lightly. If Congress were to pass a resolution of censure, it might be creating a precedent for a new and potentially dangerous form of political harassment of future presidents.

"I don't think such a resolution is probable or advisable," says Maimon Schwarzschild, professor of constitutional law at the University of San Diego. "The risk is that the public would see such a resolution as a cheap shot, an attempt to weaken the president." *

Besides, he says, it wouldn't be fair. "Censure is only an opinion. With an impeachment, a president gets the equivalent of his day in court. Still, Congress already has many ways to hobble a president."

Sam Kernell, a UCSD professor and author of "Going Public," a book about presidential leadership, says the time may be right for such an approach.

"Divided government — where one party controls the executive branch and another the legislative — is a recent development, something we've experienced since 1952," he says. "Divided government makes it more likely that either impeachment or some kind of alternative will occur."

However, Congress is unlikely to act until the independent counsel reports to the House of Representatives. Says Kernell: "At that point, given the amount of ambiguity in this case, and the president's popularity, you might find some members of Congress trying to find a way out of the dilemma. A middle ground."

A resolution of censure would spare the country the trauma of a protracted Senate trial. And members of Congress could tell their constituents that they did something rather than nothing.

RICHARD LOUV'S column appears here on Wednesdays and in Family Ties on Saturdays. He can be reached by fax, (619) 293-2148; by mail, P.O. Box 191, San Diego, CA 92112; or e-mail, rlouv@cts.com

OPINION

To the media: Get serious, forget Lewinsky

By Robert C. Fellmeth

America's media have entered their fourth week of crisis. Will the nation's pundits and journalists choose to resign? Will they be subject to dismissal by the public?

We now have the one-millionth repetition of the president intimately hugging a groupie — in the middle of a crowd of 50,000 people; the two-millionth reference to the president's "affair," as if it were established fact and the three-millionth parsing of every word in a double hearsay recording — as if it were the Dead Sea Scrolls. Meanwhile, hundreds of self-important pundits gravely repeat their speculations about rumors exchanged, withdrawn and finally verified by the force of mutual repetition.

Each television, radio and newspaper headline screams about its capture of the "up to the minute" news about the president's "crisis." Grown men wearing suits intone seriously about the details concerning some girl bragging about oral sex with the president. The trappings would be less portentous if the subject were the genocide of a million souls.

But, surprise: Polled Americans score a record positive approval rating for Mr. Clinton. What is happening here?

Earth to media: You don't have a clue.

I would prefer that the president be a role model in all respects and comport himself accordingly. But most of us (the public) think this sex stuff is great fun, enjoying Monica's reference to earning her "presidential knee pads," chortling over the ridiculous spectacle of an independent counsel trying to test stains on some dress

for presidential DNA. Only in the clouded imagination of Franz Kafka can we come up with more absurd scenarios for public resources and attention.

But all of us — except the media and the 30 percent who hate Clinton reflexively — know what this stuff is. It is a form of American entertainment, a month of easy work for Leno's and Letterman's writers. It has nothing to do with anything serious. We also know that you will try to hook all of this frivolity onto something of cosmic importance — perhaps the "character" issue.

But we know about perhaps the finest American president, Thomas Jefferson, who fathered a brood of children by his slave Sally. Does anyone want the complete list of presidential idiosyncrasies? There seems to be little correlation between presidential performance and personal puritanism. We know that. We elected a president to do a rather important job here on earth, not a minister to lead us to heaven.

Our frenzied friends on television and in the increasingly tabloidized press are left with the "suborning perjury" handle for the patina of substance. Problem: Perjury has to concern a "material" fact. Not every lie is perjury — even under oath. It has to be substantively germane to the proceeding.

How in the world can Monica's or Clinton's testimony about an affair in 1996 (if it happened) possibly be remotely "material" to the allegations of Paula Jones concerning events years before, indeed, filed years before? It is not even admissible, how can it be "material" — as in "matter" to the proceeding in which it is offered? Answer: It can't and it won't. No perjury, no real handle folks.

Sorry media, your excuse does not fly. Oh, maybe he is lying. What a shock. But I don't see a lie here to cover up campaign-

contribution offenses, or deceit about the real effect of safety-net cuts on children. You in the media do not need my list of presidential and congressional lying through the decades; you have a longer one than most of us can create — and on subjects more important, where we have a right to the truth, and do not expect to be misled.

There are lots of important matters out there: Welfare reform as it is evolving jeopardizes the health and safety of millions of children, child labor is an important story outside of Kathy Lee Gifford "gotchas" — and on both of these counts, the president should be hounded with at least 1 percent of the attention we are giving Lewinsky.

Our educational system is in disarray; we need to triple community colleges and technical education to occupy our nation's future international labor market niche. Agreed, some of this does not push ratings up, but we appreciate some substantive message from any of you who can deviate from media cultural biases dictating story selection: celebrities, petty ironies, a contest or conflict, disgrace, heroic rescues, cute animal stories and anything sexual — preferably something we can giggle about like adolescents.

We know that our public policies are determined more by what we choose to talk about and debate than what we think about any topic. What or who is on the table determines outcomes. If you are talking about children, we who work for them win. Especially since you are our critical card — they do not have money or votes, only you to put them on the public table.

If you talk so dominantly about OJ, Hugh Grant, Clinton's sexual "did he or didn't he?" at some point you move serious issues from public attention. And politically weak children, lacking campaign finance influence, but representing our future, lose.

FELLMETH is Price Professor of Public Interest Law at the University of San Diego and director of the Children's Advocacy Institute.

We know what is important and what is not, and you continue to insult us hourly through your assumption that we are shallow and stupid. We also know that you can, in concert, take an issue and by the relentless drumbeat of your coverage, make a silly subject significant.

So here is my offer. Stop talking, stop trying to justify your ridiculous criteria for selecting what you talk about. Listen. America is trying to tell you something. Go ahead and talk about Clinton's sexual life. Go ahead and pique us with "who is lying?" Go ahead and emote shamelessly. But stop trying to pretend it is serious journalism. It is fun and frolic, and we are not going to do anything with the information, whatever it may be. So cut out the pompous "crisis," "will he resign," "will they impeach" and the rest of the pretension.

Finally, stop following each other around like sheep, and stick some necks out to spend more time talking about the people's business and real public concerns. Another month of mediagate and the major institution irreparably damaged will be neither the presidency nor the independent counsel, but you.

High-Finance Fiction

2/8/98

L.A. Times
Book Review

FRANK PARTNOY

NUMBERED ACCOUNT

By Christopher Reich

Delacorte Press: 514 pp., \$24.95

THE VELOCITY OF MONEY

A Novel of Wall Street

By Stephen Rhodes

William Morrow & Co.: 392 pp., \$24

Since the crash of '87, the stock market has bullied its way into American culture, luring trillions of dollars into risky investments, minting millionaires by the thousands and exciting interest not only in the market's maniacal ascent toward the 10,000 mark but also in the wild ride of its participants. The market's ups and downs are now a staple of life and fit neatly amid the daily pour of statistics from weather and traffic reports, sports scores, lottery results and crime tallies. It is no surprise, then, that the market has invaded literature, too, even creating its own hybrid genre: high-finance fiction.

Novels about Wall Street are blooming like tulip bulbs, and the leading indicators are that many fools—myself included—are hungrily buying them all. These books lure the reader by combining prurient interest (in greed, crime or lust) with the promise of insider knowledge (of markets, companies or management). I can no more avoid reading the next financial thriller, good or bad, than I could have avoided loading up on shares of the Korea Fund six months ago.

"Numbered Account" and "The Velocity of Money" are two recent additions to the genre. "Numbered Account" is a tale of a Wall Street star who leaves New York and his fiancée to work for a Swiss bank where his father was murdered 17 years ago; in the background, an international crime syndicate plots a massive acquisition to rip off the bank. "The Velocity of Money" is a tale of a Wall Street star who joins a new firm, not knowing his predecessor had been murdered a month before; in the background, an international crime syndicate plots a massive securities trade to rip off the entire American stock market. Each book is thick with dollar signs and drama and complex banking deals. I loved every word.

Yet, I must admit that these two books and their genre are a bit of a puzzle. Financial markets are not an obvious source of material for novelists for numerous reasons: Investment bankers are notoriously tight-lipped; they make too much money to bother talking to novelists or researchers or to waste time writing. They're trained in business and economics, not literature; they neither write nor read well or often. And the sad truth is, finance can be dull and colorless. Early 20th century bankers were mostly boring codgers whose idea of a jolly time was an early bond redemption.

Even after the freewheeling modern banker unseated his drab predecessor, the 1970s and 1980s produced little fiction to reflect the increasing interest in Wall Street. William Gaddis' "J.R.," which won the National Book Award in 1975 for its portrayal of a precocious 11-year-old finance guru, and Tom Wolfe's 1987 novel, "Bonfire of the Vanities," which dubbed the 1980s investment banker a "Master of the Universe," were islands in their respective decades.

Through 1993, the best pulp about Wall Street turned out to be true, hence the slew of best-selling nonfiction exposés about trading floors ("Liar's Poker"), junk bonds ("Predator's Ball" and "Den of Thieves") and mergers and acquisitions ("Barbarians at the Gate"). But there was a notable dearth of novels. Even Wolfe's masterpiece, remarkably well researched, was more fact than fiction.

Then, finally, in the early 1990s, the undercurrents of supply and demand began to shift in favor of high-finance fiction. The supply of wannabe Wall Street novelists exploded in the early 1990s. Bankers yearned to escape the shackles of corporate hierarchy and the pressure of daily performance. The industry was consolidating, and job satisfaction and security were low. As a derivatives salesman during this period, I watched dozens of my colleagues become discontent, despite their millions in bonuses. The hard-driving climate overwhelmed even the hardiest personalities; most burned out by the time they turned 30. A few daring malcontents finally responded to the chorus we all heard almost daily: "Somebody's gotta write a book about this." Hence, supply.

The demand for Wall Street novels exploded simultaneously. Beginning in 1994, the financial markets were a source of great drama: Markets gyrated from minute to minute as they headed for the moon; prosecutors tried unsuccessfully to keep pace with securities miscreants, including the mob; reputable institutions, such as Orange County, lost billions and collapsed. There was even a global manhunt for Nick Leeson, the 28-year-old Singapore trader whose arbitrage strategy devolved into casino gambling and buried the venerable Barings Bank.

The audience for stories about this exotic world expanded as average investors, feeding 6,000-plus mutual funds with hearty helpings of cash each month, began to learn the trading lexicon and did pretty well, too. Churches, school events and dinner parties across the country were filled with talk of 30% annual returns. Wall Street created not only millionaires but billionaires. When George Soros began spending hundreds of millions on philanthropy, we all wanted to be like him. His books were instant best-sellers.

Retirees, especially wealthy corporate executives (many of whom hadn't read a novel in decades), thirsted for stories about the world generating these spectacular returns. And they weren't about to tackle William Gaddis' stream-of-consciousness. They demanded pulp, and they got it.

In the early 1990s, four young authors with investment banking experience wrote successful first novels set in the financial services industry: Po Bronson, Linda Davies, Stephen Frey and Michael Ridpath. Their stories pit young, righteous, virile financier heroes (and a few heroines) against middle-aged financier demons. The battle scenes are littered with fraudulent banking deals, international terrorism, drug dealing and money laundering. To boot, the books are chock-full of sex, including racy trysts that cross enemy lines. Critics mildly praised all four novels, and they sold reasonably well.

During the same period, several established novelists began integrating financial market subplots into stories that involved international espionage. Tom Clancy in "Debt of Honor" and Joseph Finder in "The Zero Hour" enriched their typical mix of global mystery and suspense with the threatened sabotage of a supercomputer in Manhattan that clears securities trades. Even John Grisham, notorious for writing novels with loose ends, appended a large speculative foreign currency loss in Singapore to his most recent blockbuster, "The Rainmaker," thereby breaking with his own tradition and neatly tying up several intractable plot lines. If this trend continues, it won't be long before Stephen King is writing horror stories about options and futures.

More recently, publishers have been plying the ranks of ex-bankers in search of the genre's first major bestseller. Delacorte Press seems to think it has found its financial Jehovah in Christopher Reich, author of "Numbered Account." Not every first-time novelist writes a book that's bankrolled by a \$300,000 premium marketing campaign, including national television advertising. The blurbs are sound bites cut for a movie trailer: "He can't live with the lies. But he may not survive the truth." The "he" character is Nick Neumann, the aforementioned superhero of Reich's novel, who leaves a job at Morgan Stanley to solve his father's murder.

Neumann is the prototypic Wall Street male, strong and studly, brilliant with numbers, part Navy Seal, part securities salesman. His only physical flaw is the shrapnel left in his knee from a covert military operation; his only mental flaw is an occasional lapse with an attractive, yet traitorous, blond.

Cont'd -->

For readers who are aroused more by markets than by muscle, Reich's fleshy prose is especially lurid: "Nick was thinking that right now she could talk about the mathematical derivation of modern portfolio theory and it wouldn't bore him." What better place than a bed to talk of triple-digit returns! Every one of the more than 100,000 men in the financial services industry could be this guy—if they would just go to the gym and study bond math more often.

Neumann descends into the bowels of Swiss banking, where "everything is legal until you get caught." The web includes the illegal drug and arms trade, nuclear weapons, an Arab-Israeli war and even a quaint little heroin park. Reich's picture of human nature isn't any prettier: "Man was a putrid creature rarely able to govern his lesser desires, concerned only with acquiring money, power and position. Interested in fulfilling his greed, sating his lust and dominating all that surrounded him." Even emotions are market-driven. One stern male character had "probably cried once in his life, and that had been when his bonus failed to meet his expectations."

Reich's overarching message? Forget about caveat emptor; everyone should beware the markets.

The message of "The Velocity of Money" is equally ominous but more about the nature of markets than of the people driving them. Rhodes teases us with a murder victim in the first couple of pages, but after that, he quickly settles into an intricate tale of derivatives, financial instruments whose

value is linked to, or derived from, some other financial instrument or index. An option to buy stock is a simple example.

The size of the derivatives market is daunting, estimated at more than \$25 trillion worldwide with annual turnover of \$300 trillion, and the book is replete with such astonishing statistics. There are at least 250 derivatives dealers and 2,200 types of derivatives. A subscription to a weekly derivatives industry rag costs \$1,795 a year. The average reader—in Rhodes' parlance, a "Belgian dentist," slang for an unsophisticated rube—may have trouble digesting occasional references to swap exemptions, Section 4(2) private placements and the use of Reg. T by offshore affiliates. But Rhodes also supplies lucid blood-and-guts details about the deals, including a few sketches of the box-and-arrow diagrams bankers actually use to design complex structures. These facts will leave you informed yet angry, perhaps agreeing with one 72-year-old retiree in the book who curses, "Goddamned derivatives."

Unfortunately, in contrast to macho Nick Neumann, Rhodes' main character, Rick Hansen, is a bit of a wimp. Marriage and a kid hinder any steamy or unexpected sex scenes. The best poor Rick can manage for foreplay is a tantalizing discussion of sophisticated financial concepts, which he foists on his wife. Incredibly, this rap works. When Rick explains the Orange County and Barings fiascoes and suggests that derivatives are almost totally unregulated, his wife becomes goo-goo eyed. She murmurs: "All this talk about derivatives has made me horny." It is an odd and fascinating book in which the risk of global economic meltdown is more titillating and credible than the single sex scene.

Which makes me wonder. Perhaps the proliferation of high-finance fiction says more about the likely direction of markets than of popular literature. Markets are prone to manias, panics and crashes. If finance novels are a function of the market's manic phase, they might not survive a downturn. The four pioneers—Bronson, Davies, Frey and Ridpath—may have reason for concern. Their first novels succeeded enough to get them more book deals, but critics and readers didn't like the sequels as much. As even Rhodes admonishes us: "On Wall Street, a reputation was a peculiar asset; it took years to establish, but only an instant to destroy."

Rhodes may know more than he's letting on. In one memorable moment in his book, he gives us the image of his fool, the poorest sap in the novel's global poker game, a mediagenic mogul named Donald Trump who, after much hemming and hawing during months of spectacular market gains, finally visits a bank's trading floor to consider a sizable investment. One bank employee remarks, "Looking for a biblical sign that the bull market has come to an end? You just got it."

As much as I love the genre, the surge of interest scares me; if I spot Trump, or his ilk, browsing high-finance fiction any time soon, I think I'll start selling stock. ■

Frank Partnoy is the author of "F.I.A.S.C.O.: Blood in the Water on Wall Street" (W.W. Norton) and an assistant professor of law at the University of San Diego School of Law.

JUDGE PROFILE

Robert E. May

Judge, Superior Court, San Diego County

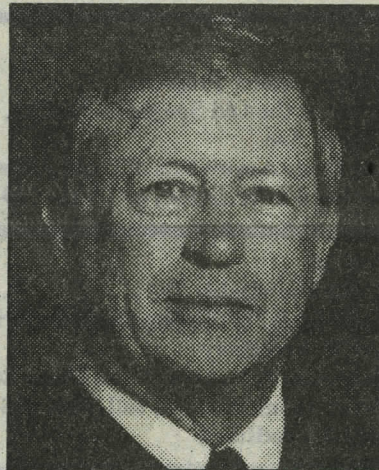
Appointment/Election: Appointed to newly created position by Gov. George Deukmejian on Dec. 18, 1987 (oath Dec. 23, 1987), elected in 1988 (unopposed) and reelected in 1994 (unopposed).

Other Judicial Office: Judge, Municipal Court, El Cajon Judicial District, San Diego County, April 14, 1986 (date of oath) to Dec. 23, 1987, appointed to newly created position by Deukmejian April 7, 1986.

Past Employment: Assistant U.S. attorney, U.S. Dept. Of Justice, San Diego, 1983-86 (assigned to Presidential Organized Crime Drug Enforcement Task Force). Private law practice: El Cajon, 1977-83 (partner, Stebleton, Waters & May, handling both criminal defense and civil litigation) and San Diego, 1974-77 (associate, McInerney, Milchen & Frank). Deputy district attorney, San Diego County, 1970-74. U.S. Navy lieutenant, 1962-66.

Membership/Awards: Member: California Judges Association, 1986-; and San Diego County Judges Association, 1986-. Former member: American Bar Association, 1978-82; San Diego County Bar Association, 1970-86 (board of directors, 1979-81; vice president, 1981; member, committees on: Law Day, 1975; Legal Ethics and Unlawful Practice, 1975; Federal, 1974; and Criminal Justice, 1971-72); Criminal Defense Lawyers Club of San Diego, 1976-82; and Barristers Club of San Diego, 1971-86 (president, 1978).

Education: J.D. (January 1970), University Of San Diego School of Law, (Phi Alpha Delta). Attended University of Florida School of Law, Gainesville, Fla., 1967-68; B.A. (June 1962), Univer-



sity of Florida, Gainesville (Phi Delta Theta); A.A. (June 1960), Pensacola Jr. College, Pensacola, Fla. (president of class, annual sports editor, recipient of leadership award); graduate (1958), Pensacola High School.

Born: Nov. 9, 1940; Mobile, Ala. Three children.

Admission: Admitted to California Bar on June 26, 1970; to U.S. Supreme Court in June 1975; to U.S. District Court, Southern District Of California, in February 1974, Central District Of California in June 1976, and Northern District Of California in November 1982; and to U.S. Court of Appeals, Ninth Circuit, in June 1984.

Hobbies/Outside Interests: Enjoys playing golf, reading and walking.

Courtroom Code of Conduct: Be on time, be prepared, be civil.

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Source: Judge May and California Courts and Judges, 1998 Edition, James Publishing.

Markets & Modems: USD School of Law Looks Ahead

1998 is a transitional year for the USD School of Law. A new dean is expected to be named this spring, and a team from the American Bar Association and the American Association of Law Schools is coming in March for a reaccreditation site visit.

But USD Law faculty and students are looking past 1998 toward the long-term future of legal education - a future where technology, global perspectives and market-driven courses will prepare future lawyers for a vastly new world.

USD Interim Law Dean Grant Morris, just back from the ABA mid-year Law Deans meeting in Nashville, said that conference sessions like "Training Future Leaders in Our Law Schools" marked a break with tradition.

"No longer is it sufficient for law schools to teach merely the basic courses that we have taught for 100 years - contracts, torts, property law and civil procedure," Morris said.

"We must be much more sophisticated in our course offerings," he continued. "We must keep up with advances in technology. We must recognize that legal issues are increasingly global. And we must train students to apply enlightened business practices to the practice of law."

So what is the USD School of Law doing now to get ready for the coming sea change?

The answers can be found in the 145-page self-study undertaken by the Law School in anticipation of the ABA-AALS site inspection.

The self-study, which Morris de-

scribes as "a valuable resource document for our new dean," is a blueprint of where and how the Law School will evolve in the coming years.

Two new directions in USD legal education, as described in the self-study, are embodied by the Legal Practicum Course and the Land Development Clinic.

The Practicum emphasizes office practice skills and client counseling techniques, as opposed to courtroom skills. Students take simulated client problems from initial interview through to conclusion.

"This practicum, which was developed with support from the Thorsnes Fund, takes a novel approach - it teaches law students how to avoid getting clients into lawsuits," said Morris.

Opportunities for students in the Land Development Clinic fall into two categories: they may represent private or non-profit property owners as clients, or they may be placed in a government agency, such as the City Attorney's Office, to focus on land use from the government's perspective.

Just as new curricula are guiding the future of USD Law, so are new faculty. Three professors hired this past year have already broadened the scope of legal education at USD.

Stuart Benjamin, a '91 Yale Law graduate who has worked as a Justice Department staff attorney in South Africa and as clerk to Supreme Court Justice David Souter, has taught USD's first course in Communications Law. The new elective, which attracted 80 students, "focuses on government regu-

lation and other legal problems affecting the communications industry, which has just skyrocketed in recent years," said Morris.

Frank Partnoy, a '92 Yale Law alum best known for his acclaimed expose, *F.I.A.S.C.O.: Blood in the Water on Wall Street*, is teaching a new course on financial derivatives in Latin American markets. "Globalization is especially important for a Pacific Rim law school," said Morris. "We can't afford to limit our teaching to local legal issues, because lawyers can't afford to limit their practices to local clients."

And Arti Rai, a Harvard Law graduate who also attended Harvard Medical School, is teaching a course in legal

issues in the health care industry. "Arti is bringing to our students a new approach to dealing with what has been a crisis in the costs of medical care and the rise of the managed health care industry," said Morris.

Along with market trends, the USD School of Law is keeping up with trends in legal technology. At the Pardee Legal Research Center, a new instructional lab with 28 computers replicates a lawyer's workstation. "For the next generation of lawyers, the computer will be as important as the courtroom," said Morris.

Author, Kate Callen, is News Bureau Director, USD Office of Public Relations.

February 9, 1998 • San Diego Business Journal

Netscape Accuses Rival Of Seeking Internet Domination

By DAN GALLAGHER
San Diego Daily Transcript

With some of the highest Internet-usage rates in the country, San Diego has become a key campaign stop for embattled Internet pioneer Netscape Communications to try to whip up public support for its ongoing battle with its nemesis Microsoft Corp.

The company's chief lawyer paid a visit to San Diego on Monday in what she described as an "education trip," speaking to local technology buffs at the University of San Diego on the finer points of battling the company that dominates the world's software market. It's a battle that, lately, has not boded well for the Silicon Valley startup.

Microsoft's efforts to dominate the market for Internet browsers is, according to Roberta Katz, simply a precursor to a more ominous goal: total control of all transactions made over the Internet. Katz serves as senior vice president and general counsel for Netscape, which developed the widely popular Navigator Internet browser that allows one to navigate through the World Wide Web.

Katz was in town to deliver a lecture Monday evening to the San Diego Science and Technology Council, a group composed of local high-tech and biotechnology executives and educators. In an interview prior to her speech, Katz sounded a warning that allowing Microsoft to grab more of the browser market share by leveraging its dominance in desktop operating systems will give the company the foundation it needs to essentially rule Internet commerce, a small but growing business medium.

"The beauty of the Internet lies in the open standard. Anyone could make a browser as long as they could talk to each other," Katz said. "But if Microsoft succeeds in dominating the browser market, they can change those rules so that their Web sites will work properly and yours won't."

Netscape has been a key force in pushing for federal sanctions of Microsoft. As the maker of Windows, the most popular operating system that comes included in most personal computer sold today, Microsoft is in an especially strong position to push its own software products into the market at a significant advantage over its competitors. Critics have charged that the company is violating federal antitrust laws in order to monopolize the Internet.

The Justice Department, which
Please Turn to Page 10A

Netscape Accuses Rival

Continued From Page 1A
 is pursuing an antitrust case against Microsoft, struck a deal with the software maker in late January. Microsoft agreed to "unbundle" its Explorer software from its Windows 95 operating system, while the government agreed not to push for sanctions that could have cost Microsoft \$1 million a day. But that settlement failed to answer the larger question of how Microsoft can use its size and deep pockets to compete in the Internet, where the company could hold a distinct competitive advantage.

For its part, Microsoft continually has denied any allegations that it has broken federal law, contending that its Explorer is simply an enhancement to its Windows operating system. This is likely to get more tangled on the release of its Windows 98 version this May, which reportedly will integrate the Internet software even further into the system.

Katz contends that if Microsoft is allowed to rule the market for Internet software the way it currently rules for operating systems, the results will extend beyond a segment in the software market. Microsoft, she says, will be in a position to direct, control and manipulate Internet traffic, as well as make a cut of every sale and transaction made over the medium.

"We have had to compete with a company that we believe has been violating the law since day one, and we were prepared for that," Katz said. "Ultimately, I want people to choose. Competition at the Internet access points is essential to competition in every other market that moves to the digital marketplace."

San Diego Source Browser Use			
Top Browsers	% of Total Hits February 1998	% of Total Hits April 1997	
Accessing www.sddt.com			
1. Netscape	52.46%	73.8%	
2. Microsoft Internet Explorer	41.89%	19.1%	
3. IWENG	1.48%	N/A	
4. WebTV	0.64%	N/A	
5. Other Netscape Compatible	0.47%	0.06%	
6. Gulliver	0.44%	0.01%	
7. NCN-ultraseek	0.42%	N/A	
8. ArchitexSpider	0.42%	3.4%	
9. Scooter/1.0 scooter@pa.dec.com	0.28%	0.0%	
10. Crescent Internet ToolPak	0.21%	0.0%	
11. OTHER BROWSER	1.24%	3.63%	
TOTAL FOR BROWSERS ABOVE:		100%	100%

NETSCAPE BROWSERS		MICROSOFT EXPLORER BROWSERS	
% of total hits for February 1998		% of total hits for February 1998	
1. Netscape 3.x	55.42%	1. Explorer 3.x	65.69%
2. Netscape 4.x	34.12%	2. Explorer 4.x	31.17%
3. Netscape 2.x	9.44%	3. Explorer 2.x	3.11%
4. Netscape 1.x	0.94%	4. Explorer 1.x	0.0%
5. Netscape	0.05%	5. Explorer 5.x	0.0%
6. Netscape 0.x	0.01%		

Ironically, it is Netscape that has historically held the monopoly in Internet browsers. With a strong jump on Microsoft and IBM and other big-name rivals, Netscape's Navigator sailed to the top of the market virtually overnight, holding at one time more than 86 percent of the total market. The company was a hot item on Wall Street, where its stock price more than doubled on its first day of trading, making the history books. In its first six months, the company's stock price had climbed 190 percent to a high point of \$85.50 a share.

But the company's fortunes have diminished considerably after Microsoft entered the picture. The Redmond, Wash.-based company

developed its own browser, the Internet Explorer, to compete with Navigator. To grab up market share, the company bundled the product into its Windows 95 operating system, which is included in nearly 90 percent of the personal computers purchased today.

Since then, Netscape has watched its market share erode. A recent survey by market-research firm Dataquest says Netscape still holds the lead 57 percent market share against Microsoft's 39 percent share. But Microsoft's share has more than doubled in the last year, mostly at Netscape's expense. Dataquest predicts that, at the going rate, Microsoft will catch up to its rival by mid-1998.

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Mexico Trade Benefits Pushed

*Seminar Advises Firms To
Look South For Opportunity*

By CHRIS DiEDOARDO
San Diego Daily Transcript

As Asia's once-proud economic tigers remove the thorns from their paws, some observers believe San Diego investors and businesses should look south to find the next financial El Dorado.

"There are three reasons, I think, why we should be aware of what's happening in Mexico," said Professor Jorge A. Vargas of the University of San Diego School of Law on Friday. "Geography, people and wealth."

To some observers at the seminar, which was sponsored by the USD School of Business Administration, the dearth of arable land in Mexico, its high birth rate and emerging economy are the nation's biggest challenges.

But in Vargas' view, they're actually the republic's brightest assets.

"Regarding geography, it's much cheaper to have a maquiladora or factory in Mexico than in Singapore or Korea," he said. "And Mexico now has between 92 and 94 million people who love American goods and services, love the American style of life and imitate what we do in many ways."

It appears to be a profitable form of flattery for many companies.

"In December, Mexico surpassed Japan as the second-largest market for American goods," Vargas said. "And Mexico has become the largest exporter of oil to the U.S."

But the gold is flowing both ways. In 1993, the last year before the North American Free Trade

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Trade Benefits

Continued From Page 1A

Agreement (NAFTA) came into force, San Diego companies sold \$1.8 billion in goods and services to Mexico.

Just two years later, that number rose to \$2.4 billion.

In Vargas' opinion, the greatest opportunities are yet to come.

"If you're a business person in Mexico, I think you'd feel deprived without a cellular phone," he said. "You'll have one on you, in your bathroom, give one to your secretary and have two more just in case."

For many users, having a wireless phone goes beyond convenience.

"It's a security issue," Vargas said, referring to the periodic outbreaks of narco-terrorism in Tijuana and the ongoing insurgency in Chiapas.

On a more substantial level, Vargas said many of the more onerous restrictions on foreign investment that have hobbled development since 1973 have been relaxed — or jettisoned entirely.

"The 1973 Foreign Investment Act was the first attempt to codify all of the principles and goals of the government associated with foreign investment," Vargas said. "It was rigid, nationalistic and erected numerous barriers to foreign investment."

Where foreign investment was permitted, its scope was severely curtailed.

"Mexicans always had the majority interest in any type of partnership or corporation," Vargas said. "In addition, foreigners were prohibited from owning real estate in what was then called the prohibited zone and is now called the

restricted zone.

"Given the geographical contours of Mexico, (these zones) took up 42 percent of the country."

In Vargas' opinion, an already challenging situation was made worse by the failure of the Mexican government to codify the administrative regulations needed to implement the law.

"Thus, the interpretation and application of the statute was left to the absolute and unfettered discrimination of the Secretariat of Commerce and Industrial Development," he said.

That began to change in 1989 when the regulations finally were published. Thanks to the influence of President Carlos Salinas de Gortari, they ended up fatally undermining the 1973 law.

"The core of the regulations was that all investments in Mexico were permitted as long as they were under \$100 million," Vargas said, adding that Salinas' oblique approach to the problem was influenced largely by domestic political considerations.

"If he opened up the economy immediately, some people in Mexico would have said he was too much in favor of foreign investment and not enough of a nationalist to be president of Mexico," he said.

But the tide soon turned — in favor of Salinas and market forces.

Thanks to amendments enacted in 1993 and last December "for the first time in the history of Mexico, foreign investors can have the direct ownership of any piece of land, including that in the forbidden zone, for commercial purposes," Vargas said.

Advocates said it's extremely unlikely, however, that reform will

be extended to foreign residential purchasers.

"The restrictions against owning property in the restricted zone is found in the Mexican constitution," said Tom Shoesmith of Baker & McKenzie. "But the constitution uses the term 'no person may' and that refers to a natural person, not a corporation."

Accordingly, for more than three decades foreigners who want to buy residential property in Mexico are required to use the services of a fideicomiso, or trustor.

Under such a setup, "You can lease, rent, transfer and convey the property, but title to the land is going to be held by a financial institution," Vargas said. "The beneficiary has use of the house for a 50-year term, which is renewable."

Although a number of San Diegans have had unpleasant and expensive run-ins with the system, Celia Ballesteros, who specializes in Mexican law, said most problems were avoided easily.

"People who had problems many years ago generally did not have fideicomiso held by a trustee who knew what they were doing," Ballesteros said. "Americans come see this beautiful land and then they're told, 'Oh, you don't need a fideicomiso, that's not the law.'"

"Most Americans don't know what the law is. Why should it be any different in Mexico?"

To counter this trend, she recommends going through a major banking institution like Bancomer, the one-time owners of Grossmont Bank, as they can also perform a 50-year chain of title search on the property.

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SAN DIEGO DAILY TRANSCRIPT MONDAY, FEBRUARY 2, 1998

Msgr. Eagen Remembered at USD's All Faith Service

BY ELIZABETH HIMCHAK
Special to The Southern Cross

ALCALA PARK — Hospitality was the theme of the Fifth Annual All Faith Service held at the University of San Diego at noon on Friday, Feb. 6.

The service was dedicated to the memory of Msgr. I.B. Eagen, USD's first vice president for Mission and Ministry. Msgr. Eagen started the All Faith Service in 1993. His own generous sense of hospitality was well known among those who knew him.

Faith traditions that participated included Buddhism, Christianity, Hinduism, Judaism, Islam, Native American Religions and Taoism.

According to Dr. Patrick Drinan, dean of the College of Arts and Sciences, USD tries to fulfill its mission statement which says, "The University welcomes those whose lives are formed by different traditions."

"To meet this goal, we search for the rays of truth which enlighten all peoples," Drinan said.

"Our university community is composed of people of many faith traditions. Today, members of those traditions will share prayers, sacred writings and practices which express and strengthen the virtue of hospitality. As we reflect on hospitality, may we welcome into our hearts and minds those things that will make us a more welcoming people."

"The word religion comes from Latin religio which means to tie together," said Mike McIntyre, associate university minister. He said the service is important because "it's important for people to see how the various faith traditions help people tie their lives together."

"The focus on hospitality showed both the commonality we share [and] the unique way each tradition approaches it," McIntyre said.

USD junior Ashleigh-Anne Au said she has attended the All Faith Service for the past three years.

"I've always wanted to participate ... because I feel that I need to find out and be aware of other religions and appreciate what else there is besides Catholicism," Au said. "It's a neat experience to see the different aspects of religion."

"We are all one even though we believe in different things," Au said. "[But we still] end up believing in [the same] things: love, peace and hospitality."

What Makes a Catholic University Catholic?

BY BERNADEANE CARR
The Southern Cross

ALCALA PARK — The third annual collaboration of the University of San Diego Catholic Perspectives Forum with the Notre Dame Hesburgh Alumni Lecture Series featured Father Timothy Scully, on "What's Catholic About a Catholic University?"

The Holy Cross priest, a Notre Dame alumnus and now its vice-president and senior associate provost, presented an approach for assuring the university's Catholic identity to a gathering of Notre Dame alumni on the USD campus Jan. 31.

"Notre Dame is not a great university if greatness means (being) mainly founded on research like Stanford or Johns Hopkins," said Father Scully, who is also associate professor of government and international studies at his alma mater. "We want to be a great Catholic university. We (at Notre Dame) want to be a great academic, quality research and teaching institution, consistent with the greatness of the great universities, with a recognizable evangelical identity."

He proposed that Catholic identity for a university is understood differently depending on one's image of the Church.

"Everyone in this room has a deeply held — whether examined or unexamined — notion of what is Catholic," he said. "We all hold different images of what the Church is and ought to be."

Choosing as his own guiding images several classical models of the Church identified by theologian Avery Dulles,

Father Scully described the Church as servant, as a community of disciples or witnesses, and as an institution. He then elaborated how a Catholic university corresponds to those models.

"Service (must be) at the heart of the teaching mission" of a Catholic university, he reflected, describing its service to the world as "focused in a privileged way as Catholics, on human dignity." He gave the example of the recently created Alliance for Catholic Education which in its first year, has sent 40 Notre Dame graduates to teach for two years in inner city Catholic schools in southern states.

To evangelize culture, he said the Catholic university must be a place "where the Church does its thinking, (and) develops critical members to serve the other members of the world," a place where Catholic philosophy and theology "can intersect with all sources of knowledge."

To be a community of witnesses requires a university to "unabashedly put Christ at the center," the priest went on.

He explained that a Catholic university is a "fellowship of disciples," in which "no one is anything but a follower, no one is anything but a learner. No one is a teacher but One."

"Beyond our expertise, the quality of our teaching will depend on the depth and quality of our own personal lives," he emphasized. He noted the witness of priests living and celebrating Mass each day in dorms at Notre Dame.

"(Students) can see: Do we take joy in

the life of the mind? Do we take joy in the Eucharist?" he said. "Do we take joy in them, do we love them?"

"(American) culture is very seductive," he said. "We have to encourage and prepare students to live critical of the culture, more (aware of) of the Church's culture. Otherwise, we're merely preparing workers for this economy."

"The only test of our success is our students," he proposed. "A great (Catholic) university prepares its citizens to be saints."

Tackling George Bernard Shaw's contention that a "Catholic university" is a contradiction in terms, the priest reasoned that academic freedom is not an absolute.

"If a university's search for truth is unfettered, it comes in conflict with search within ecclesial communion," he noted. "A Catholic university is autonomous but derives inspiration and impetus from the Church."

The Notre Dame vice president said the balance is to both "defend academic freedom and recognize that bishops have a duty to protect and defend orthodoxy."

He labeled as "not good enough" the attitude of those who view "any intrusion by the Church (into a university) as inap-

propriate and illegitimate, pointing out that institutions such as the Carnegie Foundation get involved in the universities which they fund, in a way sometimes gauged inappropriate for the Church.

He said that notion of interference derives from an image of the Church as institution. He called for Catholic universities to "articulate an appropriate relation to the institutional Church, that is, the local bishop," in order to both pursue academic excellence and Catholic identity.

While the institutional model is not to be dismissed, given the clarity about what is Catholic which is its strength, a check-off list of criteria will not assure the Catholic identity of a university, he suggested. He offered a different model, particularly in staffing policies.

"Hiring (of faculty and staff) is at the heart of what we're trying to do," he said. "But we don't any longer ask, are you Catholic or not?"

Referring to a recently hired political science instructor who is atheist, the priest said, "We hired him not because he is an atheist, but for his leading mind, his love of justice, and his care for students."

"We don't want to have orthodoxy as a test, but (rather) excitement about participating in the mission" of creating a great Catholic university, he concluded.

COLLEGE BASKETBALL

After trailing by 16, USD roars past Lions

By Mick McGrane
STAFF WRITER

It was a little bit of Houdini and a whole lot of Alex Parker.

The University of San Diego men's basketball team, which has proven itself prone to the occasional pratfall this season, shook off a horrendous start and used a career-high 22 points

by Parker to overcome Loyola Marymount 81-76 last night before 2,273 at the USD Sports Center.

The Toreros, embarrassed by the Lions a week earlier in a game that coach Brad Holland referred to as the worst his team had ever played, trailed by 16 points twice in the first half before taking a 60-59 lead on a pair of free throws by Brian Miles (15 points) with 9:21 remaining.

The victory was just the third in the last 10

games for USD (11-11, 3-7 West Coast Conference), which won back-to-back games for the first time in five weeks following an impressive 78-70 win over Pepperdine on Thursday.

"We just tried not to change what we were doing out there," Parker said of USD's sluggish start. "You have to keep your emotions under control. It's not so much stoicism, but I never really involve myself or show a lot of emotion whether we're up or we're down. You just wait for the end result and deal with it."

What the Toreros dealt with in their previous meeting with the Lions was 19 turnovers, a shooting percentage of .379 and an 87-64 loss to a team that was 1-5 in WCC play.

For a good portion of the first half last night, the Toreros appeared trapped in a recurring nightmare, trailing 24-8 with just

8:00 gone.

"Our matchup zone that we used against Pepperdine had been very effective, and we wanted to stay with it," Holland said. "But Loyola just dissected it and we had to get out of it."

"When we were down 16, I told our guys during a timeout that we needed to cut it down to eight or six before the half."

USD did better than that, outscoring Loyola Marymount 12-4 over the final 4:27 to trim the deficit to 41-38 at the break.

"I was just so pleased with our man-to-man defense and the way we scrapped to get back in the game," Holland said. "We started to look like a team that believed it could win."

The Lions' first-half success was largely due to a barrage of three-point shots (7-of-15) that gave LMU a 27-11 cushion with 10:08 left before intermission.

In the second half, however, the Lions

were just 2-of-8 from beyond the arc, while Parker, Dana White (11 points) and Brock Jacobsen (11 points) continued to provide USD with inspired guard play.

"I don't know if you can actually see it when we're out there pressuring on defense, but we seem to have a real synergy," said Parker.

USD, which led once in the first half at 3-2, tied the game 43-43 on a three-pointer by Jacobsen with 2:10 gone in the second half. But the Lions (6-15, 2-7), who had four players finish in double figures, including 22 from forward Kenny Hotopp, pushed the lead back to seven at 59-52 on a three-pointer by Ben Ammerman with just over 10 minutes remaining.

USD proved resilient, though, pulling even at 66-66 on a basket by Michael Blackmon and taking the lead for good on a pair of free throws by White with 1:15 left in the game.

Which USD team will it be?

Up-and-down Toreros still looking for some consistency

By Bill Center, STAFF WRITER

Nine days ago, the USD basketball team played as if it didn't care about the outcome while sleepwalking through a 23-point loss to a 5-13 Loyola Marymount team in Los Angeles.

Thursday, shaken by major changes in strategy and personnel, the Toreros played probably their best game of the season in defeating Pepperdine 78-70.

Tonight at the USD Sports Center, the Toreros host Loyola Marymount in a rematch. And the question is worth asking: Which USD team will show up?

"We don't predict," Toreros coach Brad Holland said yesterday.

But it is clear that in a week, the Toreros went from a low point of a 10-11 season to a peak. And, strangely, this isn't the first time USD has followed a bad game with a strong effort.

"This team has shown it is resilient," said Holland. "When it plays hard, it does achieve. But we have to play hard every time out."

Flash back to last year. The Toreros were 2-5 in West Coast Conference play when Holland shook up the lineup, starting freshmen Brian Smith and Lamont Smith over leading scorer Brian Miles and Alex Parker.

USD responded by winning seven of its last nine WCC games. USD is now 8-2 when Miles, probably the WCC's top offensive forward, doesn't start.

Thursday, Holland stirred the pot again. Miles was replaced in the starting lineup by walk-on Sam Luke.

There were other changes, too. And USD came through, although Miles was limited by foul trouble to one shot from the floor and four points.

At the end, however, two defensive rebounds and a steal, all by Miles, led to six crucial USD points.

"Last year, Brian responded very well to coming off the bench," said Holland. "But I don't mean to say that's going to be his role this year. We're going to look at every practice and every game now and see who is best-prepared and what's the situation."

What was best Thursday was a three-guard set that befuddled Pepperdine with a trap press and matchup zone on defense and a spread offense that forced the Waves into some embarrassing one-on-ones — such as freshman Dana White repeatedly driving past the heralded Jelani Gardner.

"The changes we made generated the enthusiasm we needed," said Holland.

USD has lived and died this season on the inside production of Miles, Ryan Williams and Jeff Knoll.

Ironically, when Miles was taken out of the mix Thursday, guards who had shot 30 percent in conference play (23 percent from three-point range) and piled up 17.6 points a game made 14-of-29 shots and scored 49 points and produced more assists than turnovers for one of three times in conference play.

So USD is 2-7 in conference. But the two wins were over WCC powers Gonzaga and Pepperdine. The hope for USD lies in the fact that the conference games are merely a prelim to the WCC Tournament, Feb. 28-March 2, in Santa Clara.

Play as they did Thursday and the Toreros could win it. Play as they did last weekend and they'll be done immediately.

Give Erpelding a '10' for being all-around player

By Bill Center
STAFF WRITER

Susie Erpelding comes from an eclectic athletic family. Brothers played football and basketball and ran track. One, Ben, became a professional skateboarder. Sisters competed in basketball, volleyball (older sister Heidi played for William & Mary) and gymnastics, and one became a cheerleader.

"There was a lot of diverse interests," said Erpelding, which is not surprising in a family of 10 siblings.

Erpelding's interest, however, was pretty much always basketball. But just not the offensive end of the game.

"My trademark has always been to be multifaceted," said the 20-



Erpelding

year-old San Diego native. "I like offense, but I find a lot of my offense is generated by defense. I like the floor game as much as shooting. And if one thing is not going well for me in any game, I have a couple of other things to fall back on."

Offense, defense, rebounding and ballhandling.

Those all-around attributes received notice this week, as the 5-foot-9 USD guard was the only sophomore to gain unanimous support from rival coaches on the All-West Coast Conference team.

She was one of only three women to receive unanimous backing.

Statistically, Erpelding ranked fifth among WCC scorers at 12.9 points per game and fourth in three-point shooting (38.1 percent). She averaged 4.1 rebounds and was second on the team to junior Kari Ambrose in assists and steals.

At the midpoint of her career, Erpelding is on course to become USD's all-time scoring leader and

rank No. 2 in career assists and possibly among the top 10 in rebounds.

Still, the unanimous All-WCC recognition surprised Erpelding, who today leads the underdog Toreros into the first round of the WCC Tournament against Portland at Santa Clara's Toso Pavilion.

"I thought it might be possible to make the all-conference team. But when I was told I was a unanimous pick, it made me feel pretty good," Erpelding said. "I don't consider myself a scorer. I'm a hard-nosed player. I like defense. I've always thought that's where it starts."

That's where it started for Erpelding, who grew up playing against her brothers and in a boys recreation league.

"I had to play defense to survive," she said. "If I couldn't play defense, I couldn't have played in those leagues."

Even when she averaged 22.2 points at Our Lady of Peace and made the *Union-Tribune's* All-

County team and the Division III All-State team, Erpelding was recognized as an all-around player.

And more. She also was the county's Scholar Athlete of the Year and California's Female Student-Athlete of the Year.

Early in her senior season, Erpelding was recruited by a number of major schools and wasn't considering USD. But a late-season knee injury that cooled some of the interest and a second look at her surroundings changed Erpelding's mind.

"Initially, I wanted to go away because I thought that was the only way to have the college experience," said Erpelding. "But everything I wanted was here . . . a small, friendly school in a nice environment."

"I tried to make the decision more difficult than it was. It's been exciting to play here. It's the best of both worlds. I can live away from home and still have my family at the games."

Erpelding called her freshman season at USD "heartbreaking." She averaged 10.3 points as USD's No. 2 scorer. But the team went 5-22 overall and 1-13 in WCC play. "Everyone had to take some responsibility there," she said. "But I think everyone worked hard last summer. We developed a pretty intense attitude on defense. I think I see a trend here for improvement. We're getting better players."

USD bounced back this season and was tied for the WCC lead until a recent four-game losing streak

dropped the Toreros to 13-13 overall and fifth in the conference.

"We haven't maintained the composure under pressure that we had earlier in the year," said Erpelding. "We've still played good defense, but we haven't been able to score." She shares the blame.

"We're a good shooting team, but our inside game has not been going very well recently," Erpelding said. "I could be doing more. I want to be an all-around player, but I know the team needs me for offense."

Family life agrees with USD standout

By Bill Center
STAFF WRITER

Brian Miles wasn't looking for a wife when he walked into the Hogi-Yogi shop in Mission Valley Center in April 1996.

Wasn't particularly looking for a yogurt, either.

"I would have never gone in there and didn't want to go in there," the USD basketball standout said recently. "An ex-girlfriend dragged me through the door."

Enter fate.

Behind the counter stood the father and the sister of Miles' childhood sweetheart, Dezaree Burningham.

This is not your run-of-the-mill coincidence.

Miles and the Burningshams knew each other in Santa Rosa. They hadn't seen each other for years.

In between, Miles had gone to college in Utah, served a two-year Mormon mission in the Philippines and had just completed his sophomore season of playing basketball at USD. Dezaree had moved to San Diego and was raising a son as a single parent.

The Burningshams had no idea Miles was playing basketball at USD. Miles had no clue his childhood crush had moved to the area.

"When I walked into that shop and saw Dezi's sister (Danyel) and her dad (Lamont), it shook me," recalls Miles. "Here was a pretty nice part of my past . . . a part that I hadn't seen for a long time . . . standing in front of me. I really wanted to catch up with Dezi."

Brian Miles and Dezaree Burningham were an item in junior high. Their families had known each other before the two were born.

"When we were growing up, we were close," recalls Miles.

One small problem: Dezaree was two years older than Miles. When she entered Montgomery High in Santa Rosa — where, small world, Brian's dad was the principal — Miles was in junior high. When she was a senior, he was a sophomore. High school girls rarely date below their class.

"We had been so close when we were younger, but we weren't close in high school," said Dezaree. "Then we just lost touch with each

other. It's odd, because I was trying to find him about the same time he walked into my dad's store. Someone I knew said Brian was playing basketball for a small college in San Diego. I tried to get his number, but it wasn't listed. And because it was in April, there wasn't any basketball going on."

Call it fate. Dezaree and Brian believe that's what it was.

Fast forward 22 months. The couple have married. Miles, a 23-year-old senior, has become a father figure to Dezaree's 6-year-old son, Anthony. The Mileses also have a son on the way — like, immediately.

While Miles is in Santa Clara today facing Pepperdine in the opener of the West Coast Conference Tournament, Dezaree is home counting down the days to the birth.

"The change in my life has been immense," Miles said recently. "Two years ago, it was basketball and (laughs) a rare trip to a yogurt shop. Now I'm a family man."

And he loves it.

"I feel I've matured a lot . . . all for the better," said Miles. "The responsibility has pushed me in both my personal life and my basketball. I feel more in control. The down side? None."

It doesn't seem to have hurt his basketball.

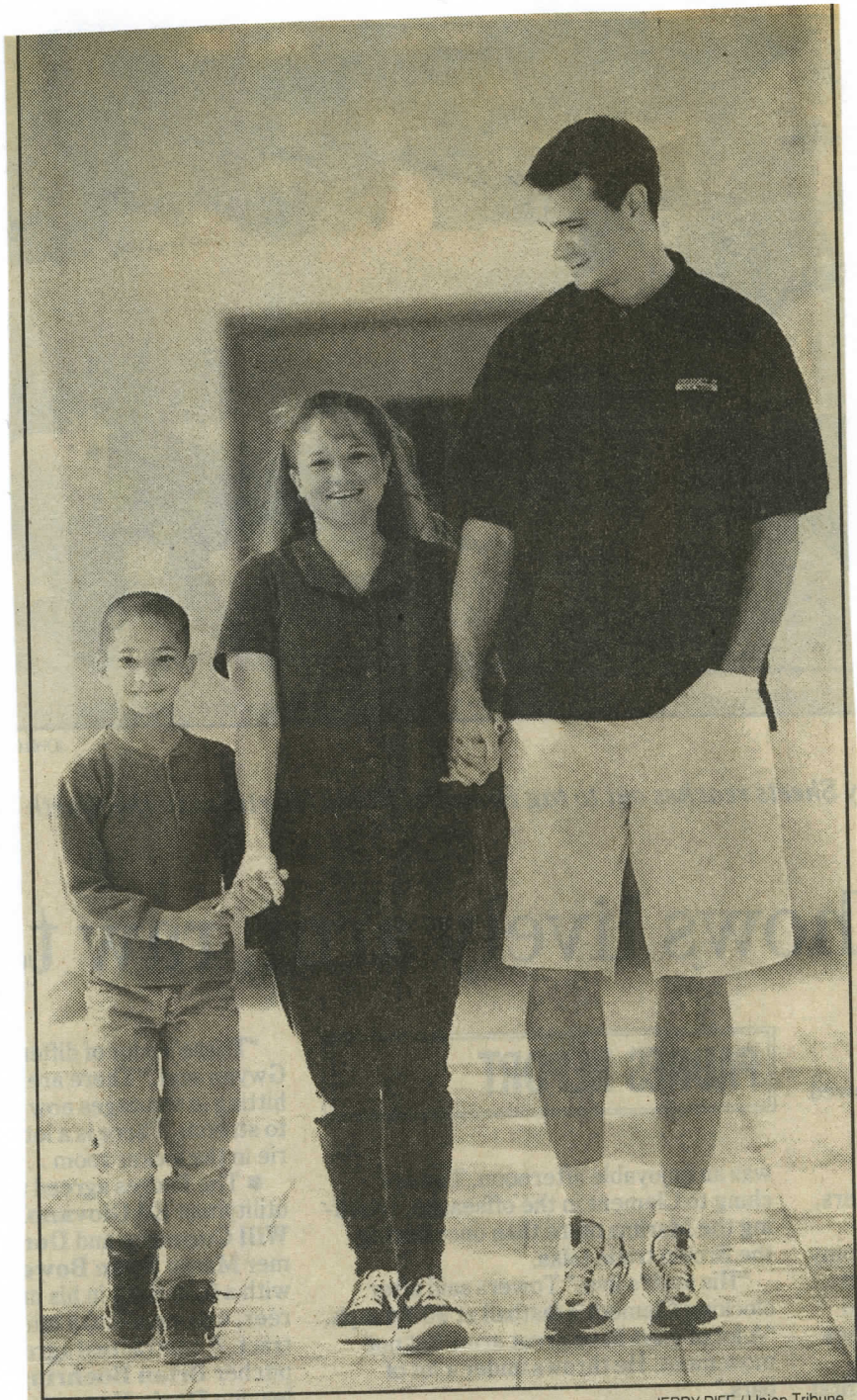
Earlier this week, Miles was a unanimous pick to the All-WCC team. He averaged 16.9 points and 6.2 rebounds and just missed becoming the first player in WCC history to lead in both field-goal accuracy (second, 60.3 percent) and three-point accuracy (first, 51.3 percent). European teams are scouting the 6-foot-8 forward.

But his biggest backers are back home.

"Brian is my dream come true," said Dezaree. "I was used to having guys tell me they couldn't handle a child. Brian was just so natural with Anthony. Two weeks after we started dating we knew we were going to be married."

There were details to work out. Finances were the biggest thing. Brian's family had questions about their son taking on such a huge responsibility.

"After Dezi and I made our decision, everyone took a step back,"



JERRY RIFE / Union-Tribune

All in the family: Star Toreros forward Brian Miles walks across USD campus with his wife, Dezaree, and son, Anthony.

said Miles. "But once they knew how we felt, we've had nothing but total support."

"Brian and I aren't as surprising to us as we are to everyone else," Dezaree joked. "The financial end we jumped into kind of going on faith. But we believed in each other. I knew it was going to be tough, but Brian had to finish his basketball. And we made it."

Miles jokes how his schedule has changed. Once life was school, basketball and . . . well, that was life.

Now it's the demands of basketball and school plus being married and helping to raise a son.

"When I first met Anthony it was awkward," Miles admitted. "Now it's so comfortable that I wonder why I was ever uptight. He means the world to me. Overall, the transition has been smoother than I thought."

"Anthony's loving this," said Dezaree. "How many other 6-year-olds can go to a college basketball game and say, 'Hey, that's my dad playing?'"

LOCAL COLLEGES

Defense leads USD women past Loyola

Jennifer Tuiolosega scored a team-high 15 points off the bench to lead the University of San Diego to a 57-51 victory over Loyola Marymount in a West Coast Conference women's basketball game before 148 last night in Los Angeles.

Nailah Thompson added 10 points off the bench for the Toreros (12-9, 7-2), who held the Lions (3-18, 0-9) to 31 percent field-goal shooting (9-of-29) in the first half and held a 29-23 lead at the break.

Forward Meghan Kenny led LMU with 16 points and grabbed seven rebounds, while guard Sharmayne Murphy added 15 points.

More women's basketball

Fourteen players scored for UCSD as the Tritons routed UC Santa Cruz 82-46 at RIMAC Arena to record their 10th straight victory. Forward Kate Turnbull led UCSD (17-3) with 15 points in 21 minutes and pulled down seven rebounds. Marci Ernsberger added 15 points off the bench for the Tritons, forward Krista Poehler had eight rebounds, and guard Amy Franzen dished out seven assists and made four steals. Guard Krista McDonald led the Banana Slugs (3-15) with 12 points. UCSD held UCSC to 25 percent shooting (9-of-36) from the field in the second half and outscored the Banana Slugs 43-23.

Men's basketball

Mike Wall scored 17 points to lead four players in double figures as UCSD defeated Chapman University 90-63 in Orange. Wall made 6-of-8 field goals and was perfect on his three free-throw attempts. Cole Miller added 16 points for the Tritons (15-5), Mark Sebek scored 13 and Tyler Field finished with 12 points and eight rebounds. Nate Strange led the Panthers (9-10) with 13 points and nine rebounds, and Gil Gonzales and Anthony Brown each added 12 points.

Toreros now play one who got away

Sivulich wound up with Gaels, while Miles landed at USD

By Bill Center
STAFF WRITER

It was the spring of 1995 and first-year USD basketball coach Brad Holland faced a tough decision.

He had but one scholarship to offer, and two players interested.

Brian Miles was a 6-foot-8 forward Holland had recruited out of high school while coaching at Cal State Fullerton. David Sivulich was an active shooting guard. Both had a common denominator — the junior college program at Utah Valley State College.

"We liked both of them," Holland said yesterday. "I wanted both. But we could only offer a scholarship to one."

Which one?

If you follow the Toreros, you know the answer. Miles stands 10 points shy of becoming only the 11th player in USD history — and the sixth at the Division I level — to score 1,100 points in a career.

But that is not to say Holland and his aides haven't asked themselves:

"What if?"

Not in the sense that they would have taken Sivulich over Miles. But "what if" they had gotten both?

Now at Saint Mary's, Sivulich is the leading scorer in the West Coast Conference this season, averaging 19.5 points. Miles is No. 4 at 16.9.

Sivulich leads the WCC in three-point baskets. Miles has an opportunity to become the first player in WCC history to top the conference in both field-goal accuracy (he leads at 64.7 percent) and three-point accuracy (again No. 1 at 52.4).

"The thought of having both has crossed my mind a couple of times," said Holland, who will get a chance to see both play tonight when USD hosts Saint Mary's in the Toreros' final home game of the season.

"When we signed Brock Jacobsen in the fall of 1994, it left us with one scholarship. Of course, I don't know if we could have gotten both. Sivulich hadn't committed to us. But his dad visited me and checked out the campus and we knew David was interested. And we were interested."

But USD also had a longer relationship with Miles, dating to when Hank Egan was the head coach.

TONIGHT'S GAMES

MEN: Saint Mary's (10-12, 5-5) at USD (11-11, 3-7)

Time/Site 7/USD Sports Center

TV/Radio None

Toreros update Coach Brad Holland shuffles the starting lineup again tonight. But it's senior night and by tradition Holland will open with his five seniors — Brian Miles, Nosa Obasohan, Alex Parker, Mike Courtney and Sam Luke — in the final home game of the season. Miles (16.9 ppg, 5.8 rpg) came off the bench last week and the guards stepped up to lead USD to wins over Pepperdine and Loyola Marymount. Parker scored 39 in the two games to raise his season average to 9.9. Freshman Dana White totaled 28 points, Brock Jacobsen 26 in the two games. Ryan Williams is averaging 14.3 points and 6 rebounds.

Saint Mary's update The Gaels are playing the season without 7-foot-3, 345-pound C Brad "The Continent" Millard (foot injury). They still have ample weapons in the WCC's scoring leader, G David Sivulich (19.5 ppg), and F Eric Schraeder (15.7 ppg, 7.1 rpg). Saint Mary's leads the WCC with nine three-point field goals a game. It is 3-10 away from Moraga this season.

WOMEN: USD (13-9, 8-2) at Saint Mary's (14-8, 5-5)

Time/Site 7:30/Moraga

TV/Radio None

Toreros update USD, winner of five straight, has pulled into a first-place tie in the WCC with Santa Clara, which lost two games in the Pacific Northwest last weekend. Like the men, the Toreros women play a home-and-home this week with Saint Mary's, USD's WCC traveling partner. Winners of only one WCC game last season, the Toreros have only one scorer (Susie Erpelding, 13.4) among the WCC's top 20 and no rebounders among the top 10. But they are getting solid all-around play from F Maggie Dixon, C Jamie Lucia and G Amanda Bishop (WCC free-throw leader at 91.5 percent) and a bench led by Nailah Thompson and freshman G Jennifer Tuiolosega.

Saint Mary's update Sisters Tracy (15.8 ppg, 7.1 rpg) and Kelly (11.1 ppg) Morris have led the Gaels in scoring in 16 of the last 19 games. Tracy is the WCC's No. 2 scorer, and Kelly hit for 28 against Pepperdine last week. Stacey Berg (12.3) is a third Gael scoring in double figures and ranks fifth in the WCC in three-point shooting.

— BILL CENTER

USD had recruited Miles before he went on a two-year Mormon mission.

"We would have loved having room for both," said Holland. "I love

Sivulich's style of play. Very aggressive without the ball and a deadly shooter. They would have been very complementary to each other's game."

USD women mount comeback, defeat Pepperdine in overtime

Despite being down 12 points with six minutes left, the University of San Diego women's basketball team came back to send the game to overtime and defeated Pepperdine 67-58 at Firestone Fieldhouse in Malibu.

The Toreros' Jennifer Tuiologea (eight points) converted a driving layup with less than one second left to send the game into overtime.

Susie Erpelding (15 points) of the Toreros (13-9, 8-2 WCC) made four consecutive baskets, including two three-pointers down the stretch in regulation, to close the Pepperdine gap to just six points.

With the victory, USD moved into second place in the WCC.

AZTECS (w) 78, AIR FORCE 54

At Colorado Springs, Colo. The San Diego State women's basketball team used a second-half scoring run and a couple of clutch three-pointers to break a two-game losing streak with its victory over Air Force Academy at Clune Arena. The Aztecs (8-12, 3-7 WAC) were up only five at half-time, 33-28, but used a 30-12 run in the second half to put the game away. At the 7:22 mark of the second half, the Aztecs were up by six when **Charley Murray** (16 points) and **Sophia Sledge** (14 points) made back-to-back three-pointers to put

LOCAL COLLEGES

the Aztecs up by 12.

BIOLA (w) 74, POINT LOMA NAZARENE COLLEGE 69

At La Mirada Biola (7-17, 2-5) weathered a 26-point effort by Point Loma Nazarene's **Ember Brown** to come from behind and defeat the Crusaders (10-13, 3-4) in Golden State Athletic Conference action.

UCSD (w) 66, OCCIDENTAL COLLEGE 53

At Los Angeles UCSD improved to 18-3 with its win over host Occidental. **Kate Turnbull** scored 12 points and added eight rebounds to lead the Tritons, whose bench outscored Occidental 29-11.

UCSD (m) 110, PACIFIC CHRISTIAN COLLEGE 50

At Rimac Arena UCSD had six players score 13 points or more en route to its win over PCC. **Tyler Field** led the Tritons (16-5) with 20 points. **Josh Whelihan** scored 48 for PCC (4-25).

BIOLA (m) 88, POINT LOMA NAZARENE 62

At La Mirada Point Loma Nazarene (1-25) lost its 24th straight as Biola defeated the Crusaders in a Golden State Athletic Conference game. **Simon Phipps** scored 18 and **Cornelius Thompson** 16 for PLNC.

USD's timely win at Santa Clara may send a message to Broncos

By Dave Reddy
SPECIAL TO THE UNION-TRIBUNE

SANTA CLARA — Here's the pregame scenario. Three days after senior guard Alex Parker is suspended indefinitely, USD's basketball team

Toreros 76

Santa Clara 67

travels to Santa Clara. While USD hasn't won a West Coast Conference road game all season, Santa Clara would move into a tie for first place with a win.

The result? A 76-67 USD victory, of course.

Improbable as it may sound, the Toreros (13-12, 5-8) claimed their biggest WCC victory of the season last night before 3,287 stunned fans at Toso Pavilion. Even more improbably, USD led from start to finish, shot 53 percent from the field and earned its most lopsided conference victory all season.

"Tonight, we played together as a team for the first time all year," senior forward Brian Miles said.

"Our team banded together tonight," Toreros coach Brad Holland said. "It was just great to see."

And well-timed. Entering tonight's regular-season finale at the University of San Francisco, USD is virtually guaranteed to finish sixth or seventh in the conference. Since Santa Clara will probably finish second or third, there's a strong possibility the Broncos (17-8, 8-5) will be USD's first-round opponent in the WCC Tournament next weekend at Toso.

And what better way to gain confidence than to spank the Broncos on their home court?

"That's what we wanted to come

out to do — hopefully make a statement," said USD forward Ryan Williams, who complemented Miles (23 points) and guard Brock Jacobsen (19 points) with 13 points and a team-high eight rebounds. "We know there's a good chance we'll see them again next week."

That probably wouldn't please the Broncos, who spotted the Toreros a 37-25 halftime lead before making a second-half comeback and cutting the lead to 59-56 on Brian Jones' three-pointer with 5:45 left.

But rather than roll over, as it might have earlier this season, USD responded with a game-breaking 10-0 run. After back-to-back three-pointers by Lamont Smith and Williams, the Toreros hit four of six free throws to take a 69-56 lead with 1:45 remaining. From there, Santa Clara couldn't whittle the deficit below seven points.

"We knew they were going to make some runs in the second half," Holland said. "When they did, we

responded. (The back-to-back threes) were so big. Lamont Smith's three from the corner and Ryan Williams' three from the top — we really needed those threes so badly and they came at the right time."

Actually, the shots came all night for USD, which hit 11 of 19 three-point attempts and began the game shooting 60 percent in the first half. Jacobsen, who scored 12 of his points in the first 8:43, had the hot hand early and helped the Toreros stake a 19-9 lead with 11:17 remaining.

The lead grew to 40-25 early in the second half before Santa Clara made its ill-fated run.

The Broncos hit three three-pointers in a span of 2:29 to cut the lead to 59-56.

That's when Smith and Williams countered with their back-to-back threes and gave Santa Clara plenty to ponder between now and their potential rematch next week.

Princeton wins 15th straight

ASSOCIATED PRESS

PRINCETON, N.J. — Steve Goodrich had 19 points and nine rebounds and No. 9 Princeton established the best start in school history with a 77-55 win over Harvard last night.

In winning its 15th straight, Princeton (22-1, 10-0) surpassed the 1924-25 team that went 21-1 before losing its season finale. Harvard (11-12, 4-7) has lost 16

straight to Princeton.

The Tigers took care of Harvard in their usual manner, spending more than 10 minutes expanding a six-point lead to 30.

"When we go on a run there's usually little lulls along the way," said Goodrich.

After Dan Clemente's three-pointer pulled Harvard within 38-32 to start the second half, Princeton went on a 28-4 run to open a 66-36 advantage. Harvard went 8:03 without a point.

San Diego Union-Tribune, 2/28/98

WCC honors USD's Marpe as top coach

USD's Kathy Marpe was honored yesterday in Santa Clara as the West Coast Conference's women's coach of the year during the league's first awards banquet.

Dan Monson of regular-season champion Gonzaga was the men's coach of the year, and 6-foot-8 Gonzaga forward Bakari Hendrix was male player of the year. Santa Clara guard Lisa Sacco was female player of the year.

Marpe's Toreros made the fifth-greatest single-season improvement in WCC history. After going 5-22 overall and 1-13 in WCC play last season, USD went 13-14 and 8-6 this season and was tied for the conference lead with four games to play, but finished tied for fifth.

Marpe is 211-283 in 18 seasons at USD and 298-346 overall in 25 seasons. This is the second time she has been named WCC coach of the year.

— BILL CENTER

Qualcomm founder named top Headliner

UNION-TRIBUNE

Irwin Jacob, Qualcomm founder and chairman, received the San Diego Press Club's top award at the club's 25th annual Headliners Banquet last night.

The awards honor people who have dominated the local news and who have made positive contributions to life in San Diego, said Jerry Schultz, club manager.

Qualcomm appeared in news stories frequently last year because of its involvement with Qualcomm Stadium and because Russia accused one of the company's employees of being a spy.

Andy Mace, who founded the club in 1973, was also honored. The San Diego Press Club is now one of the largest in the country.

The banquet, followed by the award presentations, was held at

the Mission Valley Marriott Hotel.

Others receiving Headliner awards included: Martha Longenecker, executive director of the Mingei International Museum of Folk Art, for arts; Frank Partnoy, USD School of Law, for authors; Bob McElroy, Alpha Project, for community enhancement; Michael Hager, executive director of the San Diego Natural History Museum, for cultural leadership; and Dr. Brian Blackbourne, county medical examiner, for crisis communications.

Awards also went to Jane Donnelly Gawronski, superintendent of the Escondido Union High School District, for public education; Garry D. Hays, president of United States International University, for higher education; Lee Stein, First Virtual, for entrepreneurship; Larry Prior, county chief administrative officer, for government; Sgt. Derek Diaz, of the San Diego Police Department, for heroism; Bob Trachinger, retired vice president of ABC Tele-

vision, for legends of media; and Don Freeman, longtime *Union-Tribune* columnist, for print media.

Also honored were Jack White, a stockbroker, for his sponsorship of KPBS public broadcasting; Rear Adm. Veronica Froman, commander of San Diego Naval Base, for military; Bruce Henderson and Richard Rider, civic critics, for political activism; Bill Clayton, California Department of Forestry division chief, for public safety; Sheriff Bill Kolender and San Diego Police Chief Jerry Sanders, accepting for RSVP — Retired Senior Volunteer Patrol, for volunteerism; Dr. William H. Rastetter, president, IDEC Pharmaceuticals, for science; Jim Brown, of the Super Bowl Task Force, for sports; Thomas Larwin, general manager, Metropolitan Transit Development Board, for transportation; Tariq Khamisa Foundation, for youth violence prevention; and the late Monsignor I. Brent Eagen, of the Catholic Diocese, for religion.

It's a jungle out there.

Let Homes help you clear a path to your garden, Sundays.

BUSINESS and the ECONOMY

Headliners Of The Year Honored

San Diegans who made news in 1997 were honored Thursday by the San Diego Press Club at its 25th annual Headliners of the Year banquet.

The Headliner of the Year honor went to Dr. Irwin Jacobs, chairman of Qualcomm, for his numerous community/educational projects during the year.

Individual recipients included:

Arts: Martha W. Longenecker, executive director of the Mingei International Museum

Author: Frank Partnoy, USD School of Law

Community Enhancement: Bob McElroy, Alpha Project

Cultural Leadership: Dr. Michael Hager, executive director of the San Diego Natural History Museum

Crisis Communications: Brian Blackbourne, San Diego County

medical examiner

Education — Public: Dr. Jane Donnelly Gawronski, superintendent of Escondido Union High School District

Education — Higher: Dr. Garry D. Hays, president, USIU

Entrepreneur: Lee Stein, owner of First Virtual

Government: Larry Prior, chief administrative officer, San Diego County

Heroism: Sgt. Derek Diaz, SDPD, and recipient of national Top Cop award

Media — Headliners 25th Anniversary: Andy Mace, founder

Media — Legend: Bob Trachinger, technical advancements, ABC news coverage

Media — Print: Don Freeman, senior columnist, Union-Tribune

Media — Underwriter — KPBS: Jack White, who underwrote stock

market and business reports

Military: Rear Admiral Veronica Froman, U.S. Navy

Political Activists: Bruce Henderson and Richard Rider

Public Safety: Chief Bill Clayton, San Diego County Fire Dept.

Religion (Posthumous): Mons. I. Brent Egan (award accepted by Dr. Alice B. Hayes, president, USD)

* Retired Seniors Volunteer Patrol — Police: Chief Jerry Sanders, SDPD

Retired Seniors Volunteer Patrol — Sheriff: Sheriff Bill Kolender

Science: Dr. William H. Rastetter, chairman, IDEC Pharmaceuticals Corp.

Sports: Jim Brown, chairman, Super Bowl Task Force

Transportation: Thomas Larwin, general manager, MTDB

Youth Violence Prevention: Tariq Khamisa Foundation.

USD Evaluates Mission vs. Practice

Self-study finds university living up to much of its mission statement, not as strong as it would like in presenting a 'Catholic identity'

By MARTHA LEPORE

Special to The Southern Cross

ALCALA PARK — Two years into a self-assessment process called Ethics Across the Campus, the University of San Diego has discovered it generally succeeds in carrying out its mission and goals, but acknowledged that certain areas relating to Catholic identity and individual dignity need attention.

These areas are commonly reported as weaknesses by other Catholic colleges and universities, such as Boston College, Notre Dame and College of the Holy Cross, who have been undertaking similar self-examinations.

The evaluation was initiated in 1996 by the late Vice President for Mission and Ministry Msgr. I. Brent Eagen to determine whether the members of the USD community "practice what (they) preach."

In response to a Value Survey Report published in mid February, University President Dr. Alice Hayes said the results "will provide valuable guidance for university initiatives for years to come." She also noted that while the university's goals are clearly valued and important, "we want to be more effective than we have been in

fulfilling our mission. The areas in which we fall short of our expectations present a challenge for the future. In order to truly fulfill the mission statement, every student, faculty and staff member needs to experience and express the institution's values in day to day work."

At a campus Town Hall meeting on Feb. 12, Dr. John Wilcox of the Center for Professional Ethics of Manhattan College, who has been associated with the project since its inception, led a forum discussing the Values Survey Report administered last fall. It showed that, on the whole, participants believe that USD does practice what it preaches in the areas of academic excellence, value-based education and holism; however, Wilcox pointed out how important, at least among students, it is for USD "to attend to the Catholic identity question."

Catholic identity, as a defining characteristic of USD, was deemed the "least visible" value in the day-to-day life on campus by half of the students completing surveys and by 30 percent or more of those in administrative, staff or faculty positions. Just what are considered visible signs of Catholicity is unclear, but,

according to the 22-page Values Survey Report, students do not view outward manifestations, such as religious statues, crosses on buildings and within classrooms, as creating a Catholic identity.

In addition, more than 50 percent of the students completing the survey felt that they had neither a greater appreciation for the Catholic Church nor a greater understanding of the Catholic faith because of their experiences at USD.

According to the report, the university also faces a challenge in carrying out its mission of respecting the individual dignity of staff members. As specified in its goals statement, individual dignity calls for respect and sensitivity to individual differences and commitment to diverse points of view. Though students, faculty and administrators had high levels of agreement that they were treated with respect and dignity, more than one-quarter of the staff participants felt they were not.

According to Sister Virginia Rodee, RSCJ, a member of the Ethics Across the Campus Advisory Committee, the results

of the project to date represent "a call to deepen and integrate what is strong, and another to address what is yet lacking. What we've learned will prompt us to take action so that our University goals become a lived reality."

In the area of academic excellence, a key component of USD's Mission and Goals statement, both students and staff gave a more than 90 percent agreement that faculty members set high standards for students. The faculty assessed its performance somewhat lower at 65 percent agreeing or strongly agreeing.

More than 80 percent of both students and staff agreed or strongly agreed that the faculty members set "high" ethical standards for students; however, no more than 47 percent of students and faculty agreed or strongly agreed that USD has provided an environment in which to become more aware of the economic and social needs of others.

The report and recommendations from the Advisory Committee will be considered by Hayes and university trustees.

San Diego

THE SAN DIEGO UNION-TRIBUNE • FRIDAY, FEBRUARY 13, 1998

Kroc plans world peace institute at USD

Center would be site for meetings, research

By Jeff Ristine
STAFF WRITER

Philanthropist Joan B. Kroc plans to establish a major institute at the University of San Diego devoted to the study of world peace and social justice.

The International Institute for Peace and Justice would seek to draw students and statesmen to the private campus. It would be dedicated to the memory of Mohandas K. Gandhi, one of the leading pacifists of the 20th century and leader of India's indepen-

dence movement.

Kroc, who founded a similar center at the University of Notre Dame in 1986, first approached USD about building an institute last summer. Discussions were largely kept confidential until university President Alice B. Hayes mentioned them at a dinner for university donors last month.

There has been no formal announcement from Kroc or USD, but plans for the center are mentioned on Hayes' USD web site.

"This is a truly exciting concept," Hayes said in a statement released by the university.

The institute "will be a landmark enrichment to the University of San Diego and our community," she said.

Jack Cannon, director of public relations for USD, said talks are "at a very early stage."

"We don't have a conceptual architect, and we haven't been able to cost out the project," he said. "There are many elements yet to be determined, including the institute's mission and goals."

Kroc, who lives in Rancho Santa Fe, was a member of the Roman Catholic-affiliated university's board of trustees from 1978 to 1981 and received an honorary doctoral degree from the institution in 1988. She is the widow of McDonald's chain founder Ray Kroc and a former owner of the San Diego Padres.

An assistant to Kroc, Nancy Trestick, said

yesterday that there was little she could say about the proposal.

"It's only in the very early discussion stages," Trestick said. "There's nothing specific to share right now."

A dollar figure for Kroc's contribution toward the center will not be identified until after an architect is selected. But, as talks stand, Kroc's contribution would represent one of the biggest gifts to higher education in San Diego history.

"We don't even know exactly when we would begin the construction of it," Cannon said, "but we hope to be able to announce the

See **PEACE** on Page B-8

Peace

Officials hope to unveil plans soon

Continued from B-1

detailed plans in the near future . . . perhaps this summer."

Possible sites at both ends of the Linda Vista campus, Alcalá Park, are being considered.

In addition to an international peace studies curriculum and other academic programs, the institute would be home to international conferences and symposia, lectures and research. It might place emphasis on the Pacific Rim, Mexico and Latin America.

On her web site, Hayes speaks of a "state-of-the-art conference facility capable of welcoming statesmen and scholars from all over the world."

"Our approach will emphasize the individual dignity of each person and the need for understanding be-

tween peoples as a precondition to peace," Hayes said. "We want to use our intellectual and institutional resources to become a place where students, national and international leaders will study peace and social justice."

Peter Hughes, chairman of the USD board of trustees, said the potential for the proposed institute "is fantastic."

"It is unbelievably timely in view of what is going on in the world generally, and the Pacific Rim (in particular)," he said. "I can't think of anybody that's not going to want to enthusiastically embrace it."

"The concept of peace and justice is essentially unlimited," Hughes added, "particularly with the commitment of USD to ethics and values and moral issues."

Among several multimillion-dollar gifts over the past few years, Kroc gave the university \$3 million in 1996 toward a program that provides zero-interest loans to undergraduate students. She provided \$15 million for flood victims in Grand Forks, N.D., last year and \$18 million for the San Diego Hospice in 1988.

Kroc made a \$6 million contribution to Notre Dame for what was described at the time as a center to study nuclear disarmament, a cause to which she is strongly devoted. The gift evolved from a visit to San Diego by the Rev. Theodore Hesburgh, then president of Notre Dame.

Named the Joan B. Kroc Institute for International Peace Studies, the center is the home of a variety of undergraduate and graduate offerings studying the causes of war and intergroup violence and the promotion of human rights, economic well-being and the global ecosystem.

The proposed institute represents more good news for local universities.

On Monday, the University of California San Diego chancellor announced that Irwin M. Jacobs, founder and chief executive of Qualcomm Inc., and his wife, Joan, were giving \$15 million to the university's School of Engineering.



Joan Kroc

Many faiths join at USD service



NANCEE E. LEWIS / Union-Tribune

All-faiths service: *Shalini Patnaik performed a classical Indian dance.*

By **Sandi Dolbee**, RELIGION & ETHICS EDITOR

It began with an American Indian dancer and ended with a gospel song from an African-American church choir. And in between was a litany of other faiths who gathered at the University of San Diego for the fifth annual celebration of religious pluralism.

This year, the common theme in this pluralism was hospitality.

"Every tradition has a form of what is known as the love commandment," Kathleen Dugan, a USD religious studies professor, told a sanctuary filled mostly with students and staff attending yesterday's "All Faith Service."

In welcoming the stranger, Dugan added, "We are in effect welcoming God."

From Islam to Christianity, Hinduism to Buddhism, the teachings shared at the noontime service echoed that. Among them:

- An American Indian precept: "See to it that whoever enters your house obtains something to eat however little you may have. Such food will be a source of death to you if you withhold it."

- A Taoist tract: "Relieve people in distress as speedily as you must release a fish from a dry brook (lest it die). Deliver people from danger as quickly as you must free a sparrow from a tight noose."

- And a Christian scripture: "Do not neglect to show hospitality to strangers, for thereby some have enter-

See **FAITHS** on Page B-10

Faiths

Hospitality the theme for service at USD

Continued from B-1

tained angels unawares."

In all, more than a half-dozen faiths — and a number of denominations — participated with their meditations, music and sacred dancing in the Immaculata Church, on the campus of the Roman Catholic university.

Hospitality was a fitting theme, said organizers, since the service was dedicated to the memory of Monsignor I. Brent Eagen, who be-

gan the "All Faith Service" in 1993 as a way of honoring San Diego's diversity. A longtime local priest and USD's vice president of mission and ministry, Monsignor Eagen died in October of cancer.

For students Brian Delacruz and Jaclyn Sonico, yesterday was their first such service. They were impressed.

"It was a fantastic event," said Delacruz, a 20-year-old junior. "It's just really nice to see all those faces of different cultures in the same room."

"I've never experienced anything like that before," said Sonico, an 18-year-old freshman. "All of them in the same room — and getting along."

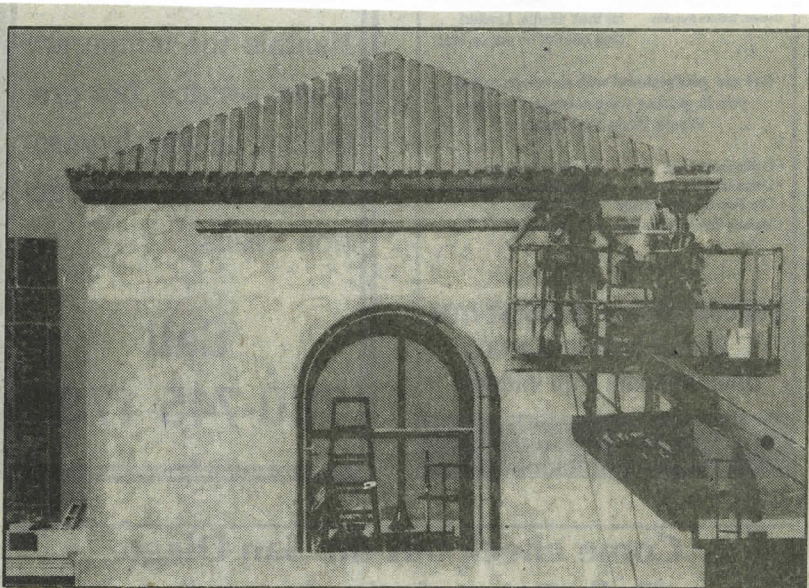


in the news

Point Loman George Dougan wondered if the Persian Gulf-bound Marine pictured in Saturday's U-T with an ironing board tucked under his arm was hoping to iron things out with Saddam Hussein . . . Sean Sasser who, with his late partner Pedro Zamora, was the focus of several episodes of MTV's "Real World" in 1994, will speak at 7 tonight at USD's University Center as part of AIDS Awareness Week. He's lived with HIV for nine years.

Where the Buoys Are

Area engineers and engineering students will pool their ideas this month at the University of San Diego's seventh annual "Walk on Water" competition. Participating teams must create "buoyancy shoes" designed to allow a squad's appointed aqua-nut to cross the width of USD's Olympic-size swimming pool without taking a dive. Each team can sink no more than \$100 into its bobbing brainstorm. Previous contestants have launched such floatable rigs as tape-tethered plastic Coke-bottle boots and carved foam-block canoe shoes. The team with the fastest pool-crossing time grabs the grand prize trophy; other awards are given for special design. The event starts at 10 a.m. February 28, is free and open to the public. Info: 260-4600, ext. 4627. —BILL OWENS



Ornamentation Up At USD Parking Facility

Ninteman Construction Co. workers have been applying precast architectural ornamentation to the exterior of the Mission Parking Complex on the University of San Diego campus. The \$10 million facility was designed by Carrier Johnson Wu to complement the campus' 16th century Spanish Renaissance architecture. When completed in March, the five-level, 275,000-square-foot facility will hold 975 vehicles. Ninteman also is constructing a freestanding guardhouse and is realigning the campus' main entry. Jim Knorr is Nintemen's project superintendent with Will House, project engineer; Cindy Krenn, project administrator; and Bill Damme, concrete superintendent.