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# **USD News Print Media Coverage**

**April 2003**

## USD Print Media Coverage April 2003

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**Office of the President**

**Board of Trustees**



# As new president, her goal was quality

## *Now with applications soaring, USD's Hayes prepares for retirement*

By **ARTHUR JONES**  
San Diego

Eight years ago Alice Bourke Hayes had a tough act to follow. It was 1995 and the St. Louis University executive vice president had been appointed president of the University of San Diego.

The beloved president she succeeded had been in office for 24 years. A popular dean who had been at the university for many years, and who felt it was already on the right track, later told her that his chief hope when she arrived was that she wouldn't screw things up.

Hayes asked, "Were your hopes so small? Didn't you hope that maybe we would have something new, some new creativity, some new growth?"

In 1995, she said, the academic community's anxiety "was that something good would be lost. My big hope was that something good would be discovered."

Now, Hayes herself is in the countdown to retirement. She's 65, and doesn't have to leave. "It's just time," she said. "My real decision last year was one year or six years." There's a new strategic plan and capital campaign in the air, she said, "and you can't start that and pull out in the middle. In that sense it wasn't a hard decision."

The University of San Diego has named Hayes' successor: Mary E. Lyons, who has served as president of the College of St. Benedict, a 2,000-student women's college in St. Joseph, Minn., since 1996. Before that, Lyons, a retired captain in the U.S. Naval Reserve, was president of the California Maritime Academy for six years. She will assume her new position at the University of San Diego July 1.

In light of that approaching day, NCR asked the university's outgoing president to reprise the challenges inherent in running a Catholic university today — Hayes-style. The interest, of course, is in the twin quest for academic excellence and continued Catholic identity.

A research biologist with a master's in science from the University of Illinois and a Ph.D. from Northwestern, Hayes was six years at St. Louis, and before that 27 at Loyola in Chicago. She said she took the job because she saw in San Diego an institution with strong academic potential, "maybe just beginning to hit its stride."

"My concern was to try to make some decisions that would allow excellence. I think the toughest decision was to say, we're going to define growth differently," she said.

Hayes decided the university "would not define growth as growth in enrollment, growth in programs, but as growth in quality. And that is a very different way of looking at things and maybe that was the hardest challenge."

Freshman enrollment was capped at 1,000. There was a cap on the sought-after law school. Graduate programs were allowed a little more flexibility because they were not saturated.

Today, freshman applications have soared: 7,000 applications for a class of 1,000. "When I first came we accepted about 80 percent of the applicants, and now we accept less than 50 percent," said Hayes. "More than 55 percent of the undergraduates are Catholics. Graduate student religious affiliation is not

NATIONAL CATHOLIC  
REPORTER  
KANSAS CITY, MO  
WEEKLY 50,000  
APR 11 2003





—Gary Payne

**Alice B. Hayes mingles with University of San Diego students at homecoming last fall.**

known, "but we do know [Catholic affiliation] is a very attractive feature for the professional schools."

It has been three decades since today's University of San Diego was formed in the 1972 merger of the Religious of the Sacred Heart's College for Women with the diocesan College for Men and School of Law. The merger was gradual: first cross-registration at either campus, then faculty exchanges, then full merger. The total student body in 1972 was 2,500; last fall it was 7,126.

The original academic entity sponsors have four of the 40 seats on the board: the bishop and the Religious of the Sacred Heart provincial, plus one person nominated by each of them. "It's only four votes, but I would tell you," said Hayes, "those are very influential votes. I think that if we were doing something that the

bishop and provincial felt wasn't in some way amicable to Catholic higher education, they would tell us."

At the time the merger was coming together, Alice Hayes had already been at Loyola for a decade. She began as a researcher into tuberculosis, but her later specialty for more than two decades was investigation into all aspects of "why leaves are flat."

"It's not a trivial question," said Hayes. The flatness "allows photosynthesis, the source of all the food and oxygen on earth."

By 1986, she was in the space biology program funded by NASA, had been dean of Loyola's science division and was an associate academic vice president.

Asked if she would be vice president, she agreed, and arranged a funding transition so that her work was handed over

to colleagues.

In 1989 Hayes went to St. Louis University as executive vice president, provost and biology professor until the San Diego move.

At the University of San Diego she wanted to use the budget in a different way — to increase the number of faculty while holding the number of students constant; to transition from a large adjunct faculty to a more full-time faculty; to shift to a two-year budget from a one-year budget; and to aggressively go after funds from foundations and major donors.

In eight years the endowment has gone from \$40 million to \$135 million.

Further, "we've had some lovely gifts" for the still-in-process Center for Science and Technology. "The biotech community doesn't have a lot of money right

**A Hayes, Page 17**



# Hayes/Discussing her legacy

CONTINUED FROM PAGE 9

now; people individually are still giving but not at the level that we had mentally set aside for them," said Hayes. "There's also the new, internationally-recognized Joan B. Kroc Institute for Peace and Justice that opened in 2002.

Even so, everything in a university starts with the incoming freshmen. Fifty percent of the intake is from the West Coast and half of those from San Diego. Foreign students, only a few hundred of them, often find their way to the university through the Internet.

Freshmen have to live on campus. Theology and philosophy and ethics courses are mandatory. "We have ethics across the curriculum programs," said Hayes. "We've funded training programs for faculty members so they have the confidence to discuss ethical issues across the undergraduate programs."

Catholic identity is a high-level topic at Catholic colleges and universities. When Hayes arrived, the University of San Diego already was a member of the Catholic faculty-oriented Collegium, to which Hayes was an early consultant (see accompanying story).

Hayes tracked the ebb and flow of the Catholic identity issue across four decades.

"There was a contentment in the 1960s. Catholic universities were Catholic because a lot of Catholics went there," she said. "There was an increasing number of lay faculty, and leadership from the Jesuits all over the place." ("They were very brave in taking me on," she added in an aside.)

"Ron Walker, the first lay dean at Loyola, felt it important to reassure people the place was still going to have a Jesuit Catholic identity," she said, "so every year at the dean's convocation a member of the Jesuit community was asked to speak about Catholic identity. One year a philosopher, next year a theologian.

"I don't think there was a sense of anxiety until the '70s. Nobody was afraid we weren't Catholic enough. They were afraid we weren't academically respectable. There had been a drive for academic excellence, strong

academics in each department — not sufficient attention to whether that person was contributing to the Catholic identity."

By the 1980s identity was a major priority at the 200-plus Catholic colleges and universities, and by the 1990s, with inservices on campus and Collegium programs externally, the new mood and methods were in place to enhance the "Catholic" element. The University of San Diego sends two faculty members each year to Collegium programs.

Hayes said, "I think we've brought a new consciousness of Catholic identity. I urged Msgr. [I. Brent] Eagen, our vice president for mission and ministry, to write a paper on the Catholic intellectual tradition. He did and I gave it to the provost who took faculty from a variety of religious commitments, and they wrote the university's guiding document, 'Insights.' And we have a series of seminars for new faculty members that discuss issues of Catholic identity."

On a day-to-day level, though the university church is a parish, there's an active campus ministry with its own staff and chapel. As required by the upper reaches of church politics, the university has theologians who have applied for the Vatican-required *mandatum* to teach. "It's not something the university requires," said Hayes. "It's been a good process. Our bishop [Robert Brom] has engaged in a series of faculty discussions. I'm sure if we had faculty members who did not have the *mandatum* I would hear about it."

Hayes is sanguine about miscalculations she's made. This year, because of the economic situation, "I thought we'd be down 350 or so students — they'd apply but drop out because they wouldn't have the money. So I said let's accept 1,050 freshmen instead of 1,000. And I was wrong."

Early on, she said, she miscalculated what was required to get diversity in the student body. "I thought that in this environment (highly multiethnic Southern California), they would just come. We have to go after them more aggressively to actually get them to come." The key is more financial aid, she said.

On the up side, the university has "attracted money for needed projects" during her term, Hayes said. "We have enhanced the academic quality of the student body. We've aggressively gone after good people, new vice presidents, four new deans — not settling to fill a position just because it's open, but waiting until we got the right person.

"Now that I've announced my retirement there's discussion about my legacy," she said, "and I feel like I'm dead. Mostly people point to the buildings and improvements on campus. But those are not the things that will have long-term impact. The impact will be felt because we've been intentionally pursuing our goals — and it is 'we' because you never do any of these things alone."

After she leaves the presidency, Hayes has a full schedule but at a different pace. The only academic board she's on is Loyola University in Chicago. She also has accreditation visit commitments. She is on the board of directors of ConAgra and on the Pulitzer committee, and the U.S. bishops' National Review Board for the Protection of Children and Youth.

She is also on the board of Jack in the Box. "You know," she said, "Jack in the Box has the same target audience as the university — 18-to 34-year-olds."

As for stepping aside, she had a merry look in her eye when she said, "This is my 41st year in Catholic higher education. I've done enough damage. It's time."

Arthur Jones is NCR editor at large. His e-mail address is [arthurjones@attbi.com](mailto:arthurjones@attbi.com)



# San Diego City Council recognizes USD

By Danielle Wyncott  
STAFF WRITER

Mayor Dick Murphy and the rest of the San Diego City Council recognized USD President Alice B. Hays and the USD Men's Basketball team by declaring April seven both "Alice Bourke Hays Day" and "University of San Diego Men's Basketball Day" in honor of each recipient's respective achievements.

The brief ceremony took place in the City Council Chamber downtown where Mayor Murphy called the NCAA tour-

nament team forward to extol words of praise on the gentlemen and comment on how such hard work and dedication rewards in success.

packed house before remarking how proud he was of the accomplishments this team had achieved.

Backed by several proud USD supporters, President Alice B. Hayes stepped forward where Council Member Frye praised her for all her great achievements as President of USD.

Frye commended Hayes "For her outstanding efforts in the field of higher education and for all her work with the city of San Diego" and recognized her for improving the lives of the people of San Diego.

Hayes then said her thanks to the community for such an honor and expressed what pride she felt from being a part of this Institution.



DANIELLE WYNCOTT

The Men's Basketball Team and President Hayes were recognized by the San Diego City Council on April 7.

Coach Holland then said a few encouraging words of his own and introduced each team member by name to the



# University of San Diego Selects New President

SAN DIEGO — Having sifted more than 50 candidates, the University of San Diego Board of Trustees turned to a long-time Catholic educator and retired navy captain, March 25, to fill the upcoming vacancy in the office of the university president.

Mary E. Lyons, currently president of the College of Saint Benedict, a Catholic liberal arts college in Minnesota, will become the new president of the University of San Diego on July 1.

USD President Alice B. Hayes will retire this summer after eight years at USD.

Lyons has served as president of the College of Saint Benedict since 1996. Prior to that, the native Californian was president of the California Maritime Academy for six years. She is a retired captain in the U.S. Naval Reserve.

"With her experience in both Catholic undergraduate education and the professional training programs at the academy, Dr. Lyons understands and embraces USD's mission of academic excellence and values-centered learning," said Liam McGee, chair of the university's board of trustees. "We are confident she is the right person to lead USD to even greater success as a nationally ranked institution of higher learning."

"I am confident and pleased to be leaving the university in such capable hands," Hayes said. "In addition to her excellent leadership skills, Dr. Lyons' energy and enthusiasm will serve USD well in the years ahead."

Under Lyons' leadership, the College of Saint Benedict, a Catholic women's college of 2,000 students in St. Joseph, Minn., moved from the

fourth to the second tier of liberal arts colleges, according to *U.S. News and World Report's* rankings.

"I am excited and honored to be given the opportunity to lead such a wonderful institution," said Lyons. "I look forward to continuing the growth and excellence of USD's graduate and undergraduate programs as a Catholic institution that respects and welcomes those who come from all backgrounds, cultures and religions."

In addition to her administrative positions, Lyons has served as a professor of rhetoric and homiletics at the Graduate Theological Union in Berkeley. She also taught at the University of California, Berkeley and San Jose State University, and has been a community college, middle school and elementary school teacher.

*The Southern Cross*

The Southern Cross, April 3, 2003

### **New Chief**

#### **UNIVERSITY OF SAN DIEGO,**

March 31 — Mary Lyons, president of the College of St. Benedict in St. Joseph, Minn., has been named San Diego's new president, the university announced. She will replace Alice Hayes, who is retiring after eight years on July 1.

Lyons is a former professor of rhetoric and homiletics at the Graduate Theological Union in Berkeley.

### **NATIONAL CATHOLIC REGISTER**

NORTH HAVEN, CT  
WEEKLY 28,000  
APR 13 2003



# APPOINTMENTS, RESIGNATIONS

**JAMES J. ALFINI**, professor of law at Northern Illinois U., to president and dean of South Texas College of Law.

**DONALD J. AYO**, president of Nicholls State U., has announced his retirement, effective June 30.

**ROBERT BEACHY**, faculty member in the history department at Wake Forest U., to professor of history at Goucher College.

**CATHERINE BENNETT**, director of the learning resource center at Belmont Technical College, to associate dean of learning, information services, and technologies.

**LINDA M. BENNETT**, dean of the college of arts and sciences at Appalachian State U., to provost and vice president for academic affairs at U. of Southern Indiana, effective July 1.

**STEPHEN C. BLOCK**, director of information services at St. Joseph's Hospital Health Center (Syracuse, N.Y.), to director of business processes and grants management in the School of Information Studies at Syracuse U.

**ANITA S. BOLLT**, deputy director and chief operating officer of the Society for the Advancement of Women's Health Research (Washington), to deputy executive director of the National Association for College Admission Counseling.

**KATHY J. BOOKER**, associate professor of nursing at Millikin U., to dean of the school of nursing.

**GILES BOOTHWAY**, vice president for Chicago operations for Rinfret & Associates, to assistant professor of finance at St. Bonaventure U.

**AL BOWMAN**, chairman of the department of speech pathology and audiology at Illinois State U., to interim president, effective June 1.

**BRETT CAMPBELL**, former dean of students and assistant director of student support at Rogers State U., to provost for student affairs at Tulsa Community College.

**JUAN C. COCKBURN**, assistant professor of electrical engineering at Florida State U., to associate professor of computer engineering in the Kate Gleason College of Engineering at the Rochester Institute of Technology.

**MARY ANN FRASER**, executive budget officer for academic affairs at Syracuse U., to assistant provost for budgetary affairs.

**GAEL FRAZER**, director of human resources at Pensacola Junior College, to associate vice president for institutional diversity.

**CHARLOTTE GRIMES**, head of the journalism program at Hampton U., has been named to the Knight chair in political re-

■ **New chief executives:** MILLERSVILLE U. OF PENNSYLVANIA, Francine G. McNairy; MUHLENBERG COLLEGE, Peyton R. (Randy) Helm; NICHOLLS STATE U., Stephen T. Hulbert; SOUTH TEXAS COLLEGE OF LAW, James J. Alfini; STATE U. OF NEW YORK COLLEGE OF AGRICULTURE AND TECHNOLOGY AT COBLESKILL, Thomas J. Haas; U. OF SAN DIEGO, Mary E. Lyons.

porting in the S.I. Newhouse School of Public Communications at Syracuse U.

**THOMAS J. HAAS**, academic dean at the United States Coast Guard Academy, to president of State U. of New York College of Agriculture and Technology at Cobleskill, effective June 15.

**ALICE B. HAYES**, president of College of Saint Benedict, will retire this summer.

**PEYTON R. (RANDY) HELM**, vice president for college relations and professor of classics at Colby College, to president of Muhlenberg College, effective July 1.

**TAMMY HENDERSON**, coordinator of human resources at Pensacola Junior College, to director of human resources.

**FEI HU**, research assistant at Clarkson U., to assistant professor of computer engineering at the Kate Gleason College of Engineering at the Rochester Institute of Technology.

**STEPHEN T. HULBERT**, chancellor of U. of Montana Western, to president of Nicholls State U., effective July 1.

**Y. PAUL HUO**, director of the school of business and public administration and George Frederick Jewett distinguished professor at U. of Puget Sound, to dean of the school of business at U. of Bridgeport.

**JOSEPH RICHARD HURT**, dean of the Florida Coastal School of Law, to dean of Barry U. School of Law.

**MARJORIE K. JEFFCOAT**, assistant dean of research and professor and chairman of periodontics at U. of Alabama at Birmingham dental school, to dean of the School of Dental Medicine at U. of Pennsylvania, effective in June.

**PAULA M. JEFFRIES**, associate vice chancellor for finance and administration at Winston-Salem State U., to vice chancellor for finance and administration.

**R. EUGENE KLIPPEL**, dean of the school of business and economics at Michigan Technological U., to dean of the school of business at U. of Southern Indiana, effective July 1.

**CHRISTY LEE-ENGEL**, co-founder of One Sky Medicine (Kenmore, Wash.), to assistant dean of naturopathic medicine at Bastyr U.

**JERRY LEWIS**, assistant vice president for communications in the school of medicine at U. of Miami, to vice president for communications for the university.

**MARIE LOUDEN-HAINES**, professor of art history and women's studies at U. of Findlay, to dean of the university's University College.

**MARY E. LYONS**, president of College of Saint Benedict, to president of U. of San Diego, effective July 1.

**KANAN MAKIYA**, professor of Near Eastern and Judaic studies at Brandeis U., has been appointed to the Sylvia K. Hassenfeld chair in Islamic and Middle Eastern studies.

**RONALD MARKS**, interim dean of the school of social work at Tulane U., to dean of the school of social work.

**ROBERT D. MARTIN**, vice president for academic affairs at the Field Museum (Chicago, Ill.), also to provost.

**LINDA MATTHEWS**, director of special collections and archives at Emory U., to vice provost and director of university libraries.

**FRANCINE G. MCNAIRY**, provost and vice president for academic affairs at Millersville U. of Pennsylvania, to president, effective July 1.

**MORTON MEYERS**, interim vice president for finance at Rockland Community College, to interim president of Orange County Community College.

**C. BRADLEY MOORE**, vice president for research at Ohio State U. at Columbus and president of the Ohio State U. Research Foundation, to vice president for research and professor of chemistry at Northwestern U., effective May 1.

**ANNY MORROBEL-SOSA**, interim associate vice provost for academic services and professor of materials engineering at California Polytechnic State U. at San Luis Obispo, to dean of the Allen E. Paulson College of Science and Technology at Georgia Southern U.

**JOANNA MOTION**, executive director of the Council for Advancement and Support of

Education, Europe, to vice president for international operations.

**MICHAEL T. MURPHY**, president of College of Du Page, has announced his retirement, effective June 30.

**L.E. PHILLABAUM**, director of the Louisiana State U. Press, has retired.

**PRESTON PULLIAMS**, president of Orange County Community College, to president of Orange County Community College, effective July 1.

**FRANK T. READ**, president and dean of South Texas College of Law, has announced that he will leave his positions and return to the teaching faculty.

**JOSEPH G. SANDMAN**, vice president for advancement at Loyola U. Chicago, to vice president for university advancement at Seton Hall U.

**F. WILLIAM SMULLEN**, chief of staff for U.S. Secretary of State Colin L. Powell, to senior fellow in national security and deputy director of the national securities studies program at Syracuse U.

**RALPH SNYDERMAN**, health-affairs chancellor and chief executive officer of the Duke U. Health System, has announced that he will step down in June 2004. He will take a sabbatical and then return to Duke for teaching, research, and work on new models of delivering health care.

**ROGER L. WILLIAMS**, associate vice chancellor for university relations at U. of Arkansas at Fayetteville, to executive director of the Penn State Alumni Association.

**KIMBERLY YOUNG**, founder of the Center for On-Line Addiction, to associate professor of management sciences at St. Bonaventure U.

## CHRONICLE OF HIGHER EDUCATION

WASHINGTON, DC  
48-TIMES/YEAR 100,000  
APR 11 2003

## **Office of Alumni Relations**



## AWARDS AND RECOGNITION



**Bibb**



**Casey**



**Champion-Cain**



**Smith**



**Carrieri**



**Morcus**

Five San Diegans have received an Author E. Hughes Career Achievement Award for outstanding success in their fields: **Sandra C. Garmon Bibb**, **David Casey**, **Gina Champion-Cain**, **Anthony Smith**, and **John Carrieri**. Bibb is a Navy captain who started the Navy's first Population Health Department; Casey is an attorney who set up a victim's compensation fund after the Sept. 11 terrorist attacks; Champion-Cain is the CEO of American National Investments Inc. and last year's president of the Downtown San Diego Partnership; Smith is a managing director of the Leadership Research Institute; and Carrieri is a CEO of Colleges.com who started the nonprofit site, Democracy.com. **Eric Morcus** has been honored with an Outstanding Sales Achievement in Wholesale Color Award from Minolta Corp. Morcus received the award for his sales success in 2002. **Warren J. Millard**, a registered repre-

sentative, has been honored by New England Securities for his achievements in the investment industry. Millard was chosen for his commitment to servicing the long-term financial needs of his clients. **Rose O'Reilly Sievers**, of RE/MAX of Rancho Bernardo, has earned the RE/MAX 100 Percent Award for her sales efforts in 2002. Sievers, who has worked in real estate for 16 years, has also earned a Seniors Real Estate Specialist professional designation from the Senior Advantage Real Estate Council. **Malou Alvarez** has earned the RE/MAX Platinum Club Award for real estate sales production in 2002. Alvarez has worked in real estate for 16 years. **Paul Majkut**, an associate professor in communications at National University, has been awarded a Fulbright Scholarship for teaching and research in Argentina. Majkut will teach two graduate courses at Universidad del Salvador in Buenos Aires.

San Diego Business Journal  
April 28, 2003

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## ***Five USD Grads To Be Honored With Hughes Career Awards***

**F**ive outstanding San Diegans, including an attorney who helped set up a compensation fund for the victims of the Sept. 11 terrorist attacks and a CEO who is a true champion of Downtown redevelopment, will be honored by USD on May 3.

The Author E. Hughes Career Achievement Awards, named after the university's former president, honor alumni who have achieved outstanding success in their field. Honorees include David Casey, the San Diego attorney who played a leading role in setting up a victims' compensation fund after the 2001 terrorist attacks, and Gina Champion-Cain, last year's chair of the Downtown San Diego Partnership. Champion-Cain heads American National Investments Inc. One of its latest projects is Acqua Vista, a 400-unit apartment complex in Little Italy, scheduled for completion later this year.

The other honorees are John Carrieri, founder and CEO of U. Inc./Colleges.com; Dr. Anthony F. Smith, managing director of the Leadership Research Institute; and Naval Capt. Sandra C. Garmon Bibb, director of the Clinical Southwest Regional Population Health Office.

"Our alumni are making a difference in the world," says Jack Kelly, director of alumni relations. "These honorees represent a proud tradition of excellence and service to the community."

For the first time, the awards will be held on campus at the Jenny Craig Pavilion. Tickets for the black-tie gala are \$125 per person or \$1,100 for a table of 10. For information, visit <http://alumni.sandiego.edu/hughesawards> or call (619) 260-4819. ❖

San Diego Metropolitan, April 2003

### **USD honors outstanding, successful San Diegans**

University of San Diego will honor five outstanding San Diegans on Sat., May 3 at the Author E. Hughes Career Achievement Awards. Named after the university's former president, the awards honor alumni who have achieved outstanding success in their field.

This year's honorees include David Casey, the San Diego attorney who played a leading role in setting up a victims compensation fund after the 2001 terrorist attacks, and Navy Capt. Sandra C. Garmon Bibb, who began a Population Health Department at Camp Pendleton that has become a model for Navy hospitals around the world.

"Our alumni are making a difference in the world," said Jack Kelly, USD's director of alumni relations.

Other honorees include Gina Champion-Cain, CEO of American National Investments Inc.; John Carrieri, founder and CEO of a top Web site for students; and Anthony Smith, a leadership consultant whose clients have included the NFL and Walt Disney Company.

The gala black-tie Hughes Awards, presented by USD's alumni association, will be held for the first time on campus at USD's Jenny Craig Pavilion. Tickets are \$125 per person or \$1,100 for a table of 10.

For more information, visit <http://alumni.sandiego.edu/hughesawards> or call (619) 260-4819.

San Diego Union-Tribune  
April 25, 2003



### **USD honors alumni with awards**

The University of San Diego will honor five alumni with its Author E. Hughes Career Achievement Awards.

San Diego attorney David Casey, businesswoman Gina Champion-Cain, Navy Capt. Sandra C. Garmon Bibb, Web site founder John Carrieri, and Anthony Smith, the managing director of a leadership institute, will all be honored.

The black-tie ceremony will be held at the Jenny Craig Pavilion on May 3. Tickets are \$125 a person or \$1,100 for a table of 10 people.

Hughes was a former university president. **Source Code: 20030429tlh**

**By Daily Transcript staff writers**

## Career Achievement Awards honor USD alumni



GARY PAYNE



GARY PAYNE



GARY PAYNE



GARY PAYNE

The annual Author E. Hughes Career Achievement Awards will pay tribute to these five outstanding alumni- (from left) John Carrieri, Gina Champion, David Casey, Anthony Smith and Sandra Bibb.

**By Liam Dunzy**  
GUEST WRITER

President Alice B. Hayes, the Student Alumni Association (SAA), and the USD Alumni Association invite you to be a part of USD's premier alumni event, the ninth annual Author E. Hughes Career Achievement Awards.

Named in honor of President Emeritus Hughes, the event pays tribute to five outstanding alumni, one each from the College of Arts & Sciences and the schools of Business Administration, Education, Law and Nursing.

It is often called the "Academy Awards" for USD alumni because each honoree is recognized through compelling testimonials and a live performance based on their personal tastes of music and the arts.

For the first time in its history, the event will take place on campus at the Jenny Craig Pavilion Saturday, May 3, at 7:30 p.m. Tickets for the event are normally \$125, but students can attend the entertainment program and dessert reception for free. If students wish to attend the dinner portion of the program,

the cost is \$80. Students must RSVP to the alumni office by Friday, April 25.

The event will give students an opportunity to network and meet other USD graduates. The event is a black-tie affair, however, it is black-tie optional or business attire for students. Stop by the Alumni office if you would like a discount tuxedo flyer.

This year, the College of Arts and Sciences recipient is dot-com entrepreneur John Carrieri, '91. Carrieri is president and CEO of Colleges.com, rated as the top college website by USA Today, and publisher of U. Magazine, the nation's largest circulation on-campus publication. He has designed and built websites for a number of Fortune 500 companies and founded two of the most visited sites on the Internet, jobs.com and jokes.com.

Gina Champion-Cain, '94 (M.B.A.), is the School of Business Administration's honoree for 2003. As president and CEO of American National Investments, Champion-Cain oversees all commercial real estate services, which revitalize and preserve urban areas such as San Diego's Gaslamp Quarter.

The School of Education will honor

Anthony F. Smith, '87 (Ed.D.), managing director of the Leadership Research Institute. Smith is an active consultant and educator in organizational change, executive development, and leadership training and design. He recently was appointed as a post-doctoral fellow of anthropology at the University of California.

David S. Casey Jr., '74 (J.D.), is the School of Law's 2003 Hughes Award winner. A senior partner at Casey, Gerry, Reed & Schenk, LLP, Casey practiced law for more than 25 years in the areas of wrongful death, personal injury and business and consumer fraud. He helped create a compensation fund for victims of the Sept. 11 terrorist attacks, was voted one of the top five lawyers nationwide and is president-elect of the 60,000 member Association of Trial Lawyers of America.

The recipient alumna from the Hahn School of Nursing and Health Science is Sandra C. Garmon Bibb, '99 (D.N.Sc.). Bibb has extensive experience in health promotion and disease prevention, both domestically and internationally, and is recognized as an expert in the popula-



GARY PAYNE

tion health field, which aims to improve health within entire populations. Currently, Bibb is research coordinator and Director of the Population Health Services Naval Hospital Camp Pendleton.

To RSVP, please call 619-260-4819 or e-mail the Alumni Office at [alumni@sandiego.edu](mailto:alumni@sandiego.edu).

**USD Author E. Hughes Career Achievement Awards****Where:** USD's Jenny Craig Pavilion**Date:** 05-3-2003 **Through:** 05-3-2003

USD's Hughes Awards, named for the university's former president, honor outstanding alumni. Honorees are: U.S. Navy Capt. Sandra C. Garmon Bibb; David Casey, senior partner, Casey Gerry Reed & Schenk; Anna Champion-Cain, CEO, American National Investments; John Carrieri, CEO of U Inc./Colleges.com and Anthony Smith, managing director, the Leadership Research Institute. For the first time, the black-tie gala will be held on campus at the Jenny Craig Pavilion. Tickets are \$125 per person or \$1,100 for a table of 10. Proceeds will benefit the university's scholarship funds.

**Phone:** 619-260-4819**Link:** [alumni.sandiego.edu/hughesawards](http://alumni.sandiego.edu/hughesawards)

2330

SignOnSanDiego.com, March 2003

San Diego Union-Tribune, April



# David Casey to receive career achievement award



## Law Briefs

By Andrew Donohue

The University of San Diego will honor attorney David Casey next month with the Author E. Hughes Career Achievement Award.

The award, named after a former school president, honors alumni for outstanding achievement.

Casey, a partner at Casey, Gerry, Reed & Schenk LLP,

helped set up a victims compensation fund following the Sept. 11, 2001, terrorist attacks. He also worked on a moratorium on lawsuits related to the attack.

"David is not only a successful attorney but also a true leader in the field," said Jack Kelly, the school's alumni relations director, in a statement.

Kelly received his J.D. from USD in 1974 and is president-elect of the American Trial Lawyers Association. **Source Code: 20030415tja**

California Western School of Law's graduation commencement speech will be delivered by California State Bar President Jim Herman, a member of the school's class of 1975.

The school is scheduled to award 145 degrees on April 28 at the Organ Pavilion in Balboa Park.

As a member of the bar's board of governors, Herman has served as chairman of a number of the organization's committees and panels. He is a former member of the school's board of trustees and a past president of the Santa Barbara County Bar Association.

**Source Code: 20030415tjb**

Wendy Behan and Wendy Davisson have been named the newest associates at Casey, Gerry, Reed & Schenk LLP.

Behan, who works out of the firm's Carmel Valley office, will go on working with the firm's pharmaceutical clients.

She also works on litigation for American prisoners of war who were forced into slave labor by Japanese companies during World War II.

Davisson works in the firm's Bankers Hill office on product liability and personal injury cases. She previously interned at the Federal Public Defender's Office. **Source Code: 20030415tjc**

The University of California, San Diego's Connect program will focus its monthly Breakthrough Business Strategies meeting on the question: "Lawyers: Necessary Evil or Value-Added Opportunity?"

The monthly meetings are meant to discuss the strategic management of legal issues for the business community.

The meeting will be held 7:30

to 9:30 a.m. on Tuesday, April 29, at Connect's La Jolla offices.

It is held in partnership with Nash and Associates and costs \$35 for members and \$50 for nonmembers. **Source Code: 20030415tjd**

[andrew.donohue@sddt.com](mailto:andrew.donohue@sddt.com)

**SAN DIEGO DAILY  
TRANSCRIPT**

SAN DIEGO, CA  
WEDNESDAY 15,000  
APR 16 2003



### **Casey Receives USD Alumni Award**

San Diego attorney David S. Casey Jr. will be honored May 3 by the University of San Diego for his work in setting up a victims compensation fund in the

**See WRAP-UP, Page 16**

## **WRAP-UP**

Continued from Page 1

days after the Sept. 11 terrorist attacks. Casey, president-elect of the American Trial Lawyers Association, will receive USD's Author E. Hughes Career Achievement Award, named after the school's former president, for setting up an ATLA-supported program which had thousands of lawyers working pro bono for victims who

wished to avoid the court system and have their claims handled in an expeditious manner. The fund was later passed into law by the U.S. Senate and House of Representatives. A senior partner at Casey, Gerry, Reed and Schenk, Casey has practiced law for more than 25 years in the areas of wrongful death, personal injury and business and consumer fraud. The black-tie Author E. Hughes Career Achievement Awards event will be held in USD's Jenny Craig Pavilion. Tickets are \$125 per person or \$1,100 for a table of 10. For more information call (619) 260-4819.

### **Member Hotline**

Remember, the San Diego County Bar Association's Member Hotline telephone number is (619) 231-9831. The Hotline will bypass the automated system and connect members immediately with an operator. The main telephone number is (619) 231-0781, with a complete directory of staff extensions available at the Bar's Web site ([www.sdcba.org](http://www.sdcba.org)) and in your 2003 San Diego Lawyer Directory. A complete calendar of events and breaking news appears at the Web site, as well as a listing of events scheduled each day at the Bar Center. Call the SDCBA for more information.

Bar Report  
April 16, 2003



# CAREER ACHIEVEMENT

SOME PEOPLE SET GOALS A LITTLE HIGHER  
THAN THE REST.

MEET FIVE OF THEM.



Join the University of San Diego in congratulating the recipients of the

2003

Medallion Awards

2003 Honorees

College of Arts and Sciences

Casey Getty, School of Law

Hahn School of Nursing and Health Science

Captain Sandra C. Garmon Bibb  
'83, '91, '99 (B.S.N., M.S.N., D.N.Sc.)

Director  
Population Health Services,  
Naval Hospital Camp Pendleton

University of San Diego  
Alumni Association

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MANUFACTURING SYSTEMS INTERNATIONAL



## **American Indian Celebration at USD**





4154  
**HISTORY COMES ALIVE** American Indian dancers, singers and storytellers will be featured tomorrow through Sunday at the University of San Diego's free "American Indian Celebration" in Alcalá Park. Information: (619) 260-4698.  
*University of San Diego*

**SAN DIEGO UNION-TRIBUNE**

SAN DIEGO, CA  
THURSDAY 374,856  
APR 24 2003

# ARIZONA REPUBLIC

PHOENIX, AZ  
SUNDAY 610,223  
APR 6 2003



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INFORMATION SERVICES

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## REGIONAL Native art

The University of San Diego hosts its second American Indian Celebration on April 25-27 with artist demonstrations, lectures, music, dance and a juried art show.

**DETAILS:** 1-(619)-260-4698  
or [www.sandiego.edu/indian](http://www.sandiego.edu/indian)  
festival.



University of San Diego

Robert Freeman, who painted *Crow's Buffalo*, is the American Indian Celebration artist in residence.

# Eventful

## CARVING OUT A CELEBRATION

Artist demonstrations, talks, music, dance and a juried art show and sale are part of USD's annual American Indian Celebration, Apr. 25-27 at the school's campus, 5998 Alcalá Park, Linda Vista. Info: 619-260-4698.

### ROOTIN'-TOOTIN' ROOTS

The 30th annual **Adams Avenue Roots Festival** fills multiple stages with free performances of bluegrass, folk, country, cowboy and other traditional music, accompanied by vendor booths and displays, Apr. 26 & 27 (Sat. 10-9, Sun. 10-6). Adams Ave. between 34th & 35th Sts., Normal Heights. Info: 619-282-7329.

### UNIFORMLY BASEBALL

Showing up in full baseball uniform at the **Everything Baseball Expo** gets attendees in free, Apr. 13, 10-4, at the Mission Valley Doubletree Hotel. The expo includes baseball products and memorabilia, batting cages, a wiffleball stadium and a free video arcade. Info: 858-272-7054.

### SANTA FE IN SAN DIEGO

The 16th annual Santa Fe Market takes over Bazaar del Mundo Apr. 11-13 (Fri. & Sat. 10-7, Sun. 10-5), with artisans from Navajo, Cherokee, Hopi, Pima, Isleta Pueblo and Santo Domingo Pueblo tribes displaying their wares. Free. 2754 Calhoun St., Old Town. Info: 619-296-3161. ■

Left: Mark Stone's whimsical art took the "Dare To Reuse."



At USD's American Indian Celebration: Jessie Hummingbird's *Let the Night Begin*.




**American Indian Celebration at the  
University of San Diego**

April 25-27, San Diego, Calif. This year's celebration features artist demonstrations, lectures, music, storytelling, dance, and native goods. (619) 260-4698, [www.sandiego.edu/indianfestival](http://www.sandiego.edu/indianfestival)

American Archaeology  
Spring 2003





**April 25 - 27, 2003**

Friday evening  
Art Awards Reception

Saturday-Sunday  
Art Market & Entertainment

**University  
of  
San Diego's**

## **American Indian Celebration**

at the  
**Institute for Peace & Justice**

Contact: Anthropology Program

<http://www.sandiego.edu/indianfestival/>  
5998 Alcalá Park San Diego, California 92110  
[joycea@sandiego.edu](mailto:joycea@sandiego.edu) or 619-260-4698

San Diego Union-Tribune, April 21, 2003



## University of San Diego

Art Market & Entertainment

**April 26 & 27**

9 a.m. to 5 p.m.

American Indian artists will show and sell their award-winning art — jewelry, pottery, prints, sculpture, carvings and more.

Experience American Indian food, entertainment and art demonstrations.

## American Indian Celebration

Joan B. Kroc Institute for Peace & Justice

USD Campus — 5998 Alcalá Park

**FREE EVENT • PUBLIC WELCOME**

For Information: (619) 260-4698

[www.sandiego.edu/indianfestival](http://www.sandiego.edu/indianfestival)

[joycea@sandiego.edu](mailto:joycea@sandiego.edu)

**"American Indian Celebration,"**  
their second annual, is hosted by  
the University of San Diego, Sat-  
urday and Sunday, April 26 and  
27, 9 a.m. to 5 p.m. Features an  
open-air market with the work of

San Diego Reader  
April 24, 2003

The San Diego Union-Tribune • Saturday, April 19, 2003

## Places to go

### FAMILY FUN ACTIVITIES

• **CELEBRATION:** Children and their parents can experience Indian art and culture, 9 a.m. to 5 p.m. Friday and next Saturday and Sunday, University of San Diego, 5998 Alcalá Park, San Diego. More than 60 of the nation's Indian artists and craftsmen showcase their pottery, jewelry, paintings and sculpture at the marketplace. Meet World War II code talker Albert Smith. Information: (619) 260-4698.



## AROUND SAN DIEGO

## San Diego Home/Garden Lifestyles April 2003

**Sea World:** Underwater denizens, gorgeous gardens, sea lion and otter show, *Pets Rule!*, Shipwreck Rapids, interactive attractions, aquariums, Wild Arctic and Shamu. Plus Terrific Tuesdays featuring exercise incentives and other special offers for those 50 or better every Tuesday. Hours vary. \$44.95/general, \$34.95/ages 3-9, free/ages under 3. Parking \$7. 500 Sea World Dr., Mission Bay. 619/226-3901. [www.seaworld.com](http://www.seaworld.com).

### SPECIAL EVENTS

**San Diego Potter's Guild,** Apr. 1-30: View Carol Ratliff's pottery in a group exhibit. Mission Valley Library. 858/277-1930.

**The Westgate's Best of Cabaret Food and Wine,** Apr. 4-5: Dine and dance to the finest Southern California voices. Proceeds benefit SummerQuest. 8 p.m. Café Westgate three-course dinner and cabaret show \$60, Le Fontainebleau three-course dinner and cabaret show \$75, cabaret show only \$30. 619/557-3655.

**Mrs. California United States Pageant,** Apr. 4-6: The official preliminary to the Mrs. United States Pageant. Lake San Marcos Resort. 800/243-9190. [www.mrsocalifornia.org](http://www.mrsocalifornia.org).

**Refrigerator Art,** Apr. 4-25: Twelve talented ArtWalk artists use new working refrigerators as unique canvases to create inspired works of art. On display at Fashion Valley and then at ArtWalk (Apr. 26-27). Auctioned online at [www.artwalkinfo.com](http://www.artwalkinfo.com) with proceeds benefiting the Institute for Arts Education. 619/615-1090.

**ASID Remodel Tour,** Apr. 5: A showcase of style featuring 5 houses on a self-guided tour with designers on hand to discuss the "before and after" and "in-between" of their project. 9-5. \$20/adv., \$25/door. Escondido, Rancho Bernardo, Mission Hills, Del Mar and Rancho Santa Fe. 858/646-9896. [www.asidsandiego.com](http://www.asidsandiego.com).

**Taste of the Arts Festival,** Apr. 5: Four stages of continuous entertainment, fine arts, ethnic foods, children's interactive art fair, Fern Street Circus, puppet show and workshop, dance demonstrations and more. 9-5. Marina View Park, Chula Vista. 619/585-5682.

**30th Annual San Diego Crew Classic,** Apr. 5-6: The U.S., Canada and Europe are represented as over 3,000 rowers participate in classic rowing competitions plus entertainment and food. 7 a.m. \$5/adults, free/military/ages under 12, \$5/preferred parking. Crown Point Shores, Mission Bay. 858/488-0700. [www.crewclassic.org](http://www.crewclassic.org).

**Critter Camp,** begins Apr. 7: Day-camp adventure for kids ages 4-14 years who love spending time with animals and learning how to care for them. Full-day, week-long sessions 9-3. Helen Woodward Animal Center, 6461 El Apajo Road, Rancho Santa Fe. 858/756-4117, ext. 318. [www.animalcenter.org](http://www.animalcenter.org).

**Film For Thought:** Nobody's Fool (Apr. 7), Iris (Apr. 14) and Ginger & Fred (Apr. 21) are presented. 6-30 p.m. California Center for the Arts, Center Theater, Escondido. 760/750-4366.

**Chef + Art Series,** Apr. 11: Curator Betsy Lane takes guests on a guided tour of the Parisi Sculpture Garden followed by a discussion with Margot Waller and lunch by Sbicca. 12 p.m. \$45. 2002 Jimmy Durante Blvd., Del Mar. 858/259-0490, ext. 150. [www.parisigallery.com](http://www.parisigallery.com).

**Dinner with our Winemaker,** Apr. 12: Our winemaker hosts an evening of wine, food and conversation. Reservations required. 6 p.m. \$85. Callaway Winery, Temecula. 800/472-3777.

**"Taste of Uptown/Hillcrest,"** Apr. 12: A self-guided walking tour of more than 20 of the area's finest restaurants. Proceeds benefit the Hillcrest Association. 11-3. \$18/adv., \$20/door. 619/233-5008.

**The Westgate:** Easter Bunny Teas (Apr. 12-19. 2-30 p.m. \$22/adults, \$17/ages under 12. 619/557-3650) and Easter Champagne Brunch (Apr. 20. 9-30-2-30 \$42/adults, \$21/ages under 12. 619/557-3655).

**Fallbrook Avocado Festival,** Apr. 13: Arts, crafts, games, food featuring avocados and fun. 9-5. Main St., Fallbrook. 760/728-5845.

**Del Mar National Horse Show,** Apr. 16-May 4: Prestigious equestrian event features the Grand Prix Del Mar and includes international and national championship riders, draft horse, dressage and western hunter-jumper competitions. Del Mar Arena. 858/792-4288.

**Calendar Antique Show,** Apr. 18-20: More than 300 dealers display all types of antiques and vintage collectibles for sale. Fri.-Sat. 11-8, Sun. 11-5. \$8. Del Mar. 760/943-7500. [www.calendarshows.com](http://www.calendarshows.com).

**Easter Bonnet Parade,** Apr. 19: Hat-making shop for adults and children, fancy sidewalk stroll and Easter egg hunt (ages 2-12 yrs.) Gaslamp Quarter. 11 a.m. 619/233-5227.

**Thornton Winery,** Apr. 20: Café Champagne Easter Brunch is offered. Reservations required. 11-5. 32575 Rancho California Road, Temecula. 909/699-0099. [www.thorntonwine.com](http://www.thorntonwine.com).

**American Indian Celebration,** Apr. 25-27: A celebration of American Indians in art, science, the military and other areas includes artist demonstrations, lectures, music and dance and a juried art show. University of San Diego, 5998 Alcalá Park, Linda Vista. 619/260-4698.

**Lakeside Western Days and Annual Lakeside Rodeo:** Arts and crafts, food and entertainment with a parade at 9:30 a.m. (Apr. 26) and rodeo (Apr. 25-27) featuring seven major events. Lakeside Rodeo Grounds, Highway 67 and Mapleview St., Lakeside. 619/561-4331. [www.lakesiderodeo.com](http://www.lakesiderodeo.com).

**Ramona Pageant,** Apr. 26-27: The official California State outdoor play tells the story of Ramona and Alessandro from the book by Helen Hunt Jackson. 3:30 p.m. Ramona Bowl, Hemet. 800/645-4465.

**San Diego à la Carte Festival,** Apr. 26-27: Continuous live music and entertainment, a special kid's activity area, tastes from 25 of San Diego's best restaurants and celebrity chef demonstrations. 11 a.m. to 6 p.m. Park Boulevard and President's Way, Balboa Park. 858/272-463.

**CIRCA a.d.,** through Apr. 15: "White Gold Treasures of the Dragon Sea" is exhibited showcasing Ming and Qing Dynasty ceramics from China and Chu Dao, Vietnam. Mon.-Wed./10-6, Thur.-Sat./10-9, Sun./11-5. 3867 Fourth Ave., downtown. 619/293-3328.

**"Carpe Noche,"** ongoing: A variety of evening programs offered to enlighten, entertain and educate. Times/prices vary. Balboa Park. 619/239-0512. [www.balboapark.org](http://www.balboapark.org).

**"Hello! Hello! Welcome to San Diego Then & Now,"** ongoing: Kate Sessions and Alonzo Horton share stories that touch the soul, tickle the funnybone and exercise the imagination at your special event or program. 858/270-2277. [www.humantuneup.com/horton.htm](http://www.humantuneup.com/horton.htm).

### THEATER

**The Abduction from the Seraglio,** Mar. 28-30, Apr. 4-6: Wolfgang A. Mozart invents musical theater with a comic tale of love, intrigue and escape from the exotic harem of the Pasha Selim. No children under 5 permitted. Times vary. Single tickets \$17-\$27. Subscriptions \$52-\$88. Casa del Prado Theatre, Balboa Park. 619/239-8836. [www.sdcomicopera.com](http://www.sdcomicopera.com).

**Working,** Mar. 28-Apr. 27: Musical exploring the American work day from the Monday morning blues to the second shift blahs. Fri.-Sat. 8, Sun. 2. \$12/adults, \$10/seniors/students, \$5/ages under 16. Musicals \$15/adults, \$12/seniors/students. Patio Playhouse Community Theatre, 201 E. Grand Ave., Escondido. 760/746-6669.

**Deporting the Divas,** Mar. 29-May 10: Part love story, part fantasy, part social satire. Thur./Sun. \$18, Fri.-Sat. \$20. The Diversionary Theatre, 4545 Park Blvd. 619/220-0097. [www.diversionary.org](http://www.diversionary.org).

**Postmortem,** Apr. 11-May 4: Includes all the classic murder mystery devices. Fri.-Sat./Apr. 24/8 p.m., Sun./2. \$14, \$12/seniors/students. Lamplighters Community Theatre, 8053 University Ave., La Mesa. 619/464-4598. [www.lamplighters theatre.org](http://www.lamplighters theatre.org).

**A Divine Comedy,** Apr. 11-May 18: Funny screwball comedy about church politics and personalities appealing to everyone irrespective of their own church or non-church experience. Tue.-Thur./7:30, Fri./8, Sat./4:30 and 8, Sun./2:30. Prices vary. Lamb's Players' Resident Theatre, 1142 Orange Ave., Coronado. 619/437-0600. [www.lambsplayers.org](http://www.lambsplayers.org).

**San Diego Actors Theatre:** Shakespeare's birthday and annual easter egg hunt (Apr. 12) and *Snow White & the Seven Dwarfs*, Gertrude McFuzz, poetry and songs (Apr. 26). 11 a.m. \$4. L'Auberge Del Mar Garden Amphitheater, 1540 Camino Del Mar, Del Mar. 858/268-4494.

## **College of Arts and Sciences**



# Hart calls Bush foreign policy confused

Iraq war may lead to more terrorism, ex-senator warns

By Philip J. LaVelle  
STAFF WRITER

Former U.S. Sen. Gary Hart said yesterday that the Bush administration is showing foreign-policy "confusion," evidenced in part by having used force against Iraq while opening diplomatic talks — which he supports — with North Korea.



Gary Hart

In an interview after a speech at the University of San Diego's Joan B. Kroc Center for Peace and Justice, Hart also reiterated his belief that the Iraq war, while a military success, heightens the probability of terrorist attacks against the United States.

"It's one thing to have driven Iraq out of Kuwait, when we had a number of Arab countries supporting us in Gulf War I," said Hart, who is exploring a third bid for the presidency.

"It's another thing to send one-third of a million troops, pretty much by ourselves, into

a sovereign Arab nation and leave them there a considerable period of time. I think this will be — and more importantly, others think this will be — a huge motivating force for terrorist attack."

Hart noted that the directors of the CIA and FBI and top Defense Department intelligence officials, have warned of terror attacks spurred by the Iraq war.

A former Democratic senator from Colorado, Hart warned of terrorism against the United States well before the Sept. 11, 2001, attacks.

More than three years ago, the U.S. Commission on National Security — co-chaired by Hart and former U.S. Sen. Warren Rudman, R-N.H. — issued a report on the dominant

... was largely ignored at the time.

In yesterday's interview, Hart, 66, said if he were president he would have pushed for disarmament of Iraq through tougher, permanent weapons inspections.

He also questioned how well post-war Iraq will hold together, noting that this "artificial nation" — comprised of competing tribes and marked by religious tensions — was created by the British at the end of World War I from the remnants of the Ottoman Empire.

"Whether we can keep that

nation together in the 21st century is going to be an interesting experiment and, I predict, a very costly one," he said.

Hart said there is a foreign-policy "vacuum" within the Bush administration, seen in the split between Secretary of State Colin Powell and hawkish Secretary of Defense Donald Rumsfeld.

Asked if he believes the United States will use military force against Iraq's neighbors, Syria and Iran, Hart said: "First of all, you don't know who's making policy, whether it's Colin Powell or Donald Rumsfeld ... with the confusion going on within the administration, it's just impossible to know."

But on North Korea, he said: "That one we're doing right."

Last week U.S. and North Korean officials held talks in Beijing, marking the first high-level meetings since nuclear tensions flared in October. A senior U.S. official said a North Korean official told him at the talks that the North possesses nuclear weapons, and that the North might test, sell or use them.

Hart said Bush's approach to North Korea is correct "because we're using the Chinese and we're using diplomacy. We're not talking about preempting the North Koreans; we're not doing there what we did in Iraq. So you've got a reversal of policy, I think."

"Whether we can keep that nation together in the 21st century is going to be an interesting experiment."

**GARY HART,**

*former U.S. senator, speaking about the future of Iraq*

He added that North Korea "represents a much greater threat to us than Iraq ever did ... Their missile tests, at least, reach Tokyo. They can do a lot of damage in the region ... They are a threat to Japan, they are a threat to China. The last thing in the world the Chinese want is war on the Korean Peninsula, because about 5 million to 10 million North Koreans will come across the border into China, and they'll have a mess on their hands."

Hart sought the Democratic presidential nomination in 1984, placing second behind former Vice President Walter Mondale. In 1988, he was considered the front-runner for the nomination before an affair with a model destroyed his bid.

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## WAR AGAINST IRAQ ON THE HOME FRONT

# Building social structures in Iraq will be hard, Gulf War vet says

**By David E. Graham**  
STAFF WRITER

An Army lieutenant colonel who fought in the Gulf War said the war against Iraq is justified and that building social structures after the war will be difficult.

"It is, however, the noblest of endeavors," said Lt. Col. H. R. McMaster, who received a Silver Star for gallantry in action in the 1991 war.

He spoke at the University of San Diego Tuesday night, delivering the annual James Bond Stockdale Leadership and Ethics Symposium lecture on desirable qualities in military leaders.

He commanded the 2nd Armored Cavalry Regiment during the Gulf War, is a fellow at Stanford University and has written a book on the Vietnam War.

McMaster said the war in Iraq is justified because it will put an end to the suffering of Iraqis under Saddam Hussein and protect against the threat of weapons of mass destruction.

Recalling his experiences in 1991, he said many Iraqis are numb from repression by the Iraqi government, making it more difficult to establish social structures there.

"How do you rekindle a sense of dignity?" he asked.

The Stockdale symposium is described by the university as an event to bring members of the university, the military and San Diegans together to discuss difficult moral issues that leaders consider.

In Iraq, the U.S. military will have to establish law and order in a society where many people cling to their clans, McMaster said. He believes it will be important to develop the economy

as soon as possible, which will require a "long-term commitment."

McMaster said it is vital that factions within the country feel a sense of justice and believe they have a stake in the country's future.

Asked by an audience member if the United States, with the appearance of military success in Iraq, should move against other unfriendly governments in the Middle East, he said:

"I don't think that should be in any way what we consider doing."

McMaster called Iraq's repressive government an "exceptional case."

"Going to war is a hard thing to do in a democracy . . . and I think that's a good thing."

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# OPERA 101

## Music professor's lectures draw hundreds to library

By Sylvia Mendoza

CARLSBAD — Dr. Ron Shaheen wants to talk about "Madama Butterfly." In little more than one hour, he can give a thumbnail sketch of the plot, characters, dramatic action, cultural settings, history and, of course, the music of the famous opera.

When Shaheen talks about opera, people listen. His enthusiasm, knowledge and love of opera mesmerizes audiences and creates converts.

"The more you know about an opera before you go, the more you'll get out of it," said Shaheen, 50.

"Opera is a taste that has to be acquired, but then it's a total sensory event," he said. "It's a combination of all the arts with spectacular elements. It's passionate. So I try to provide information that helps people appreciate it better."

Shaheen is one of four musical scholar presenters who work with the San Diego Opera's Education and Outreach program. During opera season, he offers a preview lecture about each opera in the organization's repertoire at Carlsbad Library's Schulman Auditorium.

"Ron puts on a great show," said Dr. Nicolas Reveles, director of the program. "It's a lot of fun."

"For so many people, opera is still a mysterious art, and a little explanation goes a long way. We try to help the audience make the connection between what they hear in the music and in what they see onstage," Reveles said.

The lecture series is offered in Hillcrest, Scripps Ranch, Escondido, Coronado, the South Bay, La Jolla and downtown San Diego, as well as Carlsbad.

"The San Diego Opera has always had a vibrant education program," Shaheen said. "We're reaching people that may have been interested, but have never been to an opera, or those who have gone but who wanted to

enrich their experience by learning details."

When the lecture series started in Carlsbad three years ago, approximately 50 people attended at a church location, said Colleen Finnegan, Carlsbad Community Arts Coordinator. "Now there are almost 200 people that come regularly to the Schulman Auditorium. Sometimes, there's standing room only," she said.

There's even a group called "Ron's Regulars" who attend every lecture, Finnegan said.

Shaheen, who has a doctorate in historical musicology from the University of California Los Angeles, has lectured in Italy, Germany, New York and Los Angeles. As a Fulbright Scholar, his dissertation was on Johann Simon Mayr, an early 19th-century opera composer.

Shaheen teaches fundamentals of music at the University of San Diego and is the interim music director of the university's Choral Scholars program. In the community, he has sung with select churches and has served as a choral conductor and voice teacher.

He credits his parents for instilling in him a love for music and will share his passion for opera with anyone interested.

"Look at the way the world is now," Shaheen said. "We need an escape. The beauty of music affects your well-being in a positive way and gives us that escape."

The Opera Preview lecture series will be held at the Carlsbad Library's Schulman Auditorium on the following Saturdays at 10 a.m.: "Otello," April 19; "Madama Butterfly," May 10.

For more information, call the Carlsbad Arts information line at (760) 434-2904 or visit [www.ci.carlsbad.ca.us](http://www.ci.carlsbad.ca.us) and [www.sdogera.com](http://www.sdogera.com).

Sylvia Mendoza is a free-lance writer from Olivenhain.

# National Catholic Reporter

The Independent Newsweekly

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## Analysis: The church's legacy of misogyny

*Scholar unearths medieval thought behind discrimination*

By GARY MACY

Dr. Ida Raming is perhaps best known in the United States as one of the seven women illicitly ordained to priesthood on June 29, 2002, and then soon after excommunicated by the Catholic church for refusing to recant that ordination. In Europe, Raming (see related story) has long been recognized as a pioneer of the women's ordination movement.

Fewer people are aware of Raming's groundbreaking study of the exclusion of women from ordination based on the canonical literature of Middle Ages. The study has been available to scholars in the original German and then in an English translation published by Scarecrow Press in 1976. Both editions left the quotations from the Latin sources untranslated and so not readily accessible to the ordinary reader. Recently Raming published a second edition of her study in Germany. Bernard Cooke and I took this opportunity to provide an English translation of the second edition, again for Scarecrow Press, but this time we translated all the Latin sources.

In her work, Raming documents a shocking tradition of misogyny -- a misogyny that she has rightly insisted underlies the arguments used in canon law to justify gender discrimination in the church.

The following summary of this teaching comes from both actual laws and the commentaries on those laws as taught in the medieval universities. They represent only a brief summary of what is contained in Raming's study:

- According to the medieval canonists, women are inferior from the very moment of creation. The most complete explanation for this occurs in the work of the 12th-century scholar, Huguccio, which became the model for later writers on this point.

"A male and not a female is said to be the glory of God for three reasons. First, because God appeared more powerful and more glorious in the creation of males than of females, for the glory of God was manifested principally through man since God made him *per se* and from the slime of the earth against nature, but the female was made from the man. Second because man was made by God with nothing mediating, which is not the case for the female. Third, because a man principally glorifies God, that is with nothing mediating, but a female glorifies God through the mediation of a male since a male teaches and instructs the female for the glorification of God."

Thomas Aquinas would later put it more simply, "A male is the beginning and end of woman, as God is the beginning and end of every creature."

- The very word for women in Latin, *mulier*, was said to come from *mollicie mentis* (softness of mind) while the word for male, *vir* comes from *animi virtute* (strength or virtue of soul). Women then are unable to be a reliable witness, or judge or administrator since they are by nature inferior.

The late 14th-century canonist, Aegidius de Bellamera, put it bluntly: "But why are women removed from civil and public offices? The reason is because they are fragile and usually less discerning." And further, "The reason for the difference [between the roles of men and women] is on account of the fragility, imbecility and less natural constancy and discernment of women."

- The female judges of the Old Testament, according to the 12th-century *Summa Parisiensis*, were "miracles ... more to be admired than to be considered as an example for human action."



- Commenting on the ability of women to offer testimony in court cases, the standard commentary on canon law (*Glossa ordinaria*) written in the 13th century, snidely remarked, "What is lighter than smoke? A breeze. What is lighter than a breeze? The wind. What is lighter than the wind? A woman. What is lighter than a woman? Nothing."
- Not only were women naturally weaker in will and mind than men, but also in body. Following Pope Gregory the Great, the canonists called menstruation a defect of women's nature that carried severe consequences. Balsamon, the 12th-century Orthodox authority on canon law, explained that menstruation was the reason for the disbanding of the office of deaconess. "Once when the orders of canons of deaconesses were recognized, they had their own status at the altar. However, the defilement of the ministry by those menstruating expelled them from the divine and holy altar." The Western canonists followed Isidore of Seville in describing the horrible effects of menstruation: "And in fact this blood is so detestable and unclean that ... through contact with it, fruits do not produce, wine turns sour, plants die, trees lack fruit, the air darkens; if dogs eat [the blood], they are then made wild with madness."
- The famous 13th-century canonist and cardinal Hostiensis copied Plato to make this point, "The sex of women is naturally worse, hence commonly she lives less long since she also has less natural heat and therefore as she is more quickly ended, so she naturally ought to come to completion more quickly. ... Plato truly said that therefore this is so since weeds grow more quickly than good plants."
- Women are also responsible for introducing sin into the world. Quoting Ambrose, a law contained in the 12th-century *Decretum* explained, "Adam was deceived by Eve, and not Eve by Adam. The woman summoned him to sin; it is just that he takes on the guidance of her, lest he be ruined again by female recklessness." The 13th-century canonist Guido de Baysio explained that this is why a woman cannot receive orders: "A woman was the effective cause of damnation since she was the origin of lying and Adam was deceived through her, and therefore she was not able to be the effective cause of salvation since Orders effects grace in another and thus salvation." William of Rennes in the 13th century put it crudely: "A woman taught one time and the whole world was overthrown."
- Women then need to be completely subject to men. According to the *Decretum*, "It is the natural order in humans that females serve males and children parents, since in this is justice that the lesser serve the greater." Huguccio puts it succinctly, "A female yields to a man like a reed in the wind."
- Men, of course, must correct and even punish females. The *Glossa ordinaria* explained: "A husband is able to judge a wife, correcting her ... But not beating her ... but he is able to chastise with moderation since she is of his family ... as lord his servant ... and likewise his hired hand." For wives of the clerics, however, the *Glossa ordinaria* insists, there should be some "kindness" shown: "It is stated here that if the wives of clerics should sin, they should not kill them, but guard them lest they have the opportunity of sinning in something else, weakening them by beatings and hunger, but not to death."
- Women, of course, may not hold positions of authority in the church. Huguccio explains that women "are forbidden to teach men, lest they think they should be held in esteem." Guido de Baysio makes the status of women perfectly clear: "Orders is for the more perfect members of the church since it is given for the distribution of grace to another. A woman however is not a perfect member of the church, but a male is."
- Pope Innocent III, writing in 1202, was appalled to hear that abbesses were blessing their nuns, hearing their confessions, reading the gospel and presuming to preach publicly. He completely forbade this "absurdity" since "even though the most blessed virgin Mary was more worthy and more excellent than all of the apostles, yet not to her, but to them the Lord handed over the keys to the kingdom of heaven." Based on this teaching of Innocent, canonists consistently forbade women to perform any role that might belong to the power of the keys. Writing in the 13th century, the Dominican Raymund of Peñaforte summarizes, "Hence even an abbess, however learned, holy or religious, is not able to preach, nor to bless, nor to excommunicate, nor to absolve, nor to give penance, nor to judge, nor to exercise the office of any order."
- In fact, as *Glossa ordinaria* put it, "nor is a woman able to be a witness against a cleric in a criminal case since she is not able to be what they are." It would appear that in the eyes of the canonists, women and clerics were almost separate species, the one completely incapable of becoming the other. In fact, according to Huguccio, ordination would not "take" even if a woman undertook the ritual.

The material uncovered by Raming leaves little doubt that the picture of women presented in Christianity has often been deeply misogynist. This is a sin that has still not been adequately addressed, or in some cases even admitted, in either official or unofficial church circles. Thanks to Raming, it will now be ever more difficult to avoid acknowledging this

horrifying legacy.

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# RABBINIC INSIGHTS

## The Price Of War And Peace

Rabbi Wayne Dosick 4154

Hello, American taxpayer.

Congratulations to all of us!

We are now the proud possessors of downtown Baghdad.

The war for the liberation of Iraq has gotten us a deposed dictator, whose whereabouts (despite the alleged best intelligence system in the world) are still unknown. Perhaps he is dead; perhaps he is wounded. Perhaps he is living in new luxury under the protection of one of his dictator-friends in another country, where he is planning either a) a quiet retirement, or b) a military coup, to either a) regain his country or b) wreak havoc on the world with terrorist attacks or chemical warfare.

The war for the liberation of Iraq has also gotten us a country in turmoil with no government, except that which we will impose; a council of bickering tribes, clans, and religions that have to form some sort of working democratic government from out of their centuries-old feuds; and men, women, and children without food, water, sanitary facilities, medicine, and housing — all of which we have to provide for humanitarian reasons.

The war for the liberation of Iraq has also earned us the enmity of the entire Arab world, which is now afraid of, but not philosophically changed by, America's military might.

The war for liberation has also put Israel in the precarious position of being much more beholden than usual to the United States for having "taken out" one of its enemies, and thus, will have to listen much more carefully and responsively to America's so-called "peace plan" for Israel and the Palestinians.

The war for the liberation of Iraq has also cost at least 118 American lives, and at least 36 British lives.

Some marvel at the few number of lives that were lost in such a massive military campaign.

Others watch the anguished, tear-streaked faces of the mothers and

On April 4, in Central Iraq, Corporal Mark Evnin, grandson of Rabbi Emeritus Max Wall, of Ohavi Zedek Synagogue in Burlington, Vermont, was killed in action. One of our colleagues was in synagogue youth group with Mark's mother some 35 years ago. One of our colleagues was



fathers, and wives, and little children burying their sons, and husbands, and fathers, and we wonder if the war for the liberation of Iraq was worth even one life — American, British, or Iraqi.

When the dead are anonymous names and faces (although the news media have done a tremendous job giving recognition and human-beingness to each of the dead,) we can be detached, and nod when we are told that this is the price of war.

When one of the dead is one of our own, the casualty becomes very, very real.

the assistant rabbi-successor to Rabbi Wall in Burlington, and remembers that when Rabbi Wall retired, Mark, who was three or four years old at the time, said, "My Grandpa used to be the boss of the Jews. Now, you are the boss of the Jews." (Ah, the fantasies of the young!) One of our friends here in San Diego is family-related to this brave young soldier who now lies dead. Our pain of loss is immediate and real. May his memory be for a blessing.

The world has certainly changed in a month.

It is up to you, the American taxpayer, who has paid a heavy price for this war, to determine if the change is for the better.

Writing in the *New Yorker*, Hendrik Hertzberg, says, "For the war's supporters, the rhetorical air has from the beginning rung with the echoes of the Second World War: the Munich analogy, the demand for 'unconditional surrender,' the notion of the postwar occupation of Germany and Japan as the model. But the parallels are inexact, to say the least.

SAN DIEGO JEWISH TIMES

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This is not a war like the Second World War, and the difference is not simply one of scale. The Second World War was an existential war. To lose would have been to lose everything. Whatever the price of victory, it had to be paid and exacted; the endurance and infliction of any amount of suffering and death seemed justified, even sanctified, by the imperative of defeating and destroying Nazism and its Japanese partner."

So, with the war in context — not, as Hertzberg teaches, the context that its most ardent supporters would wish for it — we ask not only what has been the price of war, but what will be the price of peace?

We are learning that the context of the war has to include the now famous command: "Follow the money."

France, Germany, and Russia did not join in the war coalition. Was it political philosophy that kept them away? Follow the money. Most all of the contracts in pre-war Iraq were held by — lo and behold! — France, Germany, and Russia. Most all of the contracts in post-war Iraq will be held by the United States and Great Britain.

Follow the money.

The first post-war contracts for Iraq have been awarded — without the usual bidding process, because "the need is so immediate that we do not have time for usual procedures" — to a number of companies, which — surprise! surprise! — are located in Texas. And a seven billion — that's billion with a "b" — dollar contract (don't worry, we've only spent \$50.3 million, so far — has been awarded to — surprise! surprise! surprise! Shazam! Halliburton, the company whose most immediate former CEO is none other than Vice President of the United States, Dick Cheney. Ah, my fellow taxpayers, follow the money!

Great Britain, led by Prime Minister Tony Blair, broke with its European brethren to side with the United States. Follow the money. In the post-Iraq war world, the most immediate economic competition will be between the American dollar and the Eurodollar. Needless to say, given the outcome of the war, the American

dollar will prevail. Blair, whose England was the most reluctant European country to give up its own currency to adopt the Eurodollar, is now aligned with the American dollar. Great Britain — and the memory of the once proud pound sterling — once again, reigns supreme in the European economic order, and in the memory of the late, but not lamented franc and mark.

War is war. The outcome is unfolding. But, do not be fooled.

There was far more at stake here than the soaring presidential rhetoric about the "liberation of Iraq" from its despotic dictator.

There was — and will be — a far heavier price to pay than was brought by a month of military engagement. That price will be paid by the people of Iraq, by the people of the Middle East, by our brothers and sisters in the Land of Israel, by us, humankind's brothers and sisters of those who died in this war, and by us, the American taxpayer who will keep paying and paying and paying.

The price will be paid by our children who have learned that when the words of human interaction seem to fail, the acceptable alternative is fists, fights, and war; that the biggest and strongest on the playground wins, whether or not he is right.

When we come from slavery to freedom, we learn that freedom has a price. Freedom without responsibility is no freedom at all.

We waged what we called a war for freedom. Now, let's see how we exercise the responsibility of making the peace — paying the price that is necessary, but not being gouged by those who line their own psyches and pocketbooks, while telling us that our best interest is being served.

*Rabbi Wayne Dosick, Ph.D., is the spiritual guide of The Elijah Minyan, an adjunct professor at the University of San Diego, and the Director of The Soul Center for Spiritual Healing. He is the award-winning author of six critically acclaimed books, including **Golden Rules**, **Living Judaism**, and **Soul Judaism: Dancing with God into a New Era**.*



[can i touch you here?]

# Defining Date Rape Down

Far from protecting women, campus feminists are creating a new generation of victims.

By Anne Hendershott

EVEN DURING THE MOST contentious moments of the culture wars over sex, there was a time, not so long ago, when we could rely upon one area of agreement: the deviance of rape. There was consensus that rape is an outrage that cannot be tolerated in civilized society—a serious violation of the dignity of an individual, uniquely horrible in the trauma it inflicts and the long-term consequences it carries.

Yet, for the past decade, a powerful element within the feminist community has waged a moral crusade to expand the boundaries of violence against women, and by doing so has called basic definitions into question. The process began slowly with a gradual expansion of the use and eventually the meaning of the word "rape." Some feminists began using the word to refer to acts that are not even related to sexual activity but to power. Feminist legal scholar and anti-pornography activist Catherine MacKinnon, for instance, has long concluded that depictions of sex through pornography are equivalent to rape. And when a reviewer wrote a negative evaluation of her book, she accused him of rape.

Most of us dismiss talk of "rape by paragraph"—or the even stranger assertion by MacKinnon's colleague Andrea Dworkin that even consensual heterosexual sex is "rape"—as mere hyperbole.

Of course rape has to some degree always been used as a metaphor, but it has come to have decidedly nonmetaphorical consequences on many college campuses. In fact, on some of the most elite colleges and universities, the line between the metaphorical and the literal has disappeared as allegations of rape can now be made following any unpleasant, awkward, or regrettable sexual encounter. The rapist is any male who participates in these encounters. And being found guilty of a metaphorical offense carries real consequences, as male students are increasingly being charged with rape when a date goes badly.

It is important to understand how it happened that men at Bates, Harvard, Columbia, Yale, Dartmouth, Villanova,

and many other campuses are now redefining themselves as helpless victims, powerless to prevent someone they know from taking advantage of them.

Most recently, the Air Force Academy has been caught up in the moral panic surrounding date rape as a number of former female cadets claim that the Air Force Academy administration "mishandled" their complaints. While the commandant denied that sexual misconduct goes unpunished at the Academy, the female cadets interviewed on television's "20/20" tearfully recounted that their "rapists" were allowed to "walk free."

Although national data indicate that more than 75 percent of what were originally regrettable sexual experiences were not initially defined as rape,

THE LINE BETWEEN THE METAPHORICAL AND THE LITERAL HAS DISAPPEARED AS ALLEGATIONS OF RAPE CAN NOW BE MADE FOLLOWING ANY UNPLEASANT, AWKWARD, OR REGRETTABLE SEXUAL ENCOUNTER

Antioch, Notre Dame, and a growing number of other campuses have found themselves guilty of this new form of deviance. And, even more important, how smart and once strong and independent women on these same cam-

pus are increasingly encouraged to redefine these encounters after a meeting with an enlightened friend, dorm advisor, or "crisis intervention" counselor. Feminist advocates have successfully convinced a growing number of

young female college students that before they have sex with a man, they must give consent as explicit as a Miranda warning. And a growing number of young women have been persuaded that when such stipulations do not formally occur—as they rarely do in moments of passion—then they too have been the victims of rape. In response, they are demanding that the perpetrators be punished.

The *Chronicle of Higher Education* reported on a panicked campus response in 1996, when 300 angry Bates College

rape that semester had reported the incidents to the police. Yet, this did not stop the administrators and student representatives who comprised the college judiciary board from convicting the students. During the judicial proceedings, the accused were not permitted to have lawyers at the hearings, nor were they allowed to call witnesses to testify on their behalf.

Feminists insist that there is no distinction between the aggression associated with violent stranger rape and the quite different context of most date

charged have been punished. The Academy commandant, Brig. Gen. Taco Gilbert, defended the school's conduct in a written response to questions about one alleged assault, in which a female cadet said she was raped after a night of drinking and a strip-poker game. After a hearing, the Academy decided not to press charges against her attacker, and the cadet said Gilbert criticized her conduct. Dorothy Mackey, a former Air Force commander who now runs an advocacy group, Survivors Take Action Against Abuse by Military Personnel, claims that "These types of abuses are becoming normalized."

Mackey is part of an advocacy community that has fueled this new sexual hysteria by creating a date-rape industry complete with "spokespersons" for the "survivors." A popular lecturer on the date-rape college circuit is Katie Koestner, a self-described "date-rape survivor" who claims to have visited more than 800 campuses to warn female students of what lies in wait for them. Weaving advocacy data with graphic descriptions of her own traumatic experience of being date raped during her first year at the College of William & Mary, Koestner claims that in the United States, 1.3 women are raped every minute. In her lectures, she testifies that her "life was forever changed" during the fall of her freshman year when, after going out with a male student named "Peter," she invited him back to her dorm room with "intentions of dancing." By Koestner's account, as recorded in Notre Dame's student newspaper, the *Observer*, "Tickling and teasing transpired into a wrestling match that night that left her on the floor pinned under Peter, with him holding her hands above her head by her wrists and kissing her even though she said 'no.'" Koestner admits spending the night with Peter in her room after this incident and acknowledges on some campuses (as reported in

## BOARDS DELIBERATE IN SECRET, PROVIDE NO EXPLANATION OF THEIR DECISIONS, AND ASSIGN PUNISHMENT WITHOUT REGARD TO ANY UNIFORM SENTENCING CODE.

students gathered outside the home of President Donald W. Harward to demand that he confront a growing menace on their campus in Lewiston, Maine. Anxious that the crowd was getting out of control—one witness compared it to a "lynch mob"—local and state police were summoned. Chanting the names of the "evildoers" on campus, the protesters claimed that if the college had acted sooner, it could have stopped the raping of innocent female students.

Fearful for his life, one of the alleged date-rapists fled Bates on the night of the protest and immediately withdrew from the college. The hostile mob demanded that other offenders be similarly cast out. In response, college administrators took quick action—expelling one freshman, after finding him guilty of raping a female student and twice sexually assaulting another, and suspending a senior who had been accused of raping his ex-girlfriend, forbidding him to graduate with his class.

None of the women in the Bates cases who had filed complaints about date

rapes. But there are differences, and as most of the campus date-rape cases suggest, the most disturbing is that in most cases, the violent stranger rapist would have more legal rights and due process than the campus "date rapist." On most college campuses, an accused person has no right to confront his accuser, examine witnesses, or have an attorney present during university proceedings. Instead, the "crime" is defined, judged, and punished by campus student affairs judicial boards. These boards deliberate in secret, provide no explanation of their decisions, and assign punishment without regard to any uniform sentencing code.

The judicial proceedings at the Air Force Academy are quite different, however, as alleged perpetrators are provided with due process—and the cases are heard by a judicial board that is truly representative. As a result of this process, feminists are enraged that those they have identified as "rapists" have not all been found "guilty" by the boards and only about half of those



campus newspapers) bringing Peter back to her room after lunch the next day where he allegedly raped her again.

Koestner has been a popular speaker on the campus circuit for several years. Yet, she met some resistance at Harvard recently when she called upon the men in the audience to stand up and declare their support for women in their fight against rape. Although many of the males in the audience obliged, some of Harvard's female students were offended that Koestner's focus on men took power out of their own hands. One of them was quoted in the *Harvard Crimson* as saying, "I thought her view of men as the only agents of change undermined her point, and just wasn't true." Another female student also objected to the focus on men: "I was deeply offended, I wondered if all the women in the audience should give up the fight."

This response points to the real problem with the expanded definition of rape: it creates female children unable to stand up for themselves and in need of protection by the kind of men who attend date-rape lectures or by the emerging sex codes created by campus feminists. Watching the crying cadets on "20/20," it was difficult not to be relieved that these women have since left the Academy and will no longer be eligible to lead others in battle.

Cultural critic Camile Paglia has written persuasively of the moral panic surrounding date rape and describes it as a "catastrophic cosmic event like an asteroid threatening the earth in a fifties science fiction film." Commenting on the furor created by Brown University women when they posted names of alleged rapists in the toilet stalls, Paglia says the media completely missed the real story: "Why were squalid toilets now the forum for self expression by supposed future leaders?" Paglia believes that the "fantastic fetishism of rape by mainstream and anti-porn feminists has,

in the end, trivialized rape, impugned women's credibility, and reduced the sympathy we should feel for legitimate victims of violent sexual assault."

Paglia knows, as most strong and independent women do, that when a real rape occurs, the woman should report it to the real police, not campus committees. Complaining that the real courts take too long or are "too cold and impersonal," is a pretext. Last spring, Harvard moved all of its date-rape investigations and prosecutions off campus. Students must now report rapes to the police to be adjudicated by the real courts, and cases will no longer be handled through campus judicial proceedings where the rights of males are always trumped by the hysteria of the females on campus.

Still, campuses continue to canonize the "rape survivors" who, instead of delivering a message of strength, remind women of their fragility and vulnerabil-

"too caught up" in the lie to confess. During the early days of the rape allegation, Robb received all the rewards that accompany victimhood, as campus feminists rallied to her side, held demonstrations to warn other students, and demanded that prosecutors find the perpetrators. Robb briefly became a campus heroine, widely praised for her "courage" in coming forward to face the horrible crime. By the time she admitted to lying, the story had spun into a criminal case that wasted investigators' time and thousands of dollars in taxpayer money, while spreading alarm among other female students. At the conclusion of the trial, as Robb's feminist supporters disappeared, a judge sentenced her to 18 months of probation, psychiatric treatment, and 100 hours of community service.

It is difficult to predict where the politics of date rape will lead us. While the panic has diminished on some cam-

**WATCHING THE CRYING CADETS ON "20/20," IT WAS DIFFICULT NOT TO BE RELIEVED THAT THESE WOMEN HAVE SINCE LEFT THE ACADEMY AND WILL NO LONGER BE ELIGIBLE TO LEAD OTHERS IN BATTLE.**

ity. And as long as rape victims are venerated on college campuses, it should not surprise anyone that allegations of rape continue to increase—and that the cases increasingly involve confabulation.

The most recent rape fabrication was quietly revealed at Iowa State University when Katharine Robb, a second-year student, finally disclosed that the story she had told her sorority sister—of being forced into a car at gunpoint by four black men and raped in a wooded area—was untrue. The sorority's president reported the story to the police without Robb's knowledge, and by then, the co-ed later acknowledged, she was

puses, others still hold on to their annual "Take Back the Night" rituals and demand that campus courts punish perpetrators. The hysteria surrounding the allegations at the U. S. Air Force Academy indicate that the panic remains and will continue to flourish as long as colleges continue to expand their crisis intervention services and "date-rape hotlines" and welcome speakers from the date-rape industry.

*Anne Hendershott is Professor of Sociology at the University of San Diego and the author of the recently released book, The Politics of Deviance (Encounter Books).*



# Nature's weapons of mass destruction

4154  
By George J. Bryjak

**W**e are under attack. Every hour of every day more and more of them slip into this country, unseeable, unhearable, unstoppable. The bacteria and viruses responsible for infectious diseases in the far corners of the globe are making their way into the United States.

Consider tuberculosis; more specifically, a new and exceedingly virulent strain of the disease. Of the estimated 1.1 million prisoners in the Russian penal system, 110,000 are afflicted with this disease and 30 percent of these individuals have MDR-TB (multi-drug resistant TB). Speaking of this malady in 1999, the regional director of TB programs for Doctors Without Borders, Hans Kluge, stated: "It will become the principal epidemic of the next century, not only for Russia but for the rest of the world." By the end of 2000, MDR-TB had found its way into approximately 100 of the world's 225 nation-states.

How did this disease spread from one region of the globe so far and so fast? Of the quarter of a million prisoners in the Russian penal system who are released each year, about 10,000 are infected with MDR-TB. And, while these individuals may be too poor and/or too sick to travel beyond their country's borders, they infect people who do.

Geographer Peter Gould alerts us to the not-so-obvious impact of air travel on international health. Gould

argues that residents of New York City are "closer" to residents of Moscow, Bombay or Kinshasa, than they are to people in neighboring Pennsylvania or Massachusetts. Closer not in literal miles, but far less distant in terms of the probability of life-changing interaction. People residing in dozens of cities that comprise the world's international air-travel system are more likely to come into contact with each other than they are with fellow citizens located spatially much closer to them.

According to the Bureau of Transportation Statistics, in 2001 just under 51 million passengers (both U.S. citizens and foreign nationals) arrived in the United States on flights that originated outside the geographical boundaries of this country. There can be little doubt that in future years this number will increase, perhaps dramatically.

More convenient and inexpensive air travel means that few locations in the world are more than 24 to 36 hours away from any other location. Even a "slow plague" disease such as HIV-AIDS that travels by way of contaminated blood circled the globe in 8 to 10 years.

Air travel is precisely how the pneumonia-like Severe Acute Respiratory Syndrome (SARS) jumped from Asia to Europe and Canada so quickly. Speaking of this malady, World Health Organization spokesman Dick Thompson stated that "It's a highly contagious disease, and it's moving around by jet. It's bad."

The population explosion has contributed significantly to the whirlwind speed by which infectious diseases can spread. Global population doubled from 3 billion to 6 billion between 1960 and 1999. Third World

cities mushroomed in size as a result of "natural increase" (more births than deaths) and the unprecedented levels of migration as desperately poor people living in the countryside streamed into metropolitan areas (and continue to do so) in search of employment. Closer proximity facilitates the spread of infectious diseases as readily as electricity flows through a copper wire.

In a 1997 publication, the U.S. Institute of Health stated: "Distinctions between domestic and international health problems are losing their usefulness and are often misleading." Writing in the British medical journal *Lancet*, a group of international physicians made this point even more emphatically: "The health of the world is at the crossroads. ... The idea that the health of every nation depends on the health of all nations is not an empty piety but an epidemiological fact."

In his State of the Union address, President Bush pledged \$15 billion over the next five years to fight AIDS in the developing world. While this is a laudable step and the president should be commended, the proposed budget also cuts bilateral TB and malaria programs by \$80 million annually as well as trims almost \$500 million from international child health care, including vaccination programs. In addition, the allocated funds will bypass the Geneva-based Global Fund to Fight AIDS, TB and Malaria set up in 2001 at the urging of the United Nations to funnel assistance to developing countries. In other words, the United States will donate money to nations and programs that suit the administration's agenda (Russia and Egypt, for example) and not necessarily to countries where the need is greatest (Sub-Sa-

haran Africa).

Slowing down if not eradicating infectious diseases in the world's poor nations is the best way to protect ourselves from these afflictions. Communicable diseases are nature's weapons of mass destruction and microbial terrorists cannot be defeated with military might. To the contrary, war creates poverty and refugees, destroys health care and sanitation networks, and weakens already fatigued human immune systems, all of which facilitate the spread of infectious diseases.

If there is a war that desperately needs winning, it is the current struggle to halt the spread of communicable diseases. The front-line troops in this conflict are medical workers, and we should arm them with abundant quantities of no less than first-class disease fighting drugs and technology as we would military personnel with state-of-the-art weapons. (The yearly \$3 billion pledged to fight these diseases represents less than one percent of annual defense spending).

As citizens of a rich and powerful country separated from most of the world by two great oceans, we are insulated from much of the evil and suffering that besets the rest of humanity. This is no longer the case with the scourge of communicable diseases.

As humankind increasingly resembles a "global village," we would be well advised to heed the words of Martin Luther King Jr. "It really boils down to this: that all life is interrelated. We are all caught in the inescapable network of mutuality, tied into a single garment of destiny. Whatever affects one directly, affects all indirectly."

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# Fall From Grace

One lie, retold over 26 years, undoes a professor's teaching career

BY ROBIN WILSON

LAST SPRING, Quincy Troupe was at the pinnacle of his academic career. A prolific poet who writes about jazz, sports, and the streets of St. Louis, Mr. Troupe had already published 13 books and won two American Book Awards, including one for *Miles: The Autobiography*, written with the jazzman Miles Davis.

His \$141,000 salary made him one of the best-paid humanities professors at the University of California at San Diego. An urbane and at times profane man who favors French Cabernets and elegant black suits by a Senegalese tailor, Mr. Troupe stands out in a crowd with his 6-foot-2-inch frame and shoulder-length dreadlocks. During his 12 years at the university, he had become not only one of the best-known black poets in the United States, but a charismatic figure in the San Diego arts world, where his intimate dinner parties attracted renowned intellectuals, artists, and writers.

One night about a year ago, Mr. Troupe, who is 63, received some news that should have been the crowning achievement of his career. He was sitting down to dinner at his home in the La Jolla hills when the telephone rang. He had, the caller informed him, been chosen as one of three finalists to be the first official poet laureate of California.

But Mr. Troupe didn't revel in the honor.

"At that moment, when I hung the phone up, I thought . . . 'Oh, man. This is not cool.'"

Despite all his achievements, one thing Mr. Troupe lacked was a college diploma. That may not have posed a problem if, for 26 years, Mr. Troupe had not been listing a bachelor's degree from Grambling College on his CV. While he claimed to have graduated in 1963, he never even finished a semester.

The moment of reckoning came last fall, four months after California's governor announced that Mr. Troupe would be the state's poet laureate, when a routine background check turned up the lie. Once confronted, Mr. Troupe immediately resigned the post. After the university told him it was considering suspending him for up to a year without pay, he decided he would retire in June.

The news shook the literature department, where Mr. Troupe has been a beloved teacher. "It was horrifying for everybody," says Fanny Howe, an emeritus professor of literature. Many in the department say the university overreacted and pushed Mr. Troupe out. As a poet, they believed, it was Mr. Troupe's writing, not his academic credentials, that had earned him his job.

"His misstatements about his undergraduate career were sort of like a baseball player who had won the MVP and World Series and then was discovered to have lied about his achievements in Little League," says Todd

C. Kontje, chairman of the literature department.

As the news has trickled out across the country, some former colleagues have been disappointed. Rainer Schulte, a professor of arts and humanities at the University of Texas at Dallas who has known Mr. Troupe for 30 years, recalls thinking, "Quincy, I thought you were more intelligent."

## MESSAGE ABOUT TRUTH-TELLING

The Troupe affair and other recent scandals involving faculty members who falsify credentials have prompted questions about whether universities are doing enough to check the backgrounds of people they hire. No one at UC-San Diego, for example, ever verified Mr. Troupe's educational credentials when he was hired as a full professor in 1990.

Mr. Troupe's case also raises questions about whether academic credentials really matter in certain fields, like poetry and art. Should one lie ruin someone's credibility and career? Some say there's no question that it should. Plagiarism, faking academic credentials, stealing research—all deal a serious blow to academic integrity, and a high price must be exacted.

Mr. Troupe is hardly the first professor or college administrator to be caught fabricating his résumé.

Pat J. Palmer worked for the University

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of Iowa for 11 years as a research scientist before it was discovered last summer that she had never earned any of the four degrees she claimed on her CV—not the doctorate from Iowa itself, nor two master's degrees, nor a B.A. from the University of Northern Iowa. Following that finding, she was charged with falsifying public documents, a misdemeanor punishable by up to one year in jail and a \$1,500 fine. (Ms. Palmer could not be reached for comment.) In the wake of the Palmer case, the university has begun checking the academic credentials of all faculty and staff members before they are hired.

Lana Nguyen, an assistant professor of engineering at the University of Regina, in Saskatchewan, was found guilty of fraud and forgery in 2001 after the university charged her with listing her ex-husband's academic degrees and publications as her own in order to get hired and obtain research grants.

And the Rev. Eugene R. Kole announced his resignation as president of Quincy University, in Illinois, last fall after the Board of Trustees discovered he had claimed two master's degrees he'd never earned. (Father Kole could not be reached for comment.)

Martha C. Nussbaum, a professor of philosophy, law, and divinity at the University of Chicago, says people caught fabricating their CV's must be fired.

"You don't want somebody there teaching students who gives that kind of moral example," she says. "It's a wrong that goes to the heart of the integrity of the academic enterprise."

But Richard Attiyeh, vice chancellor for research and dean of graduate studies at

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**"There needs to be a sense  
of proportion between an  
admittedly ill-advised  
misstatement on a résumé  
and a decade of outstanding  
service to his students."**

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UC-San Diego, says circumstances matter. "When we hired [Mr. Troupe] he was somebody who had many years of productive activity as a scholar, and he never failed to meet our expectations in any way," he says. "The question of his bachelor's degree was not particularly critical." After all, no one needs a B.A. to be a good poet—Ms. Howe, the emeritus professor at UCSD, doesn't have an undergraduate degree either. And many well-known writers who teach at col-

leges and universities lack advanced degrees.

Still, the university knew that "as a matter of principle" it had to take the issue seriously, says Mr. Attiyeh. "The main concern here is the message that we send to our students about truth-telling."

Higher education is behind the curve in recognizing résumé fraud as a "major trend," says D. Frank Vinik, a lawyer for United Educators, an insurance company for colleges and schools.

"We should not assume that just because people are in the academic world they are any different . . . that there are fewer bad apples," he says. "A lot of institutions do not verify academic credentials and employment history as much as they should, particularly for faculty."

University lawyers are beginning to realize, says Mr. Vinik, that "résumé fraud is much more common than people want to believe" and that "it knows no restrictions in terms of professional field or level of position."

#### **RACE CASE?**

Mr. Troupe has repeatedly apologized for the lie. But he has also attempted to make his fate a race issue. He believes the reaction would have been different had he been white. He says people wondered: "This guy is a black guy, he doesn't have a degree, he's got dreadlocks, he's at the university, and he's making \$141,000 a year. How can that be? . . ."

"There was some kind of suggestion that I was not first doing my job. But I was publishing books, I was bringing honor to the school, and the students loved me. I didn't cheat anybody."

Adrian Arancibia, who is working on his doctorate in literature at UCSD, says it is clear to him that race was a factor. "There are white professors at our school who have been accused of and found guilty of other things, and none of them have been let go," he says. "If you are going to make a mistake in this town and you're a person of color, they will make an example of you."

But Michael Kalichman, director of the research-ethics program at the university, says Mr. Troupe got the benefit of the doubt. "If anything, the administration erred on the side of additional consideration rather than less," he says. "They bent over backward to say, 'He's valuable.'"

Mr. Troupe says no one is hired to be a professor at UC-San Diego because he earned a degree from Grambling. "There are lousy teachers who have Ph.D.'s." What he doesn't seem to understand is that it was



telling a lie, over and over for 26 years, that led to his downfall.

"I think this touches on the heart of being a poet," says Lawrence M. Hinman, a professor of philosophy at the University of San Diego, a Roman Catholic institution. He has turned Mr. Troupe's story into an ethical case study on a Web site he runs, and he will moderate a session for an ethics seminar, "The Quincy Troupe Affair," at UC-San Diego in May. Mr. Troupe says he won't attend.

"What poets do is tell difficult truths," says Mr. Hinman. "They tell them in a way that's unflinching. And he flinched about himself. He didn't look his own situation in the face and assess it."

Mr. Troupe says he began listing a fake bachelor's degree on his résumé around 1976 while teaching at the College of Staten Island of the City University of New York. The college was new, born of a merger between Richmond College, where Mr. Troupe had been a lecturer since 1971, and Staten Island Community College. With all of the shuffling that accompanied the merger, says Mr. Troupe, no one noticed he'd suddenly gained a degree.

He says he made the change after a colleague, whom he won't name, told him he could earn more money and job security if he were on the tenure track. But he'd probably need at least a B.A. to make the transition. Not being a "career academic," Mr. Troupe says he didn't quite realize the vast difference between a lecturer and a professor.

Tenure was attractive. He had to support three children. And his colleague told him he deserved the promotion. Mr. Troupe had been publishing poetry for a decade, and had co-edited *Giant Talk: An Anthology of Third World Writings*, which was considered groundbreaking.

In all, Mr. Troupe spent nearly 20 years at Staten Island, earning tenure and advancing to full professor by the time San Diego recruited him in 1990. Staten Island tried to lure him back with the title of "distinguished professor," says Mr. Troupe, but he turned it down.

He considers himself a self-made man. Growing up in a rough, all-black neighbor-

hood in central St. Louis at first, and later in a mostly white area in the northern part of the city, he played baseball and basketball, listened to jazz, attended a black Baptist church, and secretly tucked novels by William Faulkner and Jack London into his back pants pocket, covering the evidence with his shirt. "I didn't want to advertise that I wanted to read," he says. Reading and writing, he recalls, were for "sissies."

In 1959, after Mr. Troupe graduated from high school, he enrolled at what was then Grambling College on a baseball scholarship—a move encouraged by his father, Quincy T. Trouppe (who changed the spelling of the family name), an all-star catcher in the Negro baseball leagues. But Mr. Troupe did not last even a semester at Grambling. First, he clashed with some Southern athletes—"I'm talking about Charlie Parker and Miles Davis, and they were talking about some country-and-western singers," he explains. He also loathed required chapel, and in defending his reasons for leaving, he again makes race an issue: "Most of these black colleges, they're preparing you to become a worker in the white world for white folks. So therefore, you have to go to church every Sunday, even if you don't want to go. I didn't feel like going."

He was kicked out for fighting before the semester ended, re-enrolled the following semester, but left prematurely again. He enlisted in the U.S. Army in 1961 and went to France, where he played on the Army basketball team. But he injured his knee and, with free time on his hands, discovered that he loved writing. He tried his hand at poetry and, "by the time I came back, I was determined that that's what I was going to do."

He doesn't remember his first poems, "they were so bad, probably." But he kept practicing, studying classic forms—haiku, tanka, villanelles, sestinas, and sonnets—and trying to mimic each style. "It was writing by rote," he says. "It was like trial and error."

He never wondered, he says, whether he was making a mistake by skirting more formal education. This was the mid-1960s, after all. "The best artists have arrived at that point through self-discovery," he says. "Pi-

*Continued on Following Page*

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**INSIDE**

**TELEVISION • PAGES 7,**

## **Good morning**

WHAT'S GOING ON AND  
WHAT YOU NEED TO KNOW

### **Today**

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San Diego Union-Tribune, Wednesday, April 2, 2003





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The Southern Cross, April 3, 2003

## **School of Business Administration**



## Forecast: Mostly Sunny, Scattered Clouds

With a hot housing market and low unemployment, San Diego's resilient economy is in the spotlight

**B**LESSED WITH A HOT HOUSING MARKET and low unemployment, America's Finest City is in the economic spotlight. Despite the flailing national economy and a budget crisis in Sacramento, San Diego has not felt the pain of the harder-hit areas of the state and nation.

Will we still be crowing about this 12 months from now?

In relative terms, yes, say local economists, whose macro view calls for increased growth in real terms, compared to 2002. But when put under the microscope, things aren't quite so rosy. Fallout is expected from budget slashing by state and local governments and deficit spending by the feds. And Iraq continues to cloud the picture.

Economic growth for San Diego County, as measured by its gross regional product, is pegged at 3.3 percent for 2003, after adjustment for inflation, according to the annual forecast of the San Diego Regional Chamber of Commerce, which predicts most of the growth will come in the second half of the year. In comparison, the nation's gross domestic product — the total output of goods and services — is expected to increase by a lackluster 2.5 percent, according to an *Economist* survey of economic forecasters.

Kelly Cunningham, author of the chamber's "Forecast 2003," notes that inflation is relatively stable and entrepreneurship continues to thrive, encouraging product innovation and economic prosperity. "The region will remain a dynamic center for technological breakthroughs and scientific advancement," he says.

And even though the University of San Diego's index of Leading Economic Indicators for the county fell 0.5 percent in December — the ninth monthly decline in a row — that news isn't as bad as it looks at first glance. Nine straight declines would normally signal an upcoming recession, explains Alan Gin, a professor at USD's School of Business Administration and author of the index, but the structure of the San Diego economy protects it somewhat from the normal swings of the national business cycle.

"We don't have a lot of the cyclical industries here, and we don't have a lot of corporate headquarters," says Gin, "so the region is less affected by the mass layoffs that often occur in middle management during difficult economic times, and that has cushioned us."

Four of the six components of the index were positive in December (the most recent figures available), with only a sharp drop in consumer confidence tilting the index to the negative side. Jobless claims had dropped, while building permits, local stock prices and the outlook for the national economy were all up in the closing months of 2002. Low interest rates continue to boost construction and the real estate market, and as many as 15,000 more local jobs are expected to be created this year.

"Unemployment is a full 1 percent below the national rate

and even better than that against the rest of the state," Gin says.

Realtors hail the record increase in the value of single-family homes and condominiums that continued through the start of the year, marking seven years of increases. The combined median price for sales recorded in February reached an all-time high of \$357,000, a meteoric 23.5 percent increase from a year earlier, according to DataQuick Information Systems.

DataQuick projects a more down-to-earth 12 percent increase for 2003, but Cheryl Betyar, president of the San Diego Association of Realtors, believes 2003 will be "one of the best years on record" for the housing market.

UNDERPINNING SAN DIEGO'S economic strength is one of the largest military complexes in the world. As the region's largest employer, the military provides some 100,000 jobs throughout the county. But that can be a double-edged sword, the chamber's Cunningham says. When troops ship out, we lose their buying power, although that negative may be balanced by the positive affect of increased spending in the defense sector, San Diego's second-largest employer.

Tourism, San Diego's third-largest industry, was still feeling the effects of September 11 and the continued threat of terrorism in 2002, but held its own and should grow over the next 12 months. "We saw a flat 2002, but San Francisco, Anaheim, Orlando and other cities saw double-digit declines," says Sal Giametta, vice president of community relations for the San Diego Convention & Visitors Bureau. "We expect moderate growth this year."

San Diego's relative strength, Giametta explains, is its diversity of offerings for visitors: the zoo, Balboa Park, the bays, golf courses and ocean beaches, as well as theme parks. In addition, San Diego does not rely as heavily on air travel as other destinations do — 50 percent of the region's visitors come from Los Angeles and Arizona, most of them by car. Only 30 percent of San Diego's visitors arrive by air, compared, for example, to San Francisco's 84 percent.



Kelly Cunningham



Alan Gin



## business insights

THESE POSITIVES notwithstanding, both Gin and Cunningham caution that there are potholes in our economic path that may impede San Diego's progress in the coming months. Job growth, for example, is not keeping pace with the rise in population. In fact, though the number of new jobs should exceed last year's figure, it's likely to be the smallest regional gain since 1994.

The number of people seeking jobs in San Diego has risen, particularly from refugees in the high-tech arena who have given up on Silicon Valley. "The good economy has been a driver bringing people here, but now it has overwhelmed our job growth," Cunningham says.

Combine that with a drop in help-wanted advertising, and there is likely to be an increase in claims for unemployment insurance, adds Gin, who views real growth in terms of employment, not the GRP. Thus, San Diego's jobless claims are expected to rise to 4.4 percent this year, compared to last year's 4.3 percent, although Gin expects unemployment to remain significantly lower than the 6 percent forecast for the nation and the 6.4 percent forecast for the state.

While we're seeing job growth in defense, biotechnology and engineering, where it's strongest is in the services area, and that carries some baggage with it. Most service-sector jobs are low-paying, although legal and financial services, along with software development, will provide jobs at the higher end of the scale.

"The big question is: Will that [job growth] be enough to replace the manufacturing losses that we've seen over the past decade?" asks Gin, noting that the region and nation both are suffering from deindustrialization as more and more manufacturing jobs leave the country.

Interest rates are expected to rise in the second half of the year, which is likely to have a cooling effect on the real estate market. And housing affordability—the ratio between average income and average home price—also concerns economists. San Diego

## business insights

has the second-worst affordability quotient in the nation, topped only by Boston.

Greg Stein, president of the San Diego Defense & Space Technology Consortium, is not convinced the defense sector will reap many benefits from the war with Iraq. Most San Diego defense contractors focus on logistics, communications and research

and development, not on bombers, guns or bullets, he reasons.

"What worries local executives is that money will be shifted out of long-term R&D projects to fund short-term war needs," Stein says.

Adds Gin: "The big caveat is: What's going to happen with this war, and what's go-

ing to happen with the deployment of all the troops out of San Diego?"

But with San Diego's built-in resiliency, Gin comments, "It would probably take a strong outside shock, such as a prolonged military conflict or terrorist activity, for there to be an actual decline in the local economy." ■



# Widespread job cuts stir recession worries

## Indicators seem pointed toward continued losses

By Leigh Strope  
ASSOCIATED PRESS

WASHINGTON — U.S. companies eliminated 108,000 jobs in March as war in Iraq battered the economy at home. The unemployment rate held at 5.8 percent after thousands of job seekers gave up and dropped out of the work pool.

Job cuts were widespread and there

were few hiring gains, the Labor Department reported yesterday.

That ignited fresh recession worries among economists, who said that a quick end to the war couldn't even resuscitate the jobs market, which is expected to worsen in coming months.

"It's hard to ignore the feeling that we're much closer to a double-dip recession than seemed likely even a month or two ago," said Bill Cheney, chief economist at John Hancock Financial Services.

Analysts had forecast more modest

payroll losses of about 40,000. In February, businesses shed 357,000 jobs, more than previously reported.

"All indicators point to further losses in the near future," said Mark Zandi, chief economist at Economy.com. "The weakness is very broad-based. Really every corner of the country has been touched."

The report and war developments limited gains on Wall Street. The Dow Jones industrial average closed up almost 37 points. The Nasdaq was down 13 points.

Fewer people looking for work was

a factor in the unchanged jobless rate, which economists had expected to rise to 5.9 percent. Discouraged job seekers dropping out of the employment pool rose to 474,000 in March, up from 330,000 a year ago.

Also likely skewing the data was the activation of about 200,000 Reserve and National Guard members leading up to the March 20 war start. Labor Department analysts said they have been unable to quantify the impact on the report, which is limited to civilian employment.

Even before the war, businesses

were wary about making big spending and hiring commitments in a weak economy struggling toward recovery.

A big fear is that consumers, whose spending accounts for two-thirds of all U.S. economic activity, will continue to tighten their wallets amid the war and even more job losses.

In San Diego, Alan Gin, a professor of economics at the University of San Diego, said he believes the local economy will add a small number jobs this year, provided that local troops de-

ployed in Iraq return quickly.

Gin, who compiles the Index of Leading Economic Indicators for San Diego County, said he expected the region to add nearly 15,000 jobs this year — about one-third the number of recent peak years — if most area service members return home by June.

About 50,000 local members of the Marines and Navy are deployed in the Middle East.

On the national level, econo-

mists are mixed about whether the Federal Reserve will lower a key interest rate from the current 41-year-low at its meeting next month.

President Bush has proposed a new round of tax cuts to help jump start the economy. But his \$725 billion package is bogged down in Congress over opposition from Democrats and some Republicans concerned about the size, especially during a time of war and mounting budget deficits.

Yesterday's employment report renewed calls for passage from his administration.

"Now is the time for Congress to act on the president's plan to ensure that the economic news gets better, the American economy grows stronger and American jobs grow faster," said Commerce Secretary Donald Evans. "America's unemployed workers are counting on them to do so."

Democrats said the growing unemployment rolls are evidence that Bush's economic policies have failed.

About 8.4 million workers are unemployed, with the average duration about 18 weeks.

"We need to create jobs, and experience has shown that a reckless tax cut that explodes the deficit even further, drains resources from veterans, health care and education, and gives most Americans less than \$2 a week is not the answer," said House Democratic Leader Nancy Pelosi of California.

Job losses continued in manufacturing, which lost 36,000 positions last month. Employment in that sector has fallen by 2.5 million since a peak in April 1998.

The service sector, where most American jobs are created, also was hammered last month. That category lost 94,000 jobs in March, following a 256,000 loss in February. Stores, restaurants and bars accounted for much of the loss, along with government and the struggling airline industry.

Staff writer **Craig D. Rose** contributed to this report.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA  
SATURDAY 374,856  
APR 5 2003



# Businesses say gas costs not passed on

By NOI MAHONEY  
Business Writer

As gasoline prices soar toward all-time highs, Ron Stewart said the higher gas prices are slowly eating into his profits.

With everything from lawn mowers, trucks, tractors and other equipment, the owner of Ron Stewart Landscaping in Annapolis said his company depends on gasoline.

But he said he hasn't really thought of passing the costs on to his customers. Instead, he said he will weather the storm and wait for gas prices to drop.

"I haven't raised prices," Mr. Stewart said. "I don't think you can raise prices in this market, it's too competitive."

Like Mr. Stewart, business owners burdened with record costs for gas said raising their prices to compensate is not a likely option.

The problem lies in the ultra-competitive nature of the Annapolis-area market.

"High gas prices cut into margins and generally this is passed onto consumers," said Bob Burdon, president of the Annapolis and Anne Arundel Chamber of Commerce. "But

we are in a very competitive market, and many local retailers don't want to price themselves out."

Gasoline costs about 47 cents a gallon more than a year ago. Self-serve regular gasoline averages a \$1.65 a gallon at area gas stations.

About two weeks ago, gas prices topped \$1.70 for regular. In February, gas prices hovered around \$1.66 as compared to \$1.55 in January.

Mr. Burdon said companies which could be affected by higher gas prices include anyone with sales forces, service technicians, or companies that need to move heavy equipment.

"The challenge is not just gas, the war will effect spending habits as well," Mr. Burdon said.

Gas price increases reflect the tight inventories and high price of crude oil, caused by falling imports from Venezuela and fears that the war in Iraq could last for a long duration of time.

Anirban Basu of Baltimore-based economic research consulting firm Optimal Solutions Group, said the increased gas prices is another hardship on local businesses, which will eventually have an impact on consumers.

Mr. Basu said when a company is forced to absorb losses from higher gas prices, it will lead to lower profitability, less hiring, less bonuses and less expansion.

"Every recession in recent times was preceded by a spike in energy prices, like the kind we just experienced," Mr. Basu said.

Nationwide, economists worry companies will increase their prices to make up for the gas prices.

Alan Gin, an economics professor at the University of San Diego, estimated

(See GAS, Page B3)

## CAPITAL

ANNAPOLIS, MD  
TUESDAY 48,000  
APR 1 2003

## GAS

(Continued from Page B1)

local consumer spending declines \$5 million a month for every 10-cent increase in the price of a gallon of gas.

"The price of gasoline will take buying power out of the hands of consumers," Mr. Gin said.

But in the Annapolis area, which is buoyed by the boating and tourism industry,

companies said raising prices could do irreparable damage. The price of marine fuel varies, but is floating around \$2.19 for premium and \$1.49 for diesel.

Larry Kety, manager of the Annapolis City Marina, keeps a close eye on wholesale prices.

"It is tough with our market," Mr. Kety said. "We are a big company, but we try to be the nice guy in town. We don't want to take advantage of our customers."

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**SAN DIEGO BUSINESS  
JOURNAL**

SAN DIEGO, CA  
WEEKLY 20,000  
APR 21 2003

# High Prices Put State Gas Bank Plan in Motion

4154

FRONT PAGE

One Study Estimates Annual  
Cost to Be Over \$15 Million

■ BY RENE'E BEASLEY JONES

With the average price of regular unleaded gasoline still well above \$2 a gallon in California, state officials are looking for ways to reduce the risk of future price spikes.

Lawmakers have introduced legislation to increase competition among retailers. They're mulling ideas to curb the state's appetite for fossil fuels, such as higher gas taxes and offering incentives to gas-electric hybrid car buyers.

But the California Energy Commission is brainstorming what may be the most controversial idea yet: A gasoline bank akin to the nation's strategic petroleum reserve.

On April 24 and 25, the commission will

Please turn to PLAN on Page 13

# Plan: Energy Commission's Study Creates Conflict Over 'Gas Reserve'

Continued from Page 1

conduct workshops focused on a fuel bank and expects to present a recommendation to the Legislature in June.

"The expectation is that import dependency and chronic undersupply will cost gasoline consumers in California between \$3 billion and \$5 billion per year over what they would pay in a market where supplies are unrestrained," according to an Energy Commission report released last year.

The idea of a state crude oil reserve has been kicked around for a while, but the notion of stockpiling finished gasoline is fairly new.

California ranks as the second biggest consumer of gasoline in the world, according to state reports. The United States ranks first.

Since 1995 — when the state implemented stricter clean-burning fuel standards — the prices paid at California pumps has frequently jumped above the national average by as much as 20 cents per gallon.

For one, the state's geographic location works against it, said Rob Schlichting, a spokesman for the California Energy Commission.

"California is different than the rest of the country. ... We're cut off from the rest of the nation by mountains," Schlichting said.

East of the Rocky Mountains, the nation has a pipeline network that pushes fuel from

one market to another. The West Coast is cut off from those arteries.

## Difficult Logistics

If California refineries can't make enough of the state's uniquely formulated gasoline — reportedly the cleanest burning in the world — it must come by sea, some from as far away as Finland. Shipments can take three weeks or more to reach the state's shores.

Add in the state's exploding population growth, and it all helps set the stage for an escalating supply-demand problem. And, it fuels debate about a gasoline reserve to help get through lean times without prices skyrocketing.

"But the logistics of this are daunting," warned Anita Mangels, a spokeswoman for the Western States Petroleum Association.

Gasoline that meets California's guidelines has a short shelf life, Mangels said. Also, factor in the switch from summer to winter fuel. Both reasons create a need to cycle the product rather than just store it, which could be a logistical headache.

In addition, the state lacks the storage capacity for a fuel bank, which likely means above-ground tanks. The Energy Commission study suggested the reserve could hold as 5 million barrels — 3 million in the Los Angeles basin and 2 million more in the San Francisco Bay area.

"It's virtually impossible to get public approval to build private storage throughout the state due to regulatory restrictions and community opposition. The question of where you would put it becomes significant," Mangels said.

In 2000, the California Attorney General's Gasoline Task Force concluded a gas bank might "further reduce the incentives of firms in the gasoline market to hold their own reserves."

Because of economic and practical reasons, that committee concluded the state should not pursue a reserve.

## Hedging Against Price Hikes

The nation's strategic petroleum reserve floats in salt caverns along the Gulf of Mexico's coastline. Since 1975, it has remained on tap in case of a national emergency.

California's gas reserve would serve a less noble cause. Its existence revolves around the desire for price stability, which increases concerns over the release of supply.

The 2002 Energy Commission report says mismanaged trigger mechanisms could have an undesired effect, prolonging spikes rather than stopping them.

University of San Diego economics professor Alan Gin said the idea of a state gas bank sounds good — in theory.

"Part of the problem causing the surge was that there wasn't enough gasoline that met the

state's standards," Gin said.

But the state's \$35 billion budget shortfall might create difficulties in starting a project of this magnitude, he said.

An Energy Commission study estimated the fuel bank to cost between \$15 million to \$20 million annually.

Assemblywoman Christine Kehoe, D-San Diego, also wondered about the timing.

"It's the right time because we're in the middle of a gasoline pricing crisis. But it's not a good time because of the state budget crisis," Kehoe said.

She sees the lack of competition as a key issue in California gas pricing. And it can be addressed without a lot of expense, she said.

Kehoe has introduced a bill that would allow gas station owners to shop for the cheapest fuel available in their own brand names, something they are now prevented from doing.

"If the bill were to pass, we think it could result in a 5- to 10-cent per gallon reduction for consumers," Kehoe said. "That's important, and we're going to pursue it vigorously."

State Sen. Bill Morrow, R-Carlsbad, also introduced a bill to help small independent retailers get in the business.

Contact Rene'e Beasley Jones via e-mail at [rbeasley@sdbj.com](mailto:rbeasley@sdbj.com) or call her at (858) 277-6359, Ext. 109.



**SAN DIEGO DAILY  
TRANSCRIPT**

**SAN DIEGO, CA  
THURSDAY 15,000  
APR 3 2003**

*State finds no gas market manipulation*

# Local companies feeling the pinch at the pump

4154  
By TIM COFFEY

*San Diego Daily Transcript*

SAN DIEGO — California regulators found no evidence that market manipulation played a role in recent price spikes in gasoline, according to a report released Wednesday.

Instead, the California Energy and the Public Utilities commissions said the forces of supply and demand, influenced by an East Coast cold spell and aggressive speculation by oil traders ahead of the war in Iraq, drove gas prices to new highs last month.

The average gallon of regular gas topped \$2.219 last week in San Diego.

The investigation concluded that gas prices should decline below \$2 a gallon as excess supply infiltrates the retail market, and commissioners said they would be watching.

"If (prices) are not (below \$2), we'll be concerned," said William Keese, chairman of the energy commission, adding that it's not uncommon for prices to rise more rapidly than they fall.

So far, wholesale prices have dropped about 42 cents per gallon since mid-March, but retail prices have only dropped an average of 1 cent.

Any decline in gas prices can't come soon enough for San Diego transportation companies, some of which have tacked gas-related

surcharges on to regular fees.

**Cloud 9 Shuttle** service, for instance, added a charge of 50 cents per passenger to cover higher prices. The company plans to keep the surcharge until petroleum costs fall below \$2 a gallon.

"The passengers are fairly understanding," said John Hawkins, president of the San Diego firm that transports travelers to and from Lindbergh Field. Cloud 9 operates 100 vehicles.

Gov. Gray Davis ordered the investigation after petroleum and natural gas prices spiked in March. Leery of past experiences with energy companies, Sacramento sought to uncover possible market manipulation.

"We didn't find any manipulation in natural gas prices, but a repetition of a pattern we've seen in California before, where there's a sharp price spike due to conditions outside the state," said PUC Commissioner Michael Peevey.

The commissions' investigation found the increases resulted from a combination of the cold spell, uncertainty of oil supply before the start of the war, an oil strike in Venezuela last year that cut supplies and delays in refinery maintenance in California.

The report did not suggest an investigation by the state attorney general was needed, a recommen-

See Gas prices on 2A



# Gas prices

*Continued from Page 1A* A  
dation Davis asked for.

Local economist Alan Gin estimates the San Diego economy has lost more than \$5 million a month since gas prices shot up two months ago. Gin, a professor at the University of San Diego, expected that figure to grow the longer gas prices were above \$2. The concern was it would force transportation companies to increase their prices, driving up the costs to consumers already hit at the pump.

While not all San Diego companies have taken the Cloud 9 route, many firms with large vehicle fleets acknowledge the impact of higher gas prices and several said an add-on charge for gas grows more likely as the high prices remain.

At **Knox Services**, a legal document courier in Bankers Hill, gas expenses have increased nearly 80 percent more than what is budgeted per month. The company has 85 vehicles and more than two-dozen independent couriers.

The firm has not committed to raising prices, but is considering a surcharge for deliveries beyond downtown San Diego, said Robert Porambo, manager of Knox's vehicle fleet.

"A lot of the transportation companies that we contract with are charging us anywhere from 1 percent to 2 percent more, depending on where the gas index falls," he said.

To minimize the expense, Porambo and other Knox employees consult the Web site of a San Diego-based consumer group to find the cheapest gas prices.

For more than a year, the Utilities Consumers' Action Network has maintained a running list of gas stations offering the cheapest priced gas in San Diego County. UCAN estimates more than 20,000 visitors have viewed the site ([www.fueltracker.com](http://www.fueltracker.com)) a week since early March.

The Web site keeps a sampling of gas stations in different parts of the county and makes a list of the cheapest priced gas stations.

Charles Langley, the group's gasoline analyst, said gas prices were trending lower and he expected prices to fall below \$2 a gallon soon.

"It's likely prices will go down below \$2 a gallon or feel like it's below \$2, because there's more gas on the market," he said, adding that independent gas stations are starting to lower their prices.

Independent stations buy gas from the surplus market. The top 13 stations selling the cheapest gas in the county are all independents, according to the UCAN site.

Moreover, the price of crude oil for delivery in May fell \$1.22 to \$28.56 a barrel on the New York Mercantile Exchange on Monday.

The price of crude is off 29 percent from a 12-year high set in late-February.

The price increase for crude was based mostly on uncertainties of the war and the impact it might have on oil supply.

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Source Code: 20030402tbc



# Want ads decline, local businesses slow hiring

FRONT PAGE

4154 P-1A

By TIM COFFEY

San Diego Daily Transcript

SAN DIEGO — Local businesses are taking a more cautious approach to new hires than businesses across the nation, underscoring regional concern that the weak U.S. economy has spread.

San Diego help wanted advertising in newspapers fell 16.7 percent, while the national average dropped 15.6 percent, according to a report released Thursday by the nonprofit Conference Board.

Economists here pinned the local decline on hesitation by businesses concerned that no substantial economic recovery is near. Moreover, they said any positive news could be several quarters away as it becomes more likely that national economic stumbles have infiltrated San Diego County.

Still, San Diego's temporary placement firms have recently reported improved customer orders, indicating some businesses are optimistic about future revenue, but not confident enough to permanently increase payrolls.

"People are being more cautious," said Alan Gin, an economics professor at the University of

See Want ads on 2A

SAN DIEGO DAILY  
TRANSCRIPT

SAN DIEGO, CA  
FRIDAY 15,000  
APR 25 2003

## Want ads

Continued from Page 1A  
San Diego and tracker of the region's Index of Leading Economic Indicators. "They don't want to go on and hire more employees" if the market can't support the additional expense.

The Conference Board index tracks regional help wanted advertisement in newspapers on a periodic basis. The most recent results found local help wanted ads were a 46 on the index, down from 51 in February, and 50 in January. March 2002 was 55.

Perhaps not surprisingly, the unemployment rate has increased with every decrease in the index. Last month's unemployment rate

was 4.3 percent. In March 2002 it was 4 percent.

The Conference Board's economist for the index, Ken Goldstein, said the index implied the U.S. economy continues to struggle since the technology bubble burst nearly 3 years ago. He likened the job market to rush hour traffic, with brake lights as far as the eye could see.

"People certainly understand where the economy is," Goldstein said. "The concern is not that the economy will get worse, but that it's going to take that much longer for things to get better."

The main concern for local economists is that the national index has not fared much better,

and in some places it has gotten worse. For instance, San Francisco's help wanted index is off 35 percent for the year ended in March and the Los Angeles region is down 17.1 percent.

The length of the slowdown, combined with a lower level of regional spending due to deployed service members and falling consumer confidence levels, has some wondering if San Diego can hold off a downturn in this economy.

Some, such as Kelly Cunningham, the economic adviser to the San Diego Regional Chamber of Commerce, doubt local businesses can prosper long-term if clients continue to

operate in areas of economic hardship.

"It's been late to coming to San Diego and it has not been as severe, but it is starting to have an effect here," he said. "Our local businesses are starting to feel the effects of the slowdown."

As recently as two weeks ago, the San Diego franchise of Manpower Temporary Services reported a 50 percent increase in orders compared to a two-week period a year ago.

The company said the orders were coming from recreation, golf, hospitality and defense businesses.

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Source Code: 20030424tba



# Unemployment holds steady at 4.3% in March

4154 P5 4A  
By TIM COFFEY  
*San Diego Daily Transcript*

SAN DIEGO — A jump in the number of jobs in San Diego mixed with a lack of significant decreases in total unemployment tethered the region's unemployment rate to 4.3 percent in March, the same rate as in February.

A local labor analyst called the unemployment report "quite strong" because not a single business sector lost jobs between February and March.

"For the month we had 4.3 percent unemployment, which was the fourth lowest in the state, but we also saw that the major industries added jobs over the last month," said Cheryl Mason, the San Diego labor analyst for the California Employment Development Department.

Unemployment in March 2002 was 4 percent.

Again, the local unemployment rate compared favorably to that of the state and the nation. The California jobless rate topped 6.8 percent and the U.S. rate held at 6.2 percent.

The one oddity of the unemployment report, however, was the number of unemployed in San Diego did not decline despite a monthly increase in new jobs, up 5,800 in farm and non-farm employment.

There was no clear answer to why the increase in new jobs did not result in a corresponding decrease in the number of unemployed. Mason speculated that job seekers returning to the market offset those that found work. Toward the end of last year, the drop in unemployment was attributed to fewer people looking for work.

"People are entering and leaving the market all the time," Mason said.

Total non-farm payrolls in San Diego County grew 5,300 jobs in March, according to the EDD. The largest month-over-month increase was in government, up 1,200 jobs, due to hiring in state and local education. That was followed by gains in construc-

See **Unemployment** on 4A

**SAN DIEGO DAILY  
TRANSCRIPT**

SAN DIEGO, CA  
MONDAY 15,000  
APR 14 2003



# Unemployment

*Continued from Page 1A*

tion and hospitality, up 700, and in health services, up 600.

Job increases were also seen in trade, transportation and utilities, and in financial services, both up 500 jobs. Additionally, professional and business services grew by 400 jobs, manufacturing increased 300 jobs, information was up 200 jobs, and other services added 200 jobs.

There was no change in the natural resources and mining industry.

Total farm employment grew by 500 jobs last month.

Regional employment could be on the upswing with the end of the war with Iraq and the summer tourism season nearing, according to a local staffing firm.

Phil Blair, chief executive officer of the San Diego office of **Manpower Temporary Services**, said his firm has seen an explosion of orders in the last two weeks. He said orders were up 50 percent in that period.

The firm typically places temp employees on the premise they would be hired, a good indication of how the economy will look six months from now. Manpower's major clients are in the recreation, golf, hospitality and defense sectors.

"Companies are adding staff and there's a real feeling of confidence and relief building," Blair said.

Alan Gin, an economics professor at the University of San Diego, also expects the local economy to

be in better shape going forward.

While the national economy struggles to regain momentum from the last two years, Gin said San Diego should benefit from the return of deployed Marines and sailors. He expects companies to add jobs as consumers restart their spending habits and military personnel spend money here.

"I don't think it will be a particularly large job growth and as a result of that the unemployment rate will stay relatively high in the mid-4 percent range," Gin said, adding that 4.0 percent unemployment is a healthy level for an economy the size of San Diego.

The March unemployment report was the third time the EDD had used an expanded and detailed method for count-

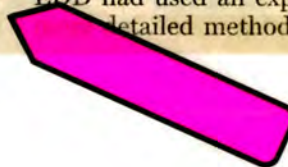
ing the region's unemployed. The method does not materially alter the unemployment picture, but it does offer better insight to the economy.

For instance, the largest month-over-month employment increases were in communications equipment manufacturing, up 11.8 percent; residual-rental and leasing services, up 4.7 percent; and waste management remediation, up 4.2 percent.

The largest decreases were in residual-specialty foods stores, down 6.5 percent; aerospace product and parts manufacturing, down 5.5 percent; and residual-air transportation, down 2.3 percent.

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# SURVEY: CEOs support war; mixed on economic impact

4154

**FRONT PAGE**  
By TIM COFFEY  
San Diego Daily Transcript

SAN DIEGO — America's business leaders support the war with Iraq and President Bush's handling of the conflict, and believe a new Iraqi government would make the world safer from terrorist activity, according to a survey of chief executives to be released Wednesday.

However, the CEOs were mixed on whether the war would hurt or help the U.S. economy, and indicated macro-economic issues, such as low levels of consumer

confidence, were the main economic concerns.

The survey, by TEC International, a San Diego-based CEO organization, was conducted early last week, just days after the war began. The group surveyed 963 chief executives from domestic, U.S. firms.

The executives were quizzed on almost two-dozen questions, ranging from the likelihood of a post-war rally on the stock market to the impact of anti-war rallies. The margin for error was 3 percent.

Aside from the vast majority that supported Bush and the U.S.

war planners, survey participants were split on whether the war would destabilize the Middle East, if the U.S. economy would benefit, and whether "nervousness" over world events since Sept. 11, 2001 would decline.

"I think, at this stage, there's as many people that feel one way as there are that feel the other," said Dan Barnett, a senior executive with TEC. "We've got as many CEOs thinking the war is going to create a more stable situation as we do of those that think it won't create a stable situation."

While the war goes on, 69 percent of the CEOs surveyed expect business as usual, with 18 percent anticipating an increase in product and service offerings. Smaller percentages expected finding new investment capital or adding new employees.

A third of respondents said they would decrease business travel.

The CEOs said their greatest concerns were a lack of consumer confidence, 42 percent, and the threat of another major

A See Survey on 5A

## Survey

Continued from Page 1A

terrorist attack, 26 percent. "Those other forces are just bigger than the war itself," said Alan Gin, an economist with the University of San Diego.

Eighty-percent of the CEOs expect the economy to rebound this year, in the third quarter or later. Most respondents, 69 percent, said the economy would grow no more than 2 percent.

The executives also anticipate energy costs to stabilize, with 42 percent believing the war would drive down costs.

Gin said war anticipations pushed gas prices here to all-time highs and that San Diego should expect some "leveling off."

Indeed, the average cost for a gallon of regular gas in San Diego

on Tuesday declined to \$2.19, down 2.5 cents from a week ago, according to the Utilities Consumers' Action Network.

Barnett said responses to the energy question led him to believe CEOs expect an end to the war would eliminate some uncertainty in the Middle East.

"Once the war is over, I think what they're seeing is a stability of oil supplies because you've created a more stable environment," he said.

More than 84 percent of the CEOs surveyed supported the war. Forty-six percent expect it to end in two to three months. Another 26 percent expected a conclusion within the month.

Once the war ends, 70 percent expect the stock market to rally.

Rebuilding Iraq would hurt the U.S. economy a "little," according to 43 percent of the CEOs. Seventy percent expect a post-war Iraq would require "significant aid" from the U.S. and world community.

Sixty-six percent expect the war would create "moderate" damage to Iraq's infrastructure and 87 percent believe the anti-war protests would not impact the direction of the war.

Normally, TEC only conducts quarterly surveys to gauge executive sentiment on the U.S. economy. Barnett said the group decided to survey members because the war was "a big issue" for the business community.

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Source Code: 20030401tba

## SAN DIEGO DAILY TRANSCRIPT

SAN DIEGO, CA  
WEDNESDAY 15,000  
APR 2 2003



# Victory in Iraq Helps Armed Services Chief

By SHERYL GAY STOLBERG

WASHINGTON, April 15 — Two decades ago, a young California lawyer and Vietnam veteran named Duncan Hunter rode Ronald Reagan's coattails to Congress, sweeping aside a long-serving Democrat. As he left home, he recalls, his father gave him this advice: "You've got to go to Washington and get that seat, because it's important to our country."

"That seat" was a spot on the House Armed Services Committee, where Mr. Hunter has served ever since. Now he is the chairman, and is aggressively pursuing his long-sought goal of increasing spending on the armed forces. For Mr. Hunter, then, the swift American military victory in Iraq could not have come at a more propitious time.

"The war has refocused our country on the importance of national security," the congressman said the other day as he rushed off to the House television studio for yet another interview. He has been there so frequently since the start of the war that the receptionist jokes she should charge him rent.

Easygoing and avuncular — though Capitol protocol dictates that he be called Mr. Chairman, his aides call him Duncan — Mr. Hunter, 54, took over the chairmanship in January from Representative Bob Stump of Arizona, who had retired. Although he parts ways with fellow Republicans on free-trade issues, Mr. Hunter, who represents California's 52nd District, stretching south and east from the inland suburbs of San Diego, is among the most conservative members of Congress.

Some compare his politics to those of Patrick J. Buchanan. Craig Barkacs, a University of San Diego business professor who

## 'Ultimate hawk' seeks more for the armed forces.

considers Mr. Hunter a friend but nevertheless ran against him as a Democrat in 2000, calls him "Pat Buchanan with a smile."

In Washington, where winning influence often comes with winning friends, that smile is important. Even those who take issue with Mr. Hunter's politics have kind words about him. They say he is willing to forge bipartisan consensus, and they appreciate his straightforward, informal style.

"He's the ultimate hawk; there's no question about that," said one Democratic member of the Armed Services Committee, Representative Martin T. Meehan of Massachusetts. "But I like working with him."

Inevitably, any new Armed Services chairman will be compared with Les Aspin, who ruled the committee for nearly a decade before becoming defense secretary under President Bill Clinton. The professorial Mr. Aspin, an enemy of what he perceived as excessive military spending, was known as a master deal maker and a great intellect, if not a great decision maker. Those familiar with both men say the contrast could not be more stark.

"Aspin would worry a problem from a thousand different angles and never make a decision," a former Pentagon official said. "He was an extremely political guy who built, when he was chairman of the Armed Services Committee, a web of connections and influence with members that was Machiavellian. Duncan is an up-front guy, a good guy who works hard. But he is not as smart as Aspin."

Yet Mr. Hunter clearly knows his stuff; he rattles off military facts and figures like a boy rattling off baseball statistics. He knows, for instance, that the number of Navy ships has dropped to just about 300 today from 546 in 1991, that the Air Force now has 13 fighter wings, down from 24 during the Clinton administration, and that the average Army helicopter is 18.6 years old. The numbers, he says, trouble him.

President Bush has proposed spending \$380 billion on the military in 2004, \$22 billion more than this year, an increase Mr. Hunter sees as insufficient. His wish list includes an extra \$30 billion a year to modernize aging equipment, \$5 billion to \$10 billion on precision bombs and missiles of the sort used in Iraq, plus additional money to put salaries for the military on a par with those of civilians for equivalent work.

Some Democrats on Capitol Hill worry that Mr. Hunter's push for cash will not come with enough strings attached. Representative John M. Spratt Jr. of South Carolina, a senior Democrat on the committee, said he would like to see "more specific reporting" of how money is spent, while Mr. Hunter wants the Pentagon to have the flexibility to switch money among programs without having to come back to Congress for authorization.

According to the Center for Responsive Politics, a nonpartisan group that tracks campaign spending, Mr. Hunter raised roughly \$785,000 for the 2002 election, more than \$200,000 of it from the defense industry. He knows how to work the arcane world of military procurement, where contractors typically try to spread their business through as many states and Congressional districts as possible. Once, he devised a plan to have two submarine contractors build different parts of the same vessel.

"They divided up the pie," said Ivan Eland, who studies military procurement at the Independent Institute, a nonpartisan research institution in Oakland, Calif. "But it makes no sense."

Representative Meehan foresees a time when Mr. Hunter may come to loggerheads with Secretary of Defense Donald H. Rumsfeld. Like Mr. Hunter, Mr. Rumsfeld wants to transform the military into a more lethal, more agile force. But Mr. Rumsfeld favors financing it by scrapping older programs, including long-planned upgrades to major weapons systems like the M1 tank.

Mr. Hunter is not convinced. "A lesson learned in this operation," he said of the war, "is that heavy armor still has a huge role."

For Mr. Hunter, the Armed Services chairmanship is a dream job, the chance to help mold a military he dearly loves. In his office in El Cajon, Calif., he employs a woman who was secretary to Gen. George S. Patton Jr. "She gets better press than I do," he said of that distinction.

Military service runs like a thread through the Hunter family; the congressman's father served, as does his son. In Vietnam, Mr. Hunter was with the Army's 173rd Airborne Brigade. He declined to talk much about his experience there.

"I didn't do anything special in Vietnam," he said, waving off the question. "I showed up."

Recently, Mr. Hunter was watching television when he saw the NBC News anchor Tom Brokaw, author of "The Greatest Generation," about the Americans who fought World War II. When Mr. Brokaw spoke the phrase of the book's title, Mr. Hunter said, he thought of the war in Iraq, and felt like grabbing the newsmen by his lapels and giving him a little shake.

"Tom," Mr. Hunter wanted to say, "you are watching the greatest generation."



# Lying on a resume could cost you

By Michael Kinsman

<sup>1154</sup>  
The latest victims of the nation's corporate ethics scandals never set up off-balance sheet accounts or overstated profits. But they did commit resume inflation.

That was enough to disqualify five potential students at the University of California Berkeley Haas School of Business, who otherwise would have gained entry to its MBA program.

"They lied about things they didn't need to lie about," says Jett Pihakis, admissions director for the MBA program. "Each of them would have qualified."

There is a lesson here: Your resume is an extension of you and your ethics.

Nobody knows precisely how common resume fraud is. Most estimates identify 30 percent to 40 percent of all resumes as inflated or fraudulent. However widespread, it appears to have reached the epidemic stage. If we have learned anything about corporations over the past two years, it is that the people who run them must possess integrity and honesty that show up in everything they do.

Graduate business schools at Berkeley, Columbia University and the University of Pennsylvania have taken it upon themselves to start checking resumes.

"It comes straight out of what has been going on in the corporate world," says Pihakis. "We sort of see ourselves as the gatekeeper for the people entering that world and it makes sense that we do this." Sadly, most of those disqualified at Berkeley already had considerable experience in the workplace. They should have known better.

Pihakis says all of the disqualified applicants had serious factual violations, including such things as saying they worked at a job eight or nine months longer than they actually did.

The five violations were found in the first 100 applicants who had qualified for entry to the business school next fall. A second group of applicants is now being processed, but only one person has been disqualified.

"I wouldn't expect to see five in this group," Pihakis says. "I think people are aware now that we are checking facts."

Marc Lampe, a professor of business law and social responsibility at the University of San Diego's School of Business Administration, applauds the move to hold students accountable.

"It's a good symbolic message," he says. "We want to believe that our business

students are honest - and most of them are - but statistics tell us that some may not be.

"If nothing else, we might scare off some people who shouldn't be here or convince others that they have to be honest in everything they do. I think it changes the culture and sends that message."

Duncan Mathison, a career counselor with Drake Beam Morin in San Diego, is concerned that we have historically treated resume fraud cavalierly.

"If you're looking for a job and they detect it, you aren't going to get the job, but that's really about all that will happen," he says. "The penalty for doing it is rather small. Nobody gets sued over inflated resumes."

He cautions, however, that an inflated or doctored resume can haunt an individual even years after they've been in a job.

"I was just with some human resources people last week and I can tell you that they don't like resume fraud," he says. "If someone is going to lie on a resume, what else are they going to lie about? Are they going to lie on a report to management? I think HR will go at them with a vengeance, whenever they find out someone has an inaccurate resume."

DAILY NEWS

LOS ANGELES, CA  
WEDNESDAY 190,010  
APR 16 2003



**Michael Kinsman**

# Lying on a résumé could cost

## you graduate school or a job



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SAN DIEGO UNION-TRIBUNE

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SUNDAY 374,856  
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EASTERN PENNSYLVANIA  
BUSINESS JOURNAL

ALLENTOWN, PA  
WEEKLY 10,500  
APR 21 2003





# Hitting The Books

INDUSTRY COURSES GIVE  
PROFESSIONALS THE EDGE BY LARA L. SOWINSKI

**T**he complexities of modern-day supply chains demand a lot from professionals in the industry—and while on the job training lends towards experience, formal training can really enhance one's knowledge and marketability. Likewise, there are a growing number of programs and courses available to the logistics professionals, offering a range of diversity, specialization, and level of expertise in a variety of areas.

Some of the nation's top programs have been in existence for years, having adapted their curriculum to the present business environment, while others are fairly new to the scene.

Here's a look at a few of the leading programs:

## **The Center for International Trade and Transportation at California State University, Long Beach**

"Our curriculum is developed by the industry, for the industry," says director Marianne Venieris. When the program was first begun, students were comprised mainly from professionals in the transportation industry. However, it increasingly attracted shippers from companies such as Boeing, says Venieris, as well as others in the industry like customs brokers. The centerpiece is the Global Logistics Specialist (GLS) program, which is the only pro-

gram to offer the trademarked GLS designation. Students are required to complete the program's six modules within two years' time.

Students have the option of taking the GLS modules in sequence or separately as stand-alone courses, and modules are offered every semester. The GLS professional designation can be obtained within one year by attending just one three-hour evening class per week, or within one semester by attending two evening classes per week.

The GLS program is also offered at the California Maritime Academy in the San Francisco Bay area, and at Alliant International University in San Diego.

"Over half of our students are referred by word of mouth," Venieris says. A Master of Arts in Global Logistics is a recent addition.

## **The World Trade Institute of Pace University**

The School of International Trade & Commerce (SITC) is one of six components of the World Trade Institute's programs and services. The course of study for a Certificate in International Trade at the SITC requires a total of 10 courses: five required core courses and five elective courses. Core courses include: Introduction to World Trade; Import Regulations and Documentation; Export Documentation; Export/Import Letters of Credit; and Global Logistics Management.

Customized training programs can also be developed for individual companies, groups of companies, or regional organizations. This option allows companies to:

- Train a number of people at one time.
- Analyze a situation or problem within their company, country or region and develop a consensus

**"Our curriculum is developed  
by the industry, for the industry"**

that will lead to a solution.

- Provide their local business, executives and their staff with information on recent developments and current practices in a particular field.



- Reduce their training expenses through the Institute's group rates.
- Minimize travel costs.

### The Massachusetts Institute of Technology Center for Transportation & Logistics

In addition to administering three interdisciplinary graduate programs—a master and a PhD program in transportation and a master of engineering in logistics—the Center helps coordinate the extensive transportation and logistics research conducted throughout MIT. At any given time, research efforts typically number over 100, ranging from modest projects involving a single faculty member and a few students to large-scale international programs involving scores of people and a full-time research staff. The student body includes an eclectic mix of intellectual and geographical backgrounds, ages, and experiences. About half the students are U.S. citizens and half come from other parts of the world, with approximately two-thirds fluent in at least one language other than English.

Over 50 faculty and staff are affiliated with the Center for Transportation & Logistics through participation in its education, research, and outreach programs.

### The Supply Chain Management Institute, University of San Diego

The SCM Institute is one of the newer programs, and differentiates itself from others in several areas. According to Dr. David N. Burt, director, the program's emphasis on "socially responsible, moral, and ethical behavior" is one such distinguishing feature. Furthermore, "We offer a year spanning integrative project, which is the foundation of the program and is designed to provide a positive return on investment for sponsoring organizations." About 95 percent of the program's students are sponsored either fully or partially by their organizations.

Burt also says, "Our program is offered online, with only 11 days required on campus per year. The online format is designed specifically to meet the needs of working professionals and their organizations, and reflects the evolution in the workplace towards virtual teamwork and collaborative learning." Among the benefits students can gain from the program are the ability to identify gaps between their organization's processes and world-class processes; the skill to plan for and conduct negotiations successfully and ethically; and the competence to deal with uncertainty in the management of supply chains.

## On the Web

SCHOOL	WEB ADDRESS
Center for International Trade and Transportation	<a href="http://www.ucsf.edu/citt">www.ucsf.edu/citt</a>
World Trade Institute of Pace University	<a href="http://www.pace.edu/WTI">www.pace.edu/WTI</a>
MIT Center for Transportation & Logistics	<a href="http://web.mit.edu/ctl/www">web.mit.edu/ctl/www</a>
Supply Chain Management Institute	<a href="http://www.scmisandiego.org">www.scmisandiego.org</a>
Institute of Logistical Management	<a href="http://www.logistics-edu.com">www.logistics-edu.com</a>
Colorado Technical University	<a href="http://www.coloradotech.edu">www.coloradotech.edu</a>

The typical student enrolled in the SCM Institute is a "high performing manager or executive involved in the development and management of supply chains," says Burt. "In addition to supply chain managers and executives, we have engineers, buyers, and managers in the following areas: contracts, logistics, transportation, procurement, materials, inventory, and sourcing. Our typical student has a bachelor's degree, is in the age range of 24-54 years, and has industry experience ranging from 3-5 years."

### The Institute of Logistical Management

Distance Learning is the hallmark of the New Jersey-based Institute of Logistical Management (ILM). Not only does that make the program particularly convenient, it also makes it extremely cost-effective, remarks Frank Breslin, dean and registrar of ILM and former vice president of transportation and distribution for Scott Paper

training as mandated by the Department of Transportation regulations, which must be accomplished every 3 years; and achieve competence in accessing and using the applicable governing regulations through successfully completing all study materials, assignments, and course testing.

Major topics covered in the course are an overview of the DOT Hazardous Materials Regulations; the Regulatory Authority; the Federal Regulations; Hazmat shipping paper requirements; packaging requirements; the shipper responsibilities; carrier responsibilities by transportation mode; and DOT training requirements.

### Colorado Technical University

Colorado Springs-based Colorado Technical University offers a bachelor degree in Logistics Systems Management, as well as undergraduate level professional certificates in Logistics/Supply Chain Management, e-Business Management, and e-Commerce.

The Bachelor of Science in Management degree with a concentration in Logistics Systems Management addresses the principles and techniques of systems management and logistics, including the fundamentals of analysis, design, implementation and customer support. Program content is designed to build a strong foundation in analytical components such as pricing, distribution and supply chain management, as well as cultivating skills in collaboration, professional communications and management strategy. Graduates holding this degree concentration are prepared for logistics systems management positions in areas such as procurement, contract administration, distribution and manufacturing in both private business and the government sector.

The Bachelor of Science degree program in Management, Logistics Systems Management concentration, is endorsed by the Society of Logistics Engineers (SOLE) and its Logistics Education Foundation (LEF).  
1

**"We offer a year spanning integrative project, which is the foundation of the program"**

Company. Warehousing, freight claims management, and transportation law are some of the program's offerings.

In the meantime, a third-party logistics course, which will likely be rolled out later this year, is a "high priority, and in the design phase," says Breslin.

The ILM's Hazmat course is the only Distance Learning course on hazardous materials compliance offered in the United States today. Upon successful completion of this course, students will be able to: Explain the importance and consequences of adherence to the Federal Regulations; meet the criteria for hazardous material



# USD hosts Business Strategy Competition

*Teams from the U.S.,  
Canada and the  
United Arab  
Emirates to vie for  
best business model*

**By Danielle Hashem**  
NEWS EDITOR

Hosting the International Collegiate Business Strategy Competition this weekend, April 10 to April 12, the School of Business will compete against 28 college teams from Canada, The United Arab Emirates and from across the nation at the San Diego Marriott in Mission Valley.

A few of the universities include San Diego State University, Penn State, UC Davis, Southern Illinois University, University of Saskatchewan in Canada and the Dubai Women's College from the United Arab Emirates.

Due to the war in Iraq, members of the Dubai Women's College are not able to travel, but will still compete via satellite.

According to Robin Murphy, the administrator of the International Collegiate Business Strategy Competition, the teams are separated into six worlds in which four to six universities compete against each other in that world.

Each team will manage a mock manufacturing company where they will strategize and respond to global crises, higher production costs, labor strikes and declining earnings.

The teams have "competed remotely for the first 10 weeks of the semester" where they were "making decisions every week based upon the quarterly business calendar," Murphy said.

According to Zachary Love, CEO of the undergraduate team, the groups will be making a decision every 90 minutes in this competition.

"This has been a lot of hard work and hopefully we will shine," Love said.

Murphy has received a great deal of feedback and believes that is a great academic experience.

"They get to put into practice some of the theory and apply it," Murphy said.

USD has been involved with this competition for over 15 years and this is the second year the University has hosted the event.

Love is looking forward to the event and believes USD will do well in the competition. "This is the chance get the trophy," he said.



# Athena Pinnacle Awards

## 2003 Nominees

The following are nomination bios as submitted by the nominating party.

### Individual Nominees — Technology

**Cheryl Moore, CPA  
VP & COO**

#### **The Burnham Institute**

Cheryl Moore has made a commitment to create an environment that would attract and promote women who have the capabilities, drive and willingness to take risks. In the last year, she has promoted 10 women in key project leader positions, in each case helping them to see a broader vision within their area of expertise.

Cheryl is the VP and COO of the Burnham Institute, a \$55 million nonprofit biomedical research institute focusing on cancer and neurological disorders. Cheryl created the operational strategic planning process at Burnham. Annual strategic plans are formulated supporting the scientific vision promulgated by the CEO, which introduce enhancements and operations to the institute. The result is a doubling in revenues and in principal investigators.

She directed the construction of two \$20 million lab buildings to prepare for future growth. In addition, Cheryl has facilitated discussions in stem cell research policy to ensure Burnham's role as a leader.

Cheryl serves on the board of The Burnham Institute, the board of the University of San Diego School of Accountancy, UCSD Athena, Biocom, Economic Development Corp.'s Quality of Life and the California CPA Society. She was academics chair for BIO 2001 and a Steering Committee member for the formation of the SD Regional Cancer Center. Cheryl is the Program Committee Chair for the Bioscience Committee, and was instrumental in hosting the first Progressive Dinner.

**SAN DIEGO DAILY  
TRANSCRIPT**

SAN DIEGO, CA  
THURSDAY 15,000  
APR 17 2003

## Marilyn Hanes named top real estate performer

Marilyn Hanes, a sales associate with the Rancho Bernardo office of Coldwell Banker Associates Realty, has



Marilyn Hanes

achieved the company's International President's Elite award. Only 4 percent of the more than 90,000 Coldwell

Banker sales associates qualify for this distinguished award.

"The International President's Elite designation is one of the highest honors our sales associates can achieve," said Rick Hoffman, president and COO of Coldwell Banker Associates Realty. "Marilyn has demonstrated superior sales performance and outstanding client service. She is a credit to the Coldwell Banker Associates Realty network."

"The opportunity to own real estate is one of the things that makes this country a great nation," Hanes said in a recent interview.

"Our company is proud of the role that Marilyn plays in delivering the American dream to so many people with outstanding dedication to her clients," said Linda Harbert, vice president and senior branch manager. "Her achievements are a testament to her ability to help her clients achieve that goal while helping to strengthen our nation through home ownership. It is always a pleasure to have an agent of Marilyn's caliber and professionalism to provide customer service to the community," Harbert added.

Hanes has more than 25 years experience in the real estate field. She holds a bachelor's degree in business administration from Cal Poly San Luis Obispo and attended the University of San Diego for her MBA.

As a native, she grew up in the local area and has lived in the North County area for over 34 years.



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# 2003 40 Under 40

## ERIC DEUTSCH

Executive vice president  
Dayton Dragons  
Professional Baseball  
Team



**Age:** 35

**Education:** Bachelor's degree in accounting from the University of San Diego, master's degree in sports administration from St. Thomas University in Florida

**Family:** Wife, Courtney

**Residence:** Kettering

**Favorite stress release:** Playing soccer

**Favorite movies:** "Pulp Fiction," "Silence of the Lambs"

**Favorite book:** "The Stand," by Steven King

**As a child, what did you want to be when you grew up?** Doctor

**What was the biggest risk you have taken professionally?** Leaving accounting career to pursue sports career

**Where do you see yourself in 10 years?** In Dayton, still working for the Dragons, having watched and hosted over 900-plus sold-out baseball games in an even more revitalized and vibrant downtown Dayton

**What has been your best business decision?** Moving to Dayton (from Las Vegas) to take the job with the Dragons

**What has been your worst business decision?** One particular dot-com investment

**If you had to pick another job or career, what would it be and why?** University professor – educate young minds in a campus environment with the ability to write

**What word or phrase best describes you?** "You reap what you sow."

DAYTON BUSINESS JOURNAL

DAYTON, OH  
WEEKLY 30,000  
APR 11 2003

HEAVY HITTERS IN REAL ESTATE

# Investment



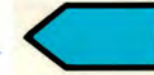
## Greg Dalton CB Richard Ellis

College: University of San Diego

Years in commercial real estate: 27

Notable clients or properties:  
Raley's, Kmart, Doug Sutherland

Deals closed in 2002: 17



CP2  
HEAVY HITTERS IN REAL ESTATE

# Office



## Greg Levi CB Richard Ellis

College: University of San Diego

Years in commercial real estate: 15

Notable clients or properties:  
B&Z Properties, Granite Regional  
Park, Meridian Plaza

Deals closed in 2002: 118



SACRAMENTO BUSINESS  
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SACRAMENTO, CA  
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**Ken Blanchard**

*Distinguished Faculty, MSEL  
Author of The One Minute Manager*



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San Diego Business Journal, April 21, 2003

**SAN DIEGO UNION-TRIBUNE**

**SAN DIEGO, CA**  
**SUNDAY 374,856**  
**APR 13 2003**

**School of Education**



# Good schools need good leaders



## Education Up Front

By Ginger Hovenic

Somebody wise and quotable once said something to the effect that "education can't make us all leaders, but it can teach us which ones to follow."

The saying may allude to education's role in teaching people to follow the right leader; but the linkage between education and leaders also cues our attention to the need for good leadership within our school system, particularly at the local neighborhood, elementary, middle or high school.

Leadership in public education today is so often focused at the district or even state level as elected school board members, appointed superintendents, legislators and the like grapple with the issues that make headlines in public education. But, nothing happens at those lofty levels unless individual schools embrace the initiatives and then exercise leadership at their level to make it happen.

It goes without saying that in order for a school to be good, it needs a good leader as principal. Over the course of my career as a teacher and principal, I can't think of a good school that didn't have a good or even outstanding principal. Good schools don't create themselves any more than good companies do without good management.

Yet, we have a critical shortage of really good school leaders who are capable of occupying the principal's offices in our public schools. That's not to say we don't have good principals in our schools. We most certainly do. But we don't have enough to meet the demand in the short-term future. We therefore need to allocate more resources to identify, train and support principals who can be top-flight instructional leaders at their schools. There are some resources in place that can provide good training for present and prospective principals.

In addition to the master's and doctoral programs available at various schools of education, The University of San Diego's Educational Leadership Development Academy, together with San Diego Unified School District, has created a partnership to try to address in limited fashion the shortage of qualified candidates for principalships. The program has just completed its second year, working with 14 administrative interns from the 180-school district. Participants take academic work at USD and work as full-time "apprentices" to mentor principals.

The Principals Executive Program (PEP) at UCSD is designed for already outstanding and motivated school leaders. Some eight monthly seminars are structured to provide significant time for critical reflection, planning and action with colleagues from other schools, nonprofit and government organizations, local businesses and other stakeholders from the school's local community.

What's particularly valuable about the PEP is the exposure principals get to non-education enterprises. In this forum, they see and hear first hand the similarities between companies that need to improve their products and services by building bridges to their customers and schools that need to improve their "product" — student achievement — while doing a better job of connecting with teachers, parents and other community members.

Yet another resource for school site leaders is the San Diego County Office of Education's Leadership Development Center, led by Dr. Sheridan Baker. This program not only works with administrators, past and future, but teachers, classified staff, parents and community members through the development of group process skills of job-alike groups, school teams and other school configurations. The program builds capacity and empowers participants to work productively together in future collaborative activities — a skill that cannot be overemphasized in this area of many stakeholders and shared governance structures.

## SAN DIEGO DAILY TRANSCRIPT

SAN DIEGO, CA  
THURSDAY 15,000  
APR 17 2003



In fact, consensus building — the ideal product of productive collaboration — perhaps has become the most powerful tool in a successful school leader's kit. If there is anything that differentiates effective from ineffective school leaders, it would be the skills needed to help those in their charge to reach consensus.

An article in a recent issue of the National Staff Development Council's *Journal of Staff Development* suggests that consensus gives leaders the moral authority of the group to proceed with initiatives and confront resisters.

One thing consensus should not be confused with is unanimity. Not everybody is going to agree on important policies and procedures. While school leaders should strive for unanimous support for an improvement initiative, they should be prepared for the more typical scenario in which all parties don't always agree.

How, then, does an effective school leader use consensus to move an initiative along when not all parties agree?

The journal article suggests there needs to be a point reached when all the points of view have been heard and the group's will is evident, even to those who oppose it. When those who resist the initiative do acknowledge the group's will, the leader must be prepared and willing to press for action and move ahead. That entails clarifying the specific responsibilities of each participant and then monitoring each person's attention to those responsibilities — whether or not they were in favor of the initiative in the first place. Their focus should be on ensuring that all staff members act in ways that will advance the initiative itself. As people gain experience in the improvement process and begin to see the benefits, their enthusiasm for and commitment to the process will likely increase.

If, however, a leader is unable to achieve clear consensus on a particular initiative, then he or she should pilot the initiative on a smaller scale with a willing group of participants. Good school leadership is not an "all-or-nothing" proposition; it requires collaboration and negotiation before implementation can take place.

Consensus building is the chief failing of so many school leaders. The need for good instructional school leaders has never been more critical, given the high stakes that are now part of the state's standardized testing program. Test scores go up, the leader and others are rewarded. Test scores don't go up, the leader is history.

In public education today, school leaders must inspire, lead and support their teaching staffs to provide the best educational system possible to enable every child to reach his or her maximum potential. Good schools take great leadership.

Great educators dare not leave home without it.

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*Hovenic, Ed.D., is president and chief executive officer of the San Diego Regional Chamber of Commerce Foundation and executive director of the Foundation's Business Roundtable for Education. E-mail her at [ginger.hovenic@sddt.com](mailto:ginger.hovenic@sddt.com).*

**Source Code: 20030416tza**



**Institute for Peace and Justice**

# Religious leader fears war's backlash

4154

By Sandi Dolbee  
RELIGION & ETHICS EDITOR



The Rev. Robert Edgar, of the National Council of Churches, worries about a foreign policy based on pre-emptive strikes. Howard Lipin / Union-Tribune

**W**hile military leaders are declaring that the biggest battles in Iraq are behind them, one of the strongest religious voices against the U.S.-led incursion suggests that the real war may not have even started.

"We may have created more terrorists than we eliminated," said the Rev. Robert Edgar, general secretary of the National Council of Churches, a New York-based ecumenical group whose membership includes 36 Protestant and Orthodox denominations.

Edgar, who was in town Tuesday to speak at the Joan B. Kroc Institute for Peace and Justice at the University of San Diego, said in an interview that he is worried about the repercussions that the war will have throughout the Persian

Gulf region and Middle East.

"How many future suicide bombers do we create in other places because of our arrogance and our greed?" he asked.

Iraq and surrounding countries wanted Saddam Hussein out, but they don't want foreign occupation, Edgar said. "Because they have so much hatred for Israel, they think the United States may do to Iraq what Israel has done to the Palestinians."

He's also worried about the effect this war is having on interfaith relations, particularly between Muslims and Christians.

He mentions an e-mail he received from a conservative Christian who went into "great detail" about how Muslims cannot be trusted. "It was the kind of language that racists in the South

SEE Edgar, E2

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA  
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## ► EDGAR

CONTINUED FROM E1

### Leader thinks impact of war is yet to come

would have used against whites that cared about blacks."

Next week, Edgar will meet in Chicago with other interfaith leaders to address war-related concerns. The group also is organizing an international inter-religious summit later this year, which Edgar hopes will draw participants ranging from Pope John Paul II to His Holiness the Dalai Lama.

One of the challenges facing this international summit, he said, will be to moderate fundamentalists of all faiths — including Christians.

"Jerry Falwell, Franklin Graham, Pat Robertson, that crowd, are locked into an Old Testament view of God," Edgar said. "God was going to come, and the Messiah was going to be a leader in the military army — and God shocked and awed everyone by sending Jesus."

Edgar, 59, is a former Democratic congressman from Pennsylvania and a United Methodist minister. He's been an outspoken critic of the war for several months, traveling on a peace mission to Iraq in December and helping form Win Without War, a coalition of faith-based and social-service-based organizations.

Like several other religious

leaders, Edgar maintains that the U.S.-led military action did not meet the litmus test for a "just" war and favored continuing the work of the United Nations' weapons inspectors.

Instead, he suggests the United States has launched a foreign policy of preemptive strikes, with President Bush as the "world's sheriff."

On the other hand, Edgar also acknowledges that most Americans, regardless of their religious faith, support the war in Iraq. Clearly there is a disconnect between religious leaders such as himself and the

people in pews. What does he think of that?

"None of the prophets and none of the disciples ever had a majority, none of them ever took a poll, and none of them ever took a vote to decide what God's will is," he answered.

He said the polls should be showing stronger support (approximately 76 percent of Californians back the war, compared with about 70 percent nationally, according to opinion polls released earlier this month). "The fact that it wasn't 95 percent supporting the administration is what is troubling

to me," Edgar said. "If you go to war, I think you need all of the people, or the lion's share of the people behind you."

His speech Tuesday night at USD's peace institute kicked off the Joan B. Kroc Distinguished Lecture Series. The theater was packed to hear Edgar call for the church to actively promote a foreign policy of peacemaking.

"Being fully engaged internationally in a foreign policy of peacemaking means to focus more attention on preventing conflicts rather than seeking to intervene or react to crises," he said.



The Rev. Robert Edgar was at USD's peace institute Tuesday to kick off the Joan B. Kroc Distinguished Lecture Series, designed to promote peace issues. *Howard Lipin / Union-Tribune*



The San Diego Union-Tribune • Thursday, April 10, 2003

## RELIGION & ETHICS



**The Rev. Bob Edgar, head of the National Council of Churches and a leader in the religious opposition to the war in Iraq, will kick off the Joan B. Kroc Distinguished Lecture Series 7 p.m. Tuesday at the Institute for Peace & Justice on the USD campus. Edgar will talk about efforts to find a diplomatic solution to the war. Admission is free but people are asked to RSVP by Saturday at (619) 260-4236. *United Methodist News Service photo***



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## Calendar LOCAL EVENTS

and Tom Weston, Tuesday, April 15, 7 p.m., First Unitarian Universalist Church (4190 Front Street, across from the UCSD Medical Center). 858-459-4650. Free. (HILLCREST)

**"When Pigs Fly:** Legal and Ethical Issues Transgenics and the Creation of Chiméras," presented by Linda MacDonald Glenn, senior fellow at the American Medical Association's Institute for Ethics. Lecture at 3 p.m. on Tuesday, April 15, Joan B. Kroc Institute for Peace and Justice (University of San Diego, 5998 Alcalá Park). Free. 619-260-4705. (LINDA VISTA)

**Landscape Architect and Artist** Martha Schwartz speaks for the series co-hosted by the Museum of Contemporary Art and the American Institute of Architects, Tuesday, April 15, 7 p.m. at the museum, 700 Prospect Street. Tickets are \$7 general (includes gallery admission). Information: 619-232-0109. (LA JOLLA)

**"The Role of the Church** in U.S. Foreign Policy Today" addressed by Robert Edgar — general secretary of National Council of Churches — Tuesday, April 15, 7 p.m., Joan B. Kroc Institute for Peace and Justice (University of San Diego, 5998 Alcalá Park). Free. Reserve by April 12, 619-260-4236. (LINDA VISTA)

**"Life and Death Among the Stars"** discussed by USD's David Devine for Eyes on the Universe, Reuben H. Fleet Science Center, Wednesday, April 16, 7 p.m. \$6.75. 619-238-1233. (BALBOA PARK)

**Changing Problems and Opportunities** for academic and professional women over the past 35 years are examined when Sue Gonda speaks for San Diego Independent Scholars, Wednesday, April 16. Program begins in room 111 of the Chancellor's Complex at UCSD at 7:30 p.m. 760-431-6822. Free. (LA JOLLA)

**"How to Publish Your Book,"** author John F. McGrew speaks Wednesday, April 16, 7 p.m., Mission Valley Library (2123 Fenton Parkway). Free. 858-573-5007. (MISSION VALLEY)

**Architecture and Design Issues** are examined in a lecture series hosted by Woodbury University. A "Tale of Two Cities (San Diego/Barcelona)" is told by Pau de Solá-Morales and Maria Bohigas of Barcelona and Mike Davis of S.D., Thursday, April 17, 6:30 p.m., at Athenaeum Music and Arts Library (1008 Wall Street). Free. 619-235-2900. (LA JOLLA)

**"Animal Cruelty and Your Community"** is the topic Thursday, April 17, 6 p.m., at San Diego Humane Society.

San Diego Reader, April 10, 2003

## **Kyoto Laureate Symposium**



# An outside view of U.S. scandal, sky-high pay

## Anti-Americanism linked to poverty

There is a lot of anti-American sentiment going around and U.S. corporations are obvious targets. For an outside perspective, USA TODAY management reporter **Del Jones** talked to Kazuo Inamori, the 71-year-old founder and chairman emeritus of Kyocera. Not a household name in the USA, Kyocera is a big player in the electronics industry. It is the world's largest maker of integrated ceramics packages for computers and is ranked No. 334 on the Financial Times' Global 500 largest companies. Inamori, who became a Buddhist priest at 65, was interviewed through an interpreter just before war began in Iraq.

### Q: What is behind the anti-American sentiment? Is the world envious of our success?

A: Anti-American sentiment is not caused by success or prosperity. It is because the United States has become so strong militarily. The sentiments seem to be directed toward U.S. militarism, and not toward U.S. corporations.

### Q: It has nothing to do with U.S. economic might?

A: Rather than envy, I would say it is apprehension ... fear.

### Q: Should U.S. companies be concerned?

A: Some cautions are in order. You have truly become the most powerful in the world. The stronger you become, the more careful you must be not to lose humility. The stronger the power is, the more humble you must behave.

### Q: You are a Buddhist priest and a student of philosophy. Why does religious extremism seem to be at the root of anti-Americanism?

A: I don't think extreme religious thinking is driving anti-American sentiment. Anti-American sentiment comes mostly from impover-

ished countries. Those countries were left behind by modernization and industrial prosperity. Struggling daily with poverty and hardship, people in those nations want to find some hope. Religion is all they have. It is easy to jump to the conclusion that religion is the cause of anti-American sentiment, but it's not the case. It is poverty, not religion.

### Q: What steps can the leaders of U.S. companies take to improve their image?

A: Leaders who manage U.S. companies should, of course, do what is good for the United States. But they should also be mindful of global repercussions. They must do what helps people in other parts of the world — for the sake of humanity. Humble behavior or humility is required. They should show sincere efforts to serve all people of the world — to do something for the betterment of mankind.

### Q: There has been a rash of corporate scandal in the USA. Do you think U.S. corporate leaders are more corrupt than those in other parts of the world?

A: They are not particularly more corrupt. You can find corruption almost anywhere. In the case of Enron or WorldCom, their leaders must have felt the need show evidence of their management success. By showing others how good their achievements were, they were able to maintain their stocks at artificially high values. As a result, their companies benefited from higher paper profits, and they were able to enjoy higher exercise prices for their stock options. The more they pursued their self-interest, or egoism, the less humble they became, and even greater egotistical desires emerged.

### Q: U.S. CEOs are compensated far more generously than CEOs in Japan and elsewhere. Is that a source of anti-Americanism?

A: Yes, I think so. The compensation level in this country is so high that it tempts the personal charac-

## Advice from the top

CEOs take on issues in the news



By Sandy S. Huffaker Jr. for USA TODAY

**A Buddhist perspective:** We should return to our ancient saying of "learn to be content with what you have," to put a limit on the ever-escalating desires of our human egos, says Japan's Kazuo Inamori.

ter of the leaders. If rewards were more normal, I think these scandals could perhaps have been avoided. (Kyocera said Inamori's compensation is not public and declined to provide it. He received \$3.4 million in dividends from his 6.8 million shares of Kyocera stock last year.)

### Q: Why is the level of compensation so much greater for U.S. CEOs?

A: (Laughing) That is a question I would like to ask USA TODAY. In the Orient, we have a saying: "One general enjoys all the glory, while thousands of soldiers perish." In the United States, it appears that people place too much confidence, trust and value on one individual. Of course, a leader should be given a certain amount of power and compensation.

However, directors, officers, general managers, department heads and tens of thousands of

## Inamori says ...

► The more might a country or corporation wields, the more humble it must be.

► Take steps to ease global poverty, and it will ease animosity and terrorism.

► Pay for performance is good, executive greed is not.

► Work conspicuously hard.

► Before going to bed, read and study philosophy and religion.

other employees are also working together and producing profit for the corporation through their joint efforts. Corporate profit is the fruit of such joint efforts and should be shared with all of the people. I wonder why the top people are allowed to monopolize that fruit



## About Kazuo Inamori

► Born in 1932 to a poor family in Kagoshima City, Japan. Founded Kyoto Ceramic in 1959. Founded DDI, Japan's second-largest telecommunications company, in 1984.

► Bachelor's of science in applied chemistry, Kagoshima University (1955). Honorary doctorates from Alfred University, University of Denver, Cranfield

University (U.K.), University of San Diego, Kagoshima University and Pennsylvania State.

► Author of two management books: *A Passion for Success* and *For People and for Profit*.

► Entered Buddhist priesthood in 1997 at the Enpuku-ji temple in Kyoto. Received Buddhist name Daiwa, meaning Big Harmony.

born of joint efforts. I want to ask the American people, "Why?"

**Q: The argument is that compensation tied to performance motivates corporate leaders to success and successful companies benefit shareholders and employees. Why would you want to change that?**

A: I quite agree that a system of compensation tied to performance can produce beneficial effects. I'm saying that today's level at your country is too high. Perhaps it could be lowered to the level where CEOs will still be encouraged to make the effort without distorting their mental attitude and integrity. When a performance-based compensation system boosts motivation to work harder, it is a good system. I'm not denying this at all. I'm only suggesting that today's too-high level should be lowered to where it will not affect the integrity of the CEOs to sincerely serve the company and humanity.

**Q: Despite the scandals, U.S. companies remain the envy of the world. What can the world learn from American corporate leaders?**

A: U.S. leaders have mastered a high level of management control. Their skills are excellent. They are very creative and ingenious in finding new ways to run a business. Your CEOs are conspicuously making efforts. Compared with CEOs in other countries, they are more dedicated, both physically and spiritually, to the management of their companies.

**Q: The Japanese have a reputation for their work ethic. Are you saying that U.S. CEOs work harder than Japanese CEOs?**

A: In the past, Japanese CEOs were hard-working. There was a time like that, perhaps up to 10 years ago. But in recent years in Japan, I'm afraid we have been losing

such hard-working CEOs. In my opinion, U.S. leaders, in general, work harder.

**Q: Is it possible to work too hard?**

A: Working hard is a good thing. That's my firm belief.

**Q: With all that corporate leaders have to do, how important is it for them to study philosophy and religion?**

A: Everybody is busy, so perhaps it is not possible to spend so much time on this — but I think it's important. I spend 30 minutes to one hour daily. Before going to bed I read a book on philosophy or religion. I think it is necessary for leaders, even if it may not be possible to do so every day, to try hard to elevate our mind. It will help us avoid deviating from the right path in our life and maintain management in a righteous direction.

**Q: Is that important only on a personal level, or does a spiritual CEO help the corporation?**

A: Leaders should try to correct their individual lives and learn to follow the righteous way. Then they should reflect on it in choosing the correct way of running the company. In order for companies to run in a proper, righteous way, leaders need to walk in a righteous direction.

**Q: You cite the old Japanese proverb: "A genius drowns in his talents." What does that mean?**

A: While it's true that talented people possess amazing skill, their talents need to be exercised with character and integrity. Sometimes those talents drive away the wonderful personality the person once had — and when that happens, the talents run out of control. Therefore, the proverb, "A genius drowns in his talents," warns that the more talented people are, the more effort they require in directing how their talents are used.



# Special opportunities for students in San Diego



## Education Up Front

By Ginger Hovenic

4154  
In the midst of all the hand wringing over the state budget's lack of financial resources to provide quality educational programs for our young people, we can easily forget what outstanding and world-class educational offerings there are outside our school campuses throughout the San Diego region.

These resources are many times free of charge and readily available for our children, parents and their teachers to see and hear.

A recent prime example was the second annual Kyoto Laureate Symposium earlier this month that highlighted international lifetime achievements in technology, science and the arts. Sponsoring this world-class event were the University of San Diego and the Inamori Foundation, founded by Dr. Kazuo Inamori, chairman emeritus of the Kyocera Corp., the parent entity of San Diego-based Kyocera North America. What an honor it was for the San Diego community to host this caliber of an event that brought together three major intellectual leaders.

The men who each received one of the world's leading awards for lifetime achievement, the Kyoto Prize, last November as well as many other scholars and scientists gathered at USD's Joan Kroc Institute for Peace and Justice to speak on their respective areas. The Kyoto Prizes, very prestigious awards, are acclaimed on the same level today as the Nobel Peace Prize.

School districts were invited to send students, teachers and parents to attend the presentations of these world experts. Those attending received an exposure to three of the brightest and most accomplished minds in the world today. The presentations were a world-class educational resource literally a short trip from any point in San Diego County.

The presenters themselves may not be household names in our pop culture, but their achievements affect our lives in ways far beyond the fame of popular stars and personalities.

For example, one of the Kyoto Laureates, Dr. Leroy Hood of the United States, won the prize in the Advanced Technology category for leading the Human Genome Project that revolutionized genomics. Specifically, his accomplishments allowed the rapid mapping of the human genome, a process that had been predicted to take up to 100 years to complete. The impact of his work is incalculable in the advancement of the life sciences.

France's Mikhael Gromov, the Kyoto Prize laureate in Basic Sciences, told local students and teachers and others gathered about his introduction of a metric structure that has toppled traditional approaches to geometry. Too complex to try to explain here, his work continues to develop in various directions beyond geometry and is having an immeasurable impact on all the mathematical sciences.

A self-taught Japanese architect and professor, Tadao Ando, holds the Kyoto Prize in Arts and Philosophy for his pioneering work in developing forms of modern architecture that forge new visions of a balance with nature. His structures span the globe, including the Pulitzer Foundation for the Arts in St. Louis, the recently opened Modern Art Museum of Fort Worth (Texas), and his submitted designs for the rebuilding of the World Trade Center in New York.

Though outwardly scientific in tone, the awards these men received challenges mankind to place humanity above technological advancement and profit. The Kyoto Laureate Symposium, in the words of USD President Alice Hayes, "provides us with the unique opportunity to showcase the role that social responsibility must have in the intellectual advancements in any field."

← The symposium is far from being the only world-class resource available to our young people. The Salk Institute, founded in La Jolla nearly 40 years ago by one of the greatest minds of the 20th Century, the late Dr. Jonas Salk, does globally significant work in biological research. Likewise, the Scripps Institution

of Oceanography, also in La Jolla, is a world landmark in marine biology and the study of the oceans.

What about augmenting classroom curriculum via the many world-class museums in Balboa Park that regularly feature opportunities for world class speakers and explorers regarding their recent adventures? The Roundtable treated four history classes to pizza and sodas on Election Night last November and discussed the candidate's platforms. Then the group walked down to Election Night Central at the Civic Center to watch the votes come in and how candidates conducted themselves. I have a suspicion that these students will be voters for life.

Other than occasional field trips, which were cut from school budgets the last go around, have our schools really taken advantage of these and so many lesser, but still valuable, resources in finding creative ways to stimulate young minds to learn about and appreciate history, the arts, science and technology?

These and so many other scientific resources in our region offer direct educational benefits to the tens of thousands elementary, middle and high school students throughout our county. They need only to be sought out by principals, teachers and others who must now be more aggressive and creative to find ways to augment classroom instructional resources that are being impacted by the shortage of dollars from Sacramento. For example, did they know and take advantage of the Roundtable-sponsored tours on the Old Town Trolley that highlighted third grade curriculum featuring the indigenous Native American Indian cultures, land masses and early settlers of San Diego?



**SAN DIEGO DAILY  
TRANSCRIPT**

**SAN DIEGO, CA  
THURSDAY 15,000  
APR 3 2003**

San Diego is a world venue in science and technology, in particular the bio-medical and wireless technology fields. The institutions and programs that reside in the region are and should be considered as classroom environments. Pfizer has developed classroom activities that involve current employees working in San Diego's classrooms to bring math and science alive for students of all ages. Other scientific companies provide speakers to the classrooms regarding the latest discoveries that can't be found in any textbook.

In several recent columns dealing with the state budget's impact on educational funding, I have preached over and over about the need to get creative and find new resources that don't require as much or any finances. Our status as a technology and biology center must be exploited by our schools to augment instructional resources now in short supply and more important to stimulate young minds to pursue careers that will influence the quality of life for generations to come.

Let's reach out and inform our students and parents about opportunities to experience the intellectual world San Diego has to offer. There is simply no excuse for not doing so.

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*Hovenic, Ed.D., is president and chief executive officer of the San Diego Regional Chamber of Commerce Foundation and executive director of the Foundation's Business Roundtable for Education. E-mail her at [ginger.hovenic@sddt.com](mailto:ginger.hovenic@sddt.com).*

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**School of Law**

# SAN DIEGO UNION-TRIBUNE

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## LA JOLLA

### UCSD climbs to 11th on magazine's list

UC San Diego's engineering school has reached the 11th spot in the national rankings of graduate and professional schools by *U.S. News & World Report*. The survey results will be published Monday.

UCSD's Irwin and Joan Jacobs School of Engineering has advanced 27 slots since the magazine began its rankings of graduate programs in 1990.

The Jacobs school faculty spent \$130 million in annual research, placing it second in the nation in spending per faculty member. The university's medical school ranked 16th nationally for schools with a research focus, also a slight improvement.

The weekly magazine's rankings are based on surveys of deans, faculty members and professionals in the field. While the magazine attempts to gauge academic quality by examining schools' research activity, faculty re-

sources and student selectivity, it has been criticized for oversimplifying and placing too much weight on reputation.

San Diego State University's presence in graduate school rankings is small, and this year drifted downward. Its entrepreneurship program slipped to 25th from 20th in 2000, and its rehabilitation counseling program dropped to 12th from 10th three years ago.

The University of San Diego's law school tied for 59th and its nursing program ranked 39th this year.

The rankings are available online at [www.usnews.com](http://www.usnews.com).



# Luce Forward merger talks called off



## Law Briefs

By Andrew Donohue

4154 pg. 3A

Merger talks between San Diego's **Luce Forward Hamilton & Scripps LLP** and Seattle's **Preston Gates & Ellis LLP** have ceased.

"This decision was a mutual one for the law firms," said Robert Buell, Luce Forward's managing partner, in a statement. "The preliminary discussions did not identify sufficient potential synergies within practice areas to warrant a merger. We have great respect for each other's firms and are thankful for the opportunity to discuss these strategic issues with outstanding people."

One of San Diego's oldest law firms, Luce Forward had been in merger discussion with the Seattle firm since at least January. **Source Code: 20030408tja**

Sheppard, Mullin, Richter & Hampton LLP has added Frank J. Johnson Jr., as a partner in the firm's Del Mar Heights office.

Johnson focuses on business disputes with an emphasis on intellectual property and related issues. He also counsels clients on intellectual property issues such as counterfeit products, trademarks, trade dress, copyrights and similar issues related to the World Wide Web.

A graduate of Washington University School of Law, Johnson is a member of the firm's intellectual property and technology practice group and its real estate litigation, environmental and construction practice group. **Source Code: 20030408tjb**

The New York-based firm **Buchanan Ingersoll** announced that Bradford J. Duft has joined the firm's San Diego intellectual property practice.

Duft, a former partner in the local office of Brobeck Phleger & Harrison LLP, will concentrate on counseling biotechnology clients in intellectual property strategy,

deal making and litigation.

He opened Lyon & Lyon's San Diego office in 1989 and later worked as vice president and general counsel of **Amylin Pharmaceuticals** from 1990 to 1998. **Source Code: 20030408tjc**

Ernest M. Gross was sworn in as a new commissioner for San Diego County Superior Court. He will be assigned to San Marcos.

Gross kept a general civil litigation practice for 20 years and was an associate in the 1980s for **Thorsnes, Bartolotta, McGuire & Padilla**. He also has served the court as a pro tem judge in small claims court and as an arbitrator since the 1980s. **Source Code: 20030408tjd**

Gov. Gray Davis has appointed Aaron H. Katz and Stephanie Sontag to serve as judges of the San Diego Superior Court.

Katz focuses on the defense of medical malpractice and products liability cases as a member of **Chapin, Shea, McNitt & Carter**. He also served as a deputy district attorney from 1986 to 1990.

Katz will fill the opening vacated by Bonnie Dumanis' election to San Diego County District Attorney. He will be paid \$139,476.

Sontag, a partner at **Procopio, Cory, Hargreaves & Savitch LLP**, specializes in complex business litigation and the defense of labor and employment cases. Her annual salary will be \$139,476.

Katz served as president of the San Diego County Bar Association in 2001, while Sontag filled the position in 2000. **Source Code: 20030408tje**

The University of San Diego School of Law's faculty rank 22nd in the nation among law schools, according to a new survey done by the University of Texas.

The study was based on a survey of more than 150 law professors throughout the country.

It described USD as having a relatively young law school with a regional reputation. **Source Code: 20030408tjf**

andrew.donohue@sddt.com

**SAN DIEGO DAILY  
TRANSCRIPT**

SAN DIEGO, CA  
WEDNESDAY 15,000  
APR 9 2003



# Ill Will Grows Over San Diego Stadium

By JONATHAN D. GLATER

SAN DIEGO, April 24 — It was bad enough to some baseball fans that Petco, the pet-supply retailer, recently bought the naming rights to the new Padres ballpark here, but that was only one milestone for a stadium that has been unable to shake controversy.

When the stadium was approved by voters in 1998, it was to be a masterpiece, with a view of the city skyline and a grassy area just beyond center field — “the park at the park” — where fans could sit and watch baseball games free, albeit from a distance. To keep those sight lines intact, development around the park would be discreetly low, with tasteful retail shops at ground level.

But a recent proposal by the Padres to develop the area around the ballpark has ensured that the project will continue to be controversial. Included in it are three high-rise towers that, critics say, would wall off the stadium from the skyline and would drastically shrink the center field park.

“That created a real firestorm within the community,” said Peter Hall, president of the Centre City Development Corporation, a non-profit corporation that represents the city’s interests in the project. “You can see from a lot of the editorials that it has turned into a bit of a political battle between the friends of the Padres and the public.”

On Wednesday, Mayor Dick Murphy and the City Council ordered the development corporation to negotiate with the Padres and the ballpark’s developer, JMI Realty, to come up with a plan that includes a larger outfield park and a smaller commercial development.

“We must keep faith with the voters of the city of San Diego,” Mayor Murphy said in a statement. When the ballpark was approved nearly five years ago, he said, voters “believed that the downtown ballpark redevelopment project would include a sizable park beyond the outfield wall with views of the game.”

The Padres and JMI Realty — a company owned by the Padres’ owner, John J. Moores — released their own statement in response. “We are aligned with the city in our mutual desire to make the park at the park a great destination for all San Diegans,” the statement read. “Petco Park is still on schedule to open for the 2004 season and we are hopeful this situation can be quickly resolved so the park at the park can open as soon as possible.”

The ballpark’s troubles have been compounded by the city’s recent relationship with its other professional sports team, the National Football League’s Chargers, said Daniel Rodriguez, dean of the law school at the University of San Diego, who has closely followed the stadium issue. The Chargers negotiated a deal guaranteeing that the city would pay for unsold seats at home games at their stadium, to the consternation of voters, Mr. Rodriguez said.

“You’ve got that as background,” he said. As a result, the Padres project “falls into the category of, ‘Here we go getting ripped off again.’”

The ruling by the council and Mayor Murphy was seen as a victory by Lynne Heidel, a lawyer at Sullivan, Wertz, McDade & Wallace whose clients include landowners in the city’s East Village neighborhood whose property was taken by the city to make way for development around the ballpark.

“This direction is exactly what we had been hoping for: a larger park

NEW YORK TIMES

NEW YORK, NY

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and shorter buildings that are more in keeping with what the voters thought they were voting on," Ms. Heidel said. If her clients could have retained ownership of their properties, she said, then they could have developed it on their own.

Tom Carter, a developer who served on the committees that reviewed early plans for the ballpark project, said that the Padres' proposal would have amounted to a bait and switch on voters.

"We showed the voters what we were going to do here," Mr. Carter said. "This is really about truth in

## The Padres and the city are at odds over the size of a project.

advertising."

The ballpark did not start out as a particularly controversial project. About 60 percent of voters approved it in 1998. Then the lawsuits began, 19 in all, according to Mr. Hall. Some opponents charged that the project was a corporate giveaway subsidized by taxpayers, favoring the Padres organization and developers. The development corporation won every case, Mr. Hall said, but doing so delayed construction for two years.

Proponents of a larger development around the park say that tax revenues from such properties would

help pay off the nearly \$300 million in bonds issued to finance the stadium. And the larger the development, they say, the more money it will generate.

In their recent proposal, the Padres sought close to 900,000 square feet of commercial and residential space in the development, while the development corporation had proposed a development of less than 800,000 square feet, Mr. Hall said.

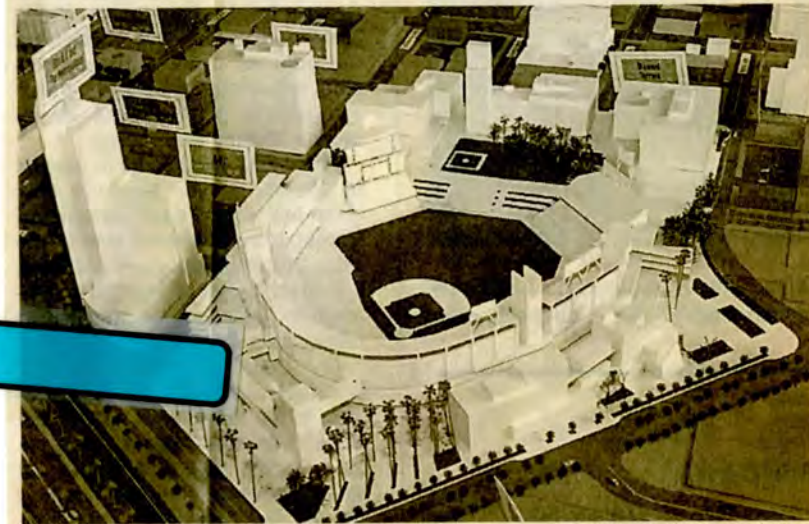
"The council is saying, 'We don't like either one of these,'" he said. It is likely that the final number will be about 600,000 square feet, he said.

The development of the ballpark has been shadowed by publicity surrounding recent business dealings by Mr. Moores, the owner of the Padres. He resigned earlier this year as chairman of Peregrine Systems, a San Diego software firm that filed for bankruptcy after restating nearly three years' worth of financial results.

From 1997 to 2001, a period that includes the restatements, Mr. Moores sold more than half a billion dollars in Peregrine stock. He has since been named in several shareholder lawsuits.

San Diegans seem to approve of the ballpark itself, though its name has been the subject of much commentary, most of it negative. Mr. Rodriguez, of the University of San Diego, said he believes that the city will prevail in the fight over the development surrounding it.

"The city now has a great amount of bargaining leverage over the developers," he said, because so much money and time have been invested in the nearly completed ballpark. "There's a tremendous amount of investment-backed expectation."



Dave Gatley for The New York Times

Petco Park in San Diego, top, is expected to open in 2004, but unresolved issues include the size of a park beyond center field and the amount of nearby development. Above, a model of the project.



# Best and brightest not serving the public sector



## Legal Academics

By Daniel Rodriguez

The legal profession attracts the best and brightest of our nation to pursue justice and uphold the principles that make America the greatest nation in the world. At the root of this attraction is the opportunity to make a positive difference at the most public level.

Our very system of democracy is designed to ensure every citizen of every race, color and creed receives the best, fairest and most equal legal representation. And while there are many excellent lawyers working today in government and the public sector providing this service to the people, far too many of our best and brightest lawyers never even consider such a noble calling.

As citizens in a democracy blessed with a system of justice that represents the people, we all have a stake and a responsibility to uncover both the root cause behind why so many of the most promising lawyers aren't pursuing public sector employment and to work together to change this tide.

According to a recent report, close to 40 percent of law school students on the verge of graduation expressed a significant inter-

est in serving the people in the public sector. The main attraction is obvious: The ability to serve the public — the people — at the grass roots is the very heart of our legal system. Today's graduates share the same vision that lawyers from generations past have — when you can serve the public interest through public sector and government jobs, you can make a tremendous difference in the lives of fellow citizens and the community.

But the report, conducted by Equal Justice Works, the Partnership for Public Service, the National Association for Law Placement, and the National Legal Aid and Defender Association, revealed some very troubling news. For example, of that 40 percent who were eager, ready and willing to serve the people, fewer than 3 percent would actually accept a job serving the people in the public sector or government.

Why? A double-whammy: The lower salary of public employment (compared to private law firms) coupled with law school debt.

Translation: Most of the best and brightest lawyers aren't pursuing work in the public sector for all the wrong reasons.

The consequences: The public sector is hurting. Not only is the public sector and government not

hiring some of the best lawyer's today, they are also losing some of the best lawyers today. Across the country, including here in San Diego, public interest and government employees are reaching a crisis stage of recruiting and retaining lawyers, enough to rival the state's teacher and nurse shortage.

Multiple surveys and studies of U.S. cities and states from Maine to California highlight the same stark reality: just finding graduates to accept public service positions is a daunting challenge.

The same Equal Works report found that more than two-thirds of public employers struggle to recruit lawyers while close to 50 percent have witnessed an increase in lawyer turnover over the past several years. So adding insult to injury, those lawyers working in public service positions today will remain there far less than in the past. In fact, some 69 percent of lawyers quit public interest jobs within five years of beginning employment — a troubling statistic that puts a drain on our already belt-tightening public resources to be constantly recruiting new employees.

Sadly, this trend is poised only to get worse before it gets better — unless the people work together to help reverse the trend. And when you really think about it, this trend can't afford to con-

tinue because we — the citizens of our democracy — ought not to be short-changed. The founding fathers had a vision for our country and it most certainly did not include watching some of the best lawyers bypass serving the people for all the wrong reasons.

Yet today, instead of knowing we the people are receiving legal services from the best and brightest lawyers, we are currently being left with an unfulfilled promise that each and every citizen of every race, color and creed is receiving the best, fairest and most equal legal representation. That is the greatest travesty.

As citizens, we each have a responsibility and a stake in how our democracy functions, governs and is represented. The ultimate solution to a problem affecting the people is that it be solved by the people — one person at a time. Universities work daily to create more scholarship money for students and other ways to lower loan debt. But university and government institutions can't solve the problem alone and they clearly aren't the only stakeholders: we the people are.

*Rodriguez is the dean and professor of law at the University of San Diego School of Law. Reach him at (619) 260-4527.*

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# Business Ethics and Other Oxymorons

Three books about hubris, greed, corruption and incompetence.

## POWER FAILURE

*The Inside Story of the Collapse of Enron.*  
By Mimi Swartz with Sherron Watkins.  
Illustrated. 386 pp. New York:  
Doubleday. \$26.

## FINAL ACCOUNTING

*Ambition, Greed, and the  
Fall of Arthur Andersen.*  
By Barbara Ley Toffler  
with Jennifer Reingold.  
273 pp. New York:  
Broadway Books. \$24.95.

## INFECTIOUS GREED

*How Deceit and Risk Corrupted  
the Financial Markets.*  
By Frank Partnoy.  
464 pp. New York:  
Times Books/Henry Holt & Company.  
\$27.50.

By Floyd Norris

THERE is a faddish aspect to America's recent fascination with business scandals. Enron was an amazing tale of hubris, greed, corruption and incompetence. Still, the impact of its collapse would have been far smaller a couple of years earlier, when the stock market was still booming. But just as "Chicago," with its cynical worldview, was overshadowed by cheerier fare in 1975 and a big hit a quarter of a century later, Enron came after investors had lost a lot of money and were eager for someone to blame. It didn't hurt that the company was already a pariah in California, blamed for profiteering in the energy crisis there.

The result was action in Congress and at the Securities and Exchange Commission to make the financial system less prone to abuse. Jeffrey Skilling, the former chief executive, told Congress that he could not have been expected to know if the company's financial statements were phony. "I am not an accountant," he said, over and over again. That may yet get him off the hook legally, but it so outraged the S.E.C. that rules were hurriedly passed requiring top corporate officials to certify financial statements.

Sherron Watkins emerged as the closest thing to a hero in the Enron affair. It was she who complained internally about ridiculous and misleading accounting. Watkins, a mid-level executive who had worked in a number of branches of the company, did not have all the details right, but her fear that "we will implode in a wave of accounting scandals" was prescient. In "Power Failure," Watkins collaborates with Mimi Swartz, an executive editor at Texas Monthly, in a fascinating inside look at Enron as it grew. This is really Swartz's book, with Watkins referred to in the third person; the lack of visible sourcing for things Watkins was not in a position to know is sometimes frustrating.

But that does not keep the book from being riveting to a reader who knows that Enron ended in bankruptcy but has no knowledge of what life was like inside an organization that, as the end neared, had taken to referring to itself as "the World's Greatest Company." Enron emerges as a company that valued, almost above anything else, the ability to bury bad news. Bonuses — sometimes in the millions — were handed out when deals were signed, based on profits that were forecast. No need to wait around to see if the plans worked. The bonuses were paid anyway. When the deals went bad, they could be hidden through financial sleight of hand, and in any case the people who put them together would be on to new deals and new bonuses. The quickest way to become a star, it appears, was to dream up a new method of making the numbers look good.

There was ample internal cynicism. Enron had "visions and values" cubes on display, saying things like "When we say we will do something, we will do it." Andrew Fastow, the chief financial officer who has since been indicted for his role in the scandal, produced his own cube, saying, "When Enron says it will rip your face off, it will rip your face off."

The fact remains, however, that Watkins knew Enron was producing, shall we say, odd numbers long before she started to complain about it, although it does not seem to have occurred to her just how rotten the whole company was. When Enron was flying high she worked in its broadband trading operation, which had virtually no revenues save those it invented with some particularly artful accounting tricks, but that was Enron's way of getting in to what was then the hot telecommunications business. "By the end of 2000, Sherron Watkins was pretty discouraged," the book reports. "There was no money coming in to Broadband, but plenty was flying out the door. Thank God, she thought, that the rest of the company was doing so well." It wasn't, of course. It would have collapsed sooner or later.

NEW YORK TIMES  
NEW YORK, NY  
SUNDAY 1,746,700  
APR 20 2003



The other casualty of the Enron debacle was Arthur Andersen, the accounting firm whose alumni, including Watkins, filled the financial ranks of Enron and the firm that audited Enron's books. It went out of business after it destroyed Enron-related documents and was convicted of obstruction of justice. "Final Accounting" is a combination of inside story and report on Andersen's Enron debacle and subsequent fall. Unfortunately, Barbara Ley Toffler had left Andersen two years before Enron blew up, and she is not an auditor. But she can testify to the dizzying corporate culture, in which getting credit for a client's fee for one's own bonus pool — and making it as large as possible — counted for far more than doing a good job for that client.

Toffler is a consultant who specializes in business ethics, which do not seem to have been in particularly high supply at Andersen during the few years she spent there, having been hired as a partner after Andersen concluded there might be money to be made from advising clients on ethics. It appears that Andersen thought the opportunity was greatest with companies in trouble and more interested in appearing ethical than in actually acting that way. "Final Accounting," written with Jennifer Reingold, a former editor at Business Week, provides an intriguing, sometimes horrifying, look at the atmosphere at Andersen, where obedience and conformity were demanded. But a reader is left wondering how different Andersen was from its competitors, the surviving major accounting firms, something Toffler can't answer.

Still, her experiences as a consultant do shed light on the casual way corporate America has often viewed ethical issues, as she writes in a revealing anecdote regarding Prudential Insurance, to which she provided ethical consultation, before her Andersen stint, for years before it was embroiled in scandal. In 1994, she reports, just as The New York Times was exposing problems at Prudential, Wick Simmons, then the head of the firm's securities arm, asked her, "How many of the things written about in The Times have we talked about in your sessions?" "Every one of them," I said. "And," he continued, "how many of them have we done anything about?" "As far as I know," I said, "none." "After the exposures brought regulatory action and hurt Prudential's business, she writes, the company did move to correct the problems.

Both the Swartz and Toffler books try to provide historical perspective, but neither is as ambitious as Frank Partnoy's "Infectious Greed." A law professor at the University of San Diego and the author of a previous memoir of his days as a derivatives salesman for Morgan Stanley, Partnoy gives us a history of recent financial scandals, attempting to show the role played by derivatives and by Wall Street salesmen with questionable ethics.

It is a useful book, bringing together details of half-forgotten scandals from the past 15 years. Partnoy does understand some of the cleverer ways Wall Street used odd securities, and he has paid more attention than most journalists to the lobbying that got Congress and the regulators to allow a lot of derivatives trading to operate in secret, with little disclosure or regulation.

But he is sometimes sloppy, as when he gets both the date and the magnitude of the 1987 stock market crash wrong, and he can be at the mercy of his sources for up-to-date information, as when he attributes to unnamed sources a statement that Enron's trading operations, sold to UBS Warburg after Enron collapsed, are still generating huge profits, a fact that to him proves that "although the company had died, its heart had been healthy throughout." UBS has since announced plans to lay off half the traders it got from Enron, and it appears the operations have not been profitable.

His basic point, however, remains true. Derivatives (generally defined as securities whose value is dependent on the value of another security) have brought vast changes to the financial world, making it much easier to hedge risk — or to speculate. But there remains little regulation of that world, a fact that outrages Partnoy, who argues that we have no way now to know just where risks have gone thanks to secret trading of derivatives.

"No matter how much hedging is done, somebody winds up holding the hot potato when the music stops," he quotes William Donaldson as saying in 1992, when he was chairman of the New York Stock Exchange. It is something that Donaldson, now the chairman of the S.E.C., would do well to remember. □

Floyd Norris is the chief financial correspondent of The Times.



# FBI Nabs Star Investment Banker

4154  
By David Glovin  
and Jacqueline Simmons

Bloomberg News

**N**EW YORK — Federal authorities Wednesday arrested and charged the star investment banker who headed Credit Suisse First Boston's technology-banking unit with obstruction of justice in the securities industry's highest-profile criminal case since Michael Milken went to prison in 1991.

A three-count federal complaint said Frank Quattrone impeded an investigation into whether he channeled shares of initial public offerings to favored clients. His Silicon Valley unit managed the most computer-related stock sales at the height of the Internet boom, generating as much as 15 percent of Credit Suisse revenue.

"Frank Quattrone is innocent. He never obstructed justice," said his attorney, John W. Kecker of San Francisco's Kecker & Van Nest.

The complaint said Quattrone "unlawfully, willfully, and knowingly, corruptly influenced, obstructed and impeded ... the due administration of justice."

With the collapse of technology stocks, Quattrone "did more damage to investor confidence than Milken," said Frank Partnoy, a University of San Diego law professor and author of "Infectious Greed." "Quattrone was the central player and the highest-paid participant" in the market, Partnoy said.

The National Association of Securities Dealers, the securities industry's watchdog, has demanded that Quattrone return \$200 million it said he earned between 1998 and 2001. Quattrone, who supervised both technology research and technology share sales, quit the firm two days before the National Association of Securities Dealers' March 6 claim that he was blocking its probe into sales of initial public offerings.

Quattrone became the first Wall Street executive to be charged with committing a crime in the investigations that began in 2000 into industry misconduct.

Quattrone surrendered to the FBI at 8 a.m. in New York. In a five-minute appearance in a Manhattan federal court, U.S. Magistrate Judge Theodore Katz released him, required him to surrender his passport, and barred him from traveling outside the United States.

Katz told Quattrone to return to court May 13. Quattrone did not enter a plea. He faces a maximum sentence of 10 years.

In 1991, Milken pleaded guilty to violating six securities laws. He served 22 months in prison and was fined \$600 million.

"The charges are wrong and they are unfair," said Kecker, who also represents for-

mer Enron Corp. Chief Financial Officer Andrew Fastow.

The charges stemmed from Quattrone's advice to colleagues in late 2000 to destroy documents as investigators examined whether clients of Credit Suisse, so-called "Friends of Frank," were awarded sought-after shares from initial public offerings ahead of other investors.

"The investigation has revealed that numerous CSFB documents were destroyed," FBI official Kathleen Queally said in the complaint.

Credit Suisse in January discovered a Dec. 3, 2000, e-mail in which then-general counsel David Brodsky informed Quattrone that the firm was under investigation by securities regulators and federal prosecutors. The e-mail contradicted Quattrone's earlier statement that he was unaware of the probe when he told employees on Dec. 4, 2000, to dispose of documents related to initial public offerings.

"This is a high-visibility case and a strong case," said James Cox, professor of corporate and securities law at Duke University Law School. "Quattrone had to be sitting there waiting for the knock at the door."

Regulators are completing this week a settlement reached in December with 10 securities firms, including Credit Suisse, accused of producing biased stock research. Some analysts, such as former Citigroup Inc. analyst Jack Grubman, face civil litigation.

Credit Suisse had agreed to pay \$100 million in January 2002 to settle charges related to claims it distributed shares in initial public offerings for kickbacks. The Securities and Exchange Commission said the firm charged commissions of as much as \$3.15 a share, compared with a typical rate of 6 cents.

Credit Suisse, Goldman Sachs Group Inc. and other investment banks may have to pay as much as \$3.5 billion to settle lawsuits accusing them of rigging initial public offerings, according to a report this week by Sanford C. Bernstein & Co. analyst Brad Hintz. More than 50 investment banks are being sued by shareholders of 309 technology companies.

Until he was suspended by the firm Feb. 3, Quattrone, who was cleared by an internal investigation and promoted to the firm's executive committee in 2001, had the backing of Credit Suisse Group Co-Chief Executive John Mack.

Quattrone, who grew up in South Philadelphia and graduated from the Wharton School at the University of Pennsylvania, failed to appear at a meeting with National Association of Securities Dealers investigators to face allegations that he doled out shares of initial public offerings

to friends and favored clients and also failed to supervise analysts.

Between 1998, the year Quattrone joined Credit Suisse from Deutsche Bank, and the end of 2000, Credit Suisse led 79 technology initial public offerings worth \$8.7 billion, or 74 percent of the bank's 107 deals, according to Irv DeGraw, an initial public offering analyst at Falcon Capital. The average first-day trading gain for the initial public offerings was 93.4 percent.

"The crackdown is long overdue," said Anthony Hourihan, professor of financial institutions management at University College, Dublin, Ireland. "It's time the message came loud and clear to Wall Street: ethical management or jail."

Gavin Sullivan, a spokeswoman for Credit Suisse, declined to comment on the charge against Quattrone.

Quattrone was informed that Credit Suisse was under investigation by securities regulators as early as June 2, 2000, according to the federal complaint. Company lawyers e-mailed him about a National Association of Securities Dealers probe and a request for documents dealing with the bank's work on the VA Linux Systems initial public offering, according to Queally.

By Dec. 4, 2000, Quattrone had learned from company lawyers that the SEC and the Department of Justice were investigating Credit Suisse, the complaint alleged, citing internal e-mails. Both agencies had issued subpoenas to Credit Suisse seeking evidence related to the bank's initial public offering allocation process, the complaint said.

The same day, according to the complaint, the global head of the bank's execution-technology group sent separate e-mails to top Credit Suisse officials, including Quattrone, and to hundreds of bank employees, urging compliance with the company's document retention policy, which calls for destruction of certain documents.

Quattrone forwarded that e-mail to the same group of employees Dec. 5 and added a brief message of his own, urging them to comply, the complaint said. Although the Credit Suisse policy states that document destruction should cease when a subpoena is received, the complaint said some bank employees subsequently destroyed evidence after the e-mails were sent.

"The integrity of federal investigations require that we aggressively pursue and prosecute efforts to obstruct justice," U.S. Attorney James Comey said at a press conference Wednesday.

"We often rely on voluntary compliance of corporations," he said. "It is an honor system, but one that must and will be guarded with an iron fist."

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JOURNAL

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ORANGE COUNTY REGISTER

SANTA ANA, CA  
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BALTIMORE, MD  
THURSDAY 309,548  
APR 24 2003



# 'No Bond' Rule For Aliens Irks Their Backers

FRONT PAGE

By Claude Walbert  
Daily Journal Staff Writer

SAN DIEGO — Immigration lawyers reacted with alarm Thursday as word spread of Attorney General John Ashcroft's decision to start holding illegal immigrants without bond if their cases present national security risks.

The order means aliens will not be released while immigration judges decide their cases if the government can show that national security issues are involved.

"Such national security considerations clearly constitute a reasonable foundation for the exercise of my discretion to deny release on bond," Ashcroft said in the 19-page opinion, which was signed last Friday.

It has not been made public but is circulating among immigration attorneys and judges.

The order was requested by Homeland Security Department, which has authori-

See Page 9 — EXPERTS

# Experts Deplore 'No Bond' Rule for Illegal Immigrants

Continued from Page 1

ty over most immigration matters, after the Board of Immigration Appeals upheld a decision by a federal judge in Miami to release Haitian asylum-seeker David Joseph on \$2,500 bond.

The judge and appeals board concluded they did not have authority to deny bond based on the national security concerns cited by the government, which has tried to detain more illegal aliens in the wake of the Sept. 11 terrorist attacks.

"It really undoes years of legal rulings," said Timothy Edgar, legislative counsel for the American Civil Liberties Union in Washington, D.C. "It says the attorney general can override individual consideration of a case, and it creates broad categories of people who can be detained without bond."

Under Ashcroft's order, instead of a judge considering factors such as danger to the community or flight risk, the judge must weigh whether granting bond would encourage others to immigrate illegally to the United States, Edgar said.

"The power to decide if bond should be granted has long been delegated to judges who are to make neutral decisions," Edgar said. "Immigration judges are bound by the decision of the attorney general, and this sends a message that they should think carefully about whether to rule against the Justice Department in any case."

Immigration judges remained in the Justice Department when the Immigration and Naturalization Service was transferred to Homeland Security, Edgar said. He said the arrangement means Ashcroft could fire the immigration judges at any time.

"This creates a danger of the immigration courts becoming just a rubber stamp for the Justice Department," Edgar said.

The California Coalition for Immigration Reform, which from its headquarters in Huntington Beach has long tried to tighten the borders to stop the flow of immigrants, praised Ashcroft's decision.

"If there's a suspicion that they're illegal aliens, they don't have a right to bond," said Barbara Coe, chairwoman of the coalition and a former police department staff member. "Get 'em out of here."

Ashcroft noted in the 19-page order that Joseph claimed he was entitled to asylum under the Universal Declaration of Human Rights and that the United

Nations High Commission on Refugees stated that asylum seeker shouldn't be detained for deterrence purposes.

"This argument is without merit," Ashcroft said in the decision. 23 I&N Dec. 572 (A.G. 2003) Interim Decision #3488 *In re D.J.*, Decided April 17, 2003.

"The authority to expel aliens is meaningless without the authority to detain those who pose a danger or flight risk during the process of determining whether they should be expelled," Ashcroft wrote. "The national security interests invoked in this opinion are directed at unlawful and dangerous mass migrations by sea, not the right to seek asylum."

Judith Golub, a representative of the American Immigration Lawyers Association, said her organization questions why, if national security is an issue, Homeland Security didn't rule on the question instead of the Justice Department.

"This hijacks the national security issue," Golub said. "It's a disservice to the fight against terrorism."

Jorge A. Vargas, professor at the University of San Diego School of Law, said the attorney general has the power to limit individual rights in the struggle against terrorism, but not without "precise legal contours for the exercise of that discretion."

In the aftermath of Sept. 11, constitutional rights have in many cases been limited or eliminated, said Vargas, an expert on immigration law.

"In my opinion, it's outright unconstitutional. It's really very risky," he said of Ashcroft's order.

Lilia Velasquez, a San Diego immigration lawyer and proponent of bringing American-style advocacy to Latin America, said Ashcroft's decision startled her.

"My God, what sort of twisted logic is this?" she asked. "I'm concerned that the prosecutors will argue this in every immigration court case. So much for due process."

San Diego immigration lawyer Kathrin Mautino said groups protecting immigrants' rights probably would appeal the order.

"But these things tend to move slowly," Mautino said.

She estimated that an appeal could take two years.

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LOS ANGELES, CA  
FRIDAY 24,000  
APR 25 2003

DAILY RECORDER

SACRAMENTO, CA  
MONDAY 2,500  
APR 28 2003



# New moot court commemorates a mentor

By KELLEY QUINN  
Law Bulletin staff writer

Paul A. McLennon Sr. remembers the day that Michael Devitt walked into his office and told him of his dream. The young man wanted to be an attorney, and he wanted McLennon, a longtime lawyer and family friend, to tell him what it would take to achieve his goal.

McLennon and Devitt sat in McLennon's law office in Wheaton for the next two hours.

Devitt ended up graduating from law school and passing the state bar exam, and currently practices in complex civil litigation in various jurisdictions around the United States.

He is also a professor at the University of San Diego School of Law, where he lectures on financial reporting, accounting, litigation and ethics.

Devitt recently honored McLennon, who turns 80 in June, for all of the support he gave the Devitt family through the years.

Devitt and his family have pledged \$100,000 to establish a permanent endowment to support the San Diego Law School's moot court competition.

And a few weeks ago, the final round of the 2003 Paul A. McLennon Sr. Honors Moot Court Competition was presided over by Supreme Court Justice Clarence Thomas.

Thomas was joined by Justice Steven J. Feldman of the Arizona Supreme Court and Judge Margaret McKeown of the 9th U.S. Circuit Court of Appeals during the final round, which was held in the Joan Kroc Institute for Peace and Justice Theater in San Diego.

McLennon, who is pretty much retired from law except when a friend calls to pose a question or ask a favor, said he was humbled by the Devitts' donation.

"I don't really know what I did that was so outstanding," McLennon said, laughing.

But Devitt and his siblings say that McLennon has always been there for their family, particularly after their father died when they were just children. During his college years at Quincy University, McLennon struck up a friendship with Michael Devitt's brother, Frank, and his wife, Mary.

"In his own unique, unassuming way, Paul McLennon always paused during life's distractions to help those in need, including a few troubled teenagers along the way," said Frank Devitt, who lives in St. Charles. "Our family thanks you, Paul, for your friendship, love, caring and guiding hand."

The seventh of eight children, McLennon grew up in the Austin neighborhood of Chicago. He served in the U.S. Navy Air Corps during World War II as a fighter pilot.

His participation in the invasion of Okinawa earned McLennon the Navy's Distinguished Flying Cross.

After the war, McLennon returned to Illinois where he tried to map out his future. Before

entering the service, McLennon had planned to follow in his older brother's footsteps and become a doctor.

"But the military took four years out of my life, and medical school was expensive," McLennon said. "So I went to Quincy University, spent a semester there and muscled some credits out of the Franciscan fathers."

McLennon then entered DePaul University College of Law and shortly after passing the bar exam in 1950 got hired by the Federal Bureau of Investigation as a special agent in the Criminal Division.

After five years, McLennon decided it was time to move on.

When I started with the FBI, I made a grand salary of \$5,000 a year," he said. "My salary was up to \$5,400 by the time I left."

McLennon left the FBI's Chicago office to join the Law Firm of Gates W. Clancy, where he practiced until 1960 when he opened the McLennon Law Office in Wheaton. For the next 40 years, McLennon would concentrate in trial work and real estate law.

McLennon said he loved his job.

"I had a ball. I really did. I met a lot of nice people. I guess I was a people person," McLennon said. "I don't think I ever met anyone that I didn't like."

McLennon credits his wife, Joyce, for his success in life. They have three sons who are attorneys; another is a doctor.

"I guess I just married the right girl," he said. "She made everything easy."

McLennon has many admirers in the 18th Judicial Circuit, which encompasses the Wheaton area.

In 1978, when Brian R. McKillip was a young lawyer looking for office space in Wheaton, he met McLennon.

"He had some available space and offered it to me in exchange for my help on a few cases," McKillip wrote recently in a letter to the editor of the DuPage County Bar Association magazine. "That began the most important personal and professional relationship I have ever made."

McKillip, now a DuPage County associate judge, said he learned a fair amount of the practice of law from McLennon, as well as "lessons in life."

"Paul practiced law as though it were an opportunity given to him by God and the Illinois Supreme Court to help his fellow man," McKillip wrote. "He has no clients, just hundreds of friends who have repeatedly turned to him for help and advice — and sent their friends to him as well. He never refused."

## Legal-ed opportunity

The Kane County Bar Association Criminal Law Committee will present a seminar on April 16 at the Kane County Judicial Center in St. Charles.

## Scene

Continued from page 3

The meeting will be held from 2 p.m. to 5 p.m. in the multipurpose room of the courthouse.

Several prosecutors, public defenders and judges will be panelists for the seminar, which will cover pretrial motions, closing arguments and other aspects of a criminal trial.

The seminar is free to all KCBA members, \$25 for students and \$75 for all others.

For more information, call the KCBA at (630) 762-1915.

E-mail: [kquinn@lbpc.com](mailto:kquinn@lbpc.com).

## CHICAGO DAILY LAW BULLETIN

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TUESDAY 6,800  
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CALIFORNIA

# State detours away from electric autos

By Michael Gardner  
COPLEY NEWS SERVICE

SACRAMENTO — California's air-quality regulators have rerouted their historic drive for cleaner cars, steering automakers away from smog-free electric vehicles that failed to attract much of a following.

The Air Resources Board yesterday decided that a larger fleet of gas-electric hybrids and a new generation of cleaner traditional cars will be more effective smog fighters — at least until hydrogen fuel cells become feasible and affordable.

"We're probably getting cleaner air faster," said board Chairman Alan Lloyd.

Board member C. Hugh Friedman, a professor at the University of San Diego School of Law, joined the majority.

"It gives us some sure and realistic programs to clean the air," he said.

San Diego County Supervisor Ron Roberts, another board member, also voted for the change.

But the 8-3 vote revealed a deep split over the future of electric vehicles and the role the state should play in keeping that technology alive. Dissenters wanted to preserve incentives for

battery-powered cars and suggested automakers were not being candid in dealings before the board.

The rewritten zero-emission vehicle program also sharply divided clean-air advocates.

Some believe it's better to put a greater number of cleaner cars on the road now rather than to continue to press a reluctant auto industry to produce electric vehicles.

"This is an overhaul, not a scrapping" of the program, said Roland Hwang of the Natural Resources Defense Council. Bonnie Holmes-Gen of the American Lung Association called the revisions a "solid advancement" toward healthier air.

Still, other environmentalists accused the board of retreating from the goal of a vast zero-emission fleet.

"California lost today," said Tim Carmichael of the Coalition for Clean Air.

Sandra Spelliscy of the Planning and Conservation League said "automakers will love" the change.

Ford representative Kelly Brown said his company has so many credits for cleaner cars, like the Focus, that it can comply with the new clean-air fleet demands through 2008 without putting one zero-emission vehicle on the road.

Ford is less certain about what will happen when more requirements kick in six years from now, he said.

Manufacturers are offered credits toward meeting zero-emission targets, depending on the car's pollution rate. The most credits are earned by battery-powered vehicles, then hybrids, followed by cleaner traditional vehicles.

The state's landmark zero-emission vehicle mandate has been weakened significantly since its inception 13 years ago, in part by legal action from auto manufacturers. If the initial standards had been upheld, the state would have an estimated 260,000 electric vehicles on the roads by now. Instead that number is 2,500 and dwindling because automakers are reluctant to renew leases or build battery-powered vehicles.

Under the new rules, automakers will have to produce just 250 smog-free, fuel-cell cars by 2008. That number will increase to 2,500 by 2011 and 25,000 by 2014. Prototypes can cost \$1 million each.

Dorene D'Adamo, a board member from the Modesto area, suggested that while the industry appears to support fuel cells now it could later turn against that technology too.

"It's a bait-and-switch strategy," she said.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA  
FRIDAY 374,856  
APR 25 2003





markschwanhauser  
money manual

## The costly rub with title insurance

As I run my finger down the list of nearly \$2,600 in fees associated with refinancing our mortgage this month, one number pops out. The \$644 charge for title insurance not only is the biggest, it's also nearly 25 percent of the total.

I wonder: What sort of protection am I buying? Is this the lowest premium that's available? Are we getting gouged?

Homeowners have reason to be skeptical. A Consumers Union survey in March raises troubling questions about the cost of this insurance. Those questions have spurred California Insurance Commissioner John Garamendi — who can relate because he recently refinanced, too — to investigate whether title insurance premiums are excessive or discriminatory.

Mind you, Garamendi won't take a position until the probe concludes in about six months. But the investigation "is a heads-up to the industry," said spokeswoman Nanci Kramer.

Garamendi also is reviewing a case that could allow Californians to buy a different, cheaper coverage called a lien-protection policy. But that case is a sideshow to the bigger issue of title-insurance pricing.

Former antitrust prosecutor Robert Fellmeth says title insurers should be sweating the outcome of Garamendi's probe. "This is the most obvious antitrust price-fixing conspiracy I have ever seen," said Fellmeth, a public interest law professor at the University of San Diego. "It's a hornet's nest of rebates, kickbacks and price fixing."

The stakes in Garamendi's investigation are significant. With interest rates at 40-year lows, Californians have eagerly lined up to take out home loans, refinance or tap their home equity. Last year, Californians refinanced \$411 billion in mortgages — with Santa Clara County homeowners accounting for more than 10 percent of that total, according to Dataquick Information Systems.

That's a lot of potential consumer clout that theoretically could pressure insurers to whittle their rates. But Consumers Union says the opposite appears to be true.

Surveying the five title insurers which account for 84 percent of all title insurance premiums in California, the consumer interest group found a troubling degree of consistency in pricing. Throwing out the highest (\$1,122) and lowest (\$500) premiums, the premiums in city after city were clustered between \$729 and \$833 on a \$250,000 loan. Most were within a \$40 range around \$750.

California Land Title Association Mark Bogetich reacted heatedly, saying "Their survey was so Mickey Mouse it was a joke." He points out — rightly — that title insurance isn't marketed to consumers. As such, he says, a consumer survey "has no relevance."

Bogetich contends there's widespread discounting at the wholesale level. High-volume lenders can line up title insurance that costs as little as \$275 on \$250,000 policy, he says.

Here's the rub with title insurance:

■ Consumers who use a mortgage broker — as my wife and I did — aren't likely to get a wholesale price on title insurance. Shopping around for a cheaper policy would have wasted time and delayed our refi.

■ Title insurers know that borrowers shop for low interest rates, not premiums and fees. Borrowers won't dicker over title insurance any more than a car buyer would dicker over the price of a stereo.

■ Borrowers pay one way or another. The broker may pay the premium under a popular "no-cost loan," but those loans charge higher interest rates.

The homeowners who should care the most are the serial refiners who traded in loan after loan as interest rates crept lower. Every refi forced them to buy another title policy — even though the vast majority of homeowners had no material change in their title between refis.

Title insurers typically give a 20 percent discount on loans refinanced within two years, but Kramer says this is so poorly publicized that it's "like a coupon nobody mails out."

Fellmeth contends the discount should be much deeper, however. First, it takes little effort to update the title search. Second, homeowners get no refunds even though refinancing takes the previous insurer off the hook.

"Doesn't that reduce their risk? Yes, it does. Doesn't that reduce their cost? Yes, it does. And if you reduce the cost, shouldn't someone be offering a lower premium reflecting that to get your business?"

I'm eager to hear how Garamendi answers that question.

*The Money Manual appears every other Sunday, or online at [www.siliconvalley.com/mld/siliconvalley/business/columnists/Mark\\_Schwanhauser](http://www.siliconvalley.com/mld/siliconvalley/business/columnists/Mark_Schwanhauser). Contact me at [mschwanhauser@mercurynews.com](mailto:mschwanhauser@mercurynews.com) or (408) 920-5543.*

SAN JOSE MERCURY NEWS

SAN JOSE, CA  
SUNDAY 276, 166  
APR 27 2003





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This story is taken from [politics](#) at [sacbee.com](#).

## Dan Walters: Refinancing bonanza spurs battle over title insurance policies

**By Dan Walters -- Bee Columnist - (Published April 29, 2003)**

As interest rates were dropping to levels not seen in generations, hundreds of thousands of California homeowners -- perhaps millions of them -- sensibly took advantage of the once-in-a-lifetime opportunity to lock in lower mortgage payments.

Californians did more than \$400 billion in mortgage refinancing last year, the dollar equivalent of a fourth of the state's economy, and the torrid pace has continued into 2003. Indeed, many economists see mortgage refinancing and equity-backed second mortgages as major bulwarks of an otherwise stagnant economy because they have the indirect effect of boosting consumer spending.

However, as they tackled the formidable task of assembling income tax returns, pay stubs and other documents required by lenders, and coping with blizzards of paper generated by loan officers, homeowners seeking new mortgages and lower payments learned that re-fis, as they are called, don't come cheap. A \$250,000 re-fi -- not unusual in an era of inflated home values -- can generate fees of about \$2,500, with the largest single component being title insurance, about \$800. And consumer groups say that's too much to pay when the property isn't being sold, merely having a new mortgage written for the existing owners.

The surge in re-fis, and the resulting surge of payments to insurance companies that write title policies, has produced a two-pronged backlash. Insurance Commissioner John Garamendi has launched what officials say will be a six-month investigation of title insurer practices, and the Legislature is weighing a measure that would authorize a cheaper form of insurance in re-fis, touching off a fierce legislative battle.

Consumer activists believe that Garamendi will find what one critic, former trust-busting prosecutor Robert Fellmeth, has termed "the most obvious antitrust price-fixing conspiracy I have ever seen ... a hornet's nest of rebates, kickbacks and price fixing." Title insurance firms deny such allegations, but having Garamendi, no friend of the insurance industry, poking into their practices is clearly disconcerting.

While they fret over Garamendi's investigation, title insurers are also trying to kill the legislation, carried by Sen. Jackie Speier, D-Hillsborough, that would allow a streamlined, less expensive form of insurance to protect lenders against hidden liens on the mortgaged property, rather than full-fledged title insurance. It's called "lien protection" insurance and is being marketed by Pennsylvania-based Radian Guaranty Inc.

When Radian tried to sell its policies in California, the Department of Insurance (DOI) interceded with a cease-and-desist order. A DOI judge upheld the ban, based on current law, on Radian, but Garamendi has refused to endorse it entirely. He's keeping the order in place while he seeks "additional evidence and testimony." His action was seen within the title insurance and mortgage industries as a plus for Radian and a setback for the California Land Title Association,



the trade group that represents traditional title insurers.

Garamendi's action, or nonaction, set the stage for a legislative showdown on Speier's bill, SB 344, which would authorize "lien protection" insurance as an alternative to title insurance in re-fis. The California Land Title Association is conducting its own lobbying and public relations blitz to defeat the Speier bill, labeling it "special interest legislation" that would authorize a "substandard, unlicensed title insurance product." Title insurers are questioning whether the Radian product would contain the consumer protections built into title insurance and are contending that they can meet Radian's rates, roughly half of those for traditional title insurance, with volume discounts to lenders.

Richard Steffen, Speier's top aide, says the bill stems from her belief that "on refinancing, title companies gouge people," and that allowing alternatives to traditional title insurance would generate savings for either form of insurance through competition.

However you slice it, there's a lot of money at stake. The re-fis are generating at least a billion dollars a year in title insurance premiums, and consumer activists contend that Californians are being overcharged a quarter-billion dollars.

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#### About the Writer

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# Private firms feel the heat of Sarbanes-Oxley

By JOHN D. TISHLER  
*Procopio, Cory, Hargreaves & Savitch*

Signed into law in July 2002, the Sarbanes-Oxley Act was the most significant change to the nation's securities laws since the Great Depression. The strict new guidelines for board composition, management oversight, auditor independence and financial reporting have fundamentally changed the way public companies manage themselves, and have invited intense scrutiny by the investing public of governance practices which once were largely ignored. While most of the provisions of Sarbanes-Oxley apply directly only to public

companies, the new law has had a significant impact on private companies and their management.

Private companies in San Diego are increasingly implementing the same governance reforms as public companies. Some of these companies plan to go public when the initial public offering window opens, and want to have already established the governance policies and procedures that will be required once they are public. Others are now required to adopt some of the Sarbanes-Oxley type reforms like independent directors and audit committees as a condition

to receiving bank loans, private equity financing or insurance coverage.

Corporate governance may also be an issue in bidding for government contracts. Other private companies simply wish for their companies to follow the "best practices" of corporate governance, which have changed dramatically as a result of Sarbanes-Oxley.

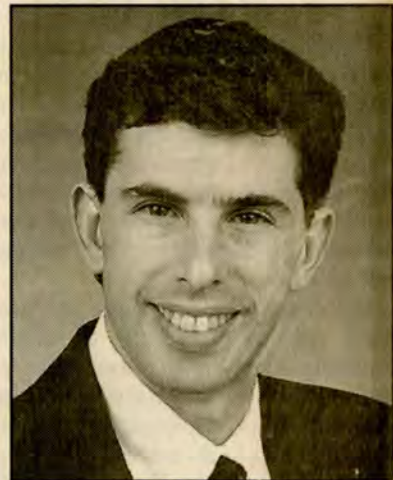
According to Helen Adams, an audit partner in the San Diego office of **Deloitte & Touche** who regularly reports to audit committees, "a company considering an IPO or merger with a public company cannot ignore the need

to have appropriate internal controls in place while they are private."

Historically, most directors of private companies were also stockholders or senior management. Private companies are now increasingly seeking the services of independent directors on the board. Independent directors necessarily result in some loss of control to company founders, and often require companies to purchase expensive director and officer liability insurance to protect against the potential liabilities that go along with the position. However, independent directors can give

fresh perspective on problems, and their involvement in reviewing and approving related-party transactions by the company with its management and shareholders provides significant legal protection.

Private companies may also be affected by the changes in regulation and practices at accounting firms. Many private companies must obtain audited financial statements, often to satisfy covenants to investors, joint venture partners or lenders. The generally accepted accounting principles used to prepare



John Tishler

*B* See **Private firms** on 8A

**SAN DIEGO DAILY  
TRANSCRIPT**

SAN DIEGO, CA  
TUESDAY 15,000  
APR 29 2003



# Private firms

Continued from Page 7A

financial statements are constantly revised and updated by a variety of sources, including the Securities and Exchange Commission and several standards boards set up by the accounting industry. In response to the perception that accounting industry self-regulation had failed to prevent the debacles at **Enron** (PNK: ENRNQ), **WorldCom** (PNK: WCOEQ), **Adelphia** (PNK: ADELQ) and others, the Sarbanes-Oxley Act created the Public Company Accounting Oversight Board to oversee the accounting industry. The PCAOB must establish standards of ethics and conduct for conducting audits. While Congress required these standards to apply only to public companies, most commentators believe that the same standards will become part of generally accepted auditing standards that apply to the audits of private companies.

Even if accounting firms do not raise audit standards, independent directors probably will.

"Many independent directors of private compa-

nies also serve on public company boards," Adams said, "and these directors are showing renewed focus on the accounting issues Sarbanes-Oxley tried to address, such as the quality of internal controls, the selection of accounting policies, management judgment and accounting estimates."

Many private companies have also had to face the specter of the "going concern." Operating firms prepare their financial statements on the assumption that the business will continue, and therefore that the value of their assets can be supported through the income they will produce in the future. If a company cannot demonstrate the availability of sufficient capital to fund operations for at least one year in the future, accountants may qualify an opinion on the financial statements indicating that the ability of the company to continue as a going concern is in "substantial doubt."

Such a qualification can have devastating effects on relationships with customers, suppliers, investors and lenders. Nothing in the Sarbanes-

Oxley Act directly affects the going concern analysis, but CEOs and CFOs now report that auditors apply greatly enhanced scrutiny to cash flow and financing projections which formerly passed muster easily.

Adams disagrees that this change is due to Sarbanes-Oxley. "There may be an increase in the number of going concern qualifications for private companies, but our criteria has not changed," she said. "For those companies which rely on outside funding to meet working capital needs, we must take into account that the private equity markets are depressed, and even when funding is available, the process now takes significantly longer."

Some provisions of Sarbanes-Oxley do apply directly to private companies. These include the new criminal penalties for retaliating against whistleblowers and destroying documents in the face of a government investigation. Private as well as public companies must now provide advance notice before imposing trading limits on 401(k) or

pension plans.

Finally, Sarbanes-Oxley increased the time in which investors can sue companies for false or misleading disclosure in connection with the sale of securities. Previously, such actions had to be brought within one year after the investor discovered the correct information. Investors now have up to two years after discovery, so long as the action is brought within five years of the initial disclosure. During this time, investors not happy with the performance of their investments essentially will have a money-back guarantee enforceable against the company and the individuals who provided the false or misleading information.

All of these factors make an already difficult business and investment environment even more difficult. However, like public companies, private companies can learn to live with the new restrictions through careful planning and education as to the revised expectations.

*Tishler is a partner on the business and technology team at the San Diego-based law firm of Procopio, Cory, Hargreaves & Savitch LLP. He is also adjunct professor of law at USD School of Law.*





Courtesy of Annalee Lehman

Mary Lehman, right, delivers a punch during a boxing match. Lehman, known as "Mulita," the little mule, has a 4-0 record

and is ranked 14th by the Women's International Boxing Association in her 118-pound class since turning pro.

# Attorney Packs a Mean Punch

## Appellate Specialist, Boxer Works Hard In and Out of Ring

By Claude Walbert

Daily Journal Staff Writer

SAN DIEGO — Her quick smile was replaced with a stern stare as Mary Lehman pulled on the 16-ounce training gloves, climbed onto the ring apron and ducked beneath the top rope.

Lehman circled the ring, throwing punches in the air.

The bell sounded. Vernon Lee, her trainer, sprang out of his corner like a cat.

Lehman circled left, throwing straight punches to hold off Lee and bending to slip beneath his punches, then hooking to his body.

In the second round, the punches came faster, and in the third round even faster.

Before the fourth round, Lee called out, "Now I'll see how strong those stomach muscles are."

The big gloves smacked solidly

against flesh. Sweat was dripping from them both, despite the unheated gym, and despite the chill that arrived in front of a windy spring storm.

That was just the beginning of a workout for Lehman, a certified appellate specialist who turned professional boxer.

Lehman has a full-time nanny to care for her twin daughters, Mia and Grace,

See Page 9 — BOXING

SAN FRANCISCO DAILY  
JOURNAL

SAN FRANCISCO, CA  
TUESDAY 6,000  
APR 22 2003

LOS ANGELES DAILY  
JOURNAL

LOS ANGELES, CA  
WEDNESDAY 24,000  
APR 16 2003



# Boxing Draws Lawyer's Attention

Continued from Page 1

while she works on legal matters from the time the girls leave for school until 4 p.m.

That's when she starts her daily four to five hours of training.

Lee, her trainer, cuts her no slack just because she's a woman.

He comes from Philadelphia, where his father was a trainer. Lee had a 49-3 record as an amateur and a promising professional future before he suffered a detached retina in his fourth bout. But after 15 years as a trainer himself, he knows what someone as ambitious as Lehman needs.

Her workout on a recent rainy afternoon in the Black Tiger gym in San Diego's Mira Mesa neighborhood was a sample: stretching, four rounds of shadow boxing, five rounds of sparring, four rounds of working on the heavy bag, back into the ring for five rounds of practicing

movement and slipping punches while he swung at her, punching the light bag, skipping rope. And Lehman was able to flash her quick smile again even after all that.

Until a year ago, Lehman was a dedicated, rising star among appellate lawyers.

Then, she discovered the primitive joy of whipping a jolting uppercut to the body.

Now, the boxing crowd knows her as "Mulita," the little mule, and she has a 4-0 record and is ranked 14th by the Women's International Boxing Association in her 118-pound class.

The sport's draw on Lehman was so strong that she recently left a six-figure job with the San Diego office of Gray Cary Ware & Freidenrich to open a solo appellate practice that allows her to train in preparation for her next fight, which will pay \$250 to \$300 per round, win, lose or draw.

"Boxing's kind of primal," the 39-year-old lawyer said. "Someday, when I'm all

grown up, I'll do tai chi and things like that."

Lehman, the mother of 6-year-old twin daughters, said she always had been physically active up until the time she began the practice of law. When the girls were born in 1997, the demands of caring for her infants further strained her meager time for exercise.

She signed up for a step-aerobics class and learned just how out of shape she was.

"I was so sore," she said. "Our house is two stories, and I couldn't even walk down the stairs."

One night, she mixed up her schedule and ended up in a kickboxing class.

"I loved it," Lehman said. "It made you have that connection with your body."

And when she smashed a fist into a bag or a pad, "that was wonderful," she said. "The madder you got the more the instructors liked it."

That was two years ago, and her passion for the law gave way a bit for her new obsession with boxing.

She was with Gray Cary at the time of her first professional fight May 30, and the firm declared the event a function for summer associates.

Later, she got reports from the women who attended: "They said they couldn't sleep that night. They had never seen anything so exciting."

During the fight, one of her opponent's blows buckled Lehman's knees.

"There was a change in me. I came back stronger," she said.

She won the four-round fight in a decision.

Rita Valentini, of La Brea, who lost to Lehman in Oceanside Jan. 31, agrees that Lehman is strong.

"She obviously works hard in the gym," Valentini said. "She's aggressive and determined."

Valentini and Lehman will face off in an undercard rematch at San Diego's Sports Arena on May 9.

Her manager, Paul "The Ultimate" Vaden, arranged the fight and sees it as another step up the rankings ladder.

"She's on the crest right now. She could be a champion," said Vaden, who himself compiled the best amateur record in history with 327 wins and 10 losses.

He won several amateur titles and is the former two-time professional world junior middleweight champion.

"She's worked crazy hard," Vaden said. "Her quest is real. It's not a gimmick."

Lehman said her drive to test herself with new challenges led her to a career in law.

After graduating from St. John's in Santa Fe, N.M., she took the law-school aptitude exam without any preparation, passed and was accepted at several law

## Coming Events

### TODAY

**LUNCH WITH A JUDGE** — The Beverly Hills Bar Association Barristers presents "Lunch with a Judge" at the Santa Monica Courthouse, Judges Lounge, 1725 Main St., Santa Monica, from 12:15 p.m. to 1:30 p.m. The event will feature Judge Paul Flynn. Advance reservations are required. Registration begins at 11:45 a.m. Seating is limited to 18 attorneys. Bring your own lunch. Counts for one hour of MCLE credit. Cost is \$15 for members, \$25 for nonmembers. For details, call (310) 553-6644.

**STATE OF THE CIRCUIT** — The Los Angeles chapter of the Federal Bar Association presents "The State of the Circuit" at The Omni Hotel, 251 S. Olive Street, Los Angeles. Starts at noon. Chief Judge of the 9th U.S. Circuit Court of Appeals Mary M. Schroeder will speak. Counts for a half hour of MCLE credit. Cost is \$45 for members, \$40 for government employees and \$55 for nonmembers. For details, call (800) 542-0900 or e-mail henry@cptgroup.com.

### WEDNESDAY, APRIL 23

**BROWN BAG LUNCH** — The family law section of the Long Beach Bar Association presents "Ask Judge Kenneth A. Black" at Long Beach Superior Court, Department A, Long Beach at noon. Counts for one hour of MCLE credit. Cost is \$5 for members and \$10 for nonmembers. For details, call (562) 436-7365.

### THURSDAY, APRIL 24

**FEMINISM, ANIMAL RIGHTS AND VEGETARIANISM** — The UCLA School of Law Student Animal Defense Fund and the animal issues committee of the Los Angeles County Bar Association present a lecture and slide show on Carol J. Adams' book, "The Sexual Politics of Meat: A Feminist-Vegetarian Critical Theory" at the UCLA School of Law, Room 1447, Los Angeles, from 7 p.m. to 9 p.m. Counts for two hours of MCLE credit. For details, e-mail odegani@horvitzlevy.com.

### SATURDAY, APRIL 26

**CRIMINAL AND IMMIGRATION LAW** — The Immigration Legal Resource Center and the Law Offices of Norton Tooby hold a Criminal and Immigration Law Seminar at Loyola Marymount University, 1 LMU Drive, Los Angeles, from 9 a.m. to 5 p.m. Cost is \$280 for private counsel, \$220 for public defenders and \$120 for students-nonprofits. Counts for 6¼ hours of MCLE credit. For details, call (510) 601-1300.

Please submit events for this column to Coming Events, The Los Angeles Daily Journal, P.O. Box 54026, Los Angeles, Calif., 90054, or fax them to (213) 625-0945. Please include date, time, location, sponsor and a contact name and phone number. Events run as space permits. Information and photos of speakers are needed three weeks before the event.





ROBERT LEVINS / Daily Journal

Mary Lehman, an appellate specialist turned professional boxer, recently left a six-figure job with the San Diego office of Gray Cary Ware & Freidenrich to open a solo practice that allows her to train in preparation for her next fight.

schools. She chose the University of San Diego School of Law, graduated in 1991 and was admitted to the State Bar that same year. She then joined Gray Cary.

At the 160-lawyer San Diego firm, she said, there were times working late at night that she had to fight off a craving she had picked up while fighting fires on hotshot crews during college in Santa Fe. She would sneak a chew of tobacco while writing an appellate brief in an office at the firm's Golden Triangle high-rise, she said, but eventually shook off the habit.

One of Lehman's biggest cases was in 1999, when she was part of a Gray Cary appellate team defending the University of California Regents. A physician at the University of California, Irvine, had been accused of stealing fertilized eggs and implanting them in another woman *Stone v. Regents*, 77 Cal App. 4th 736.

In an appeal, Lehman's team won a decision to overturn an Orange County court's order that the university must defend Dr. Sergio C. Stone. The 4th District Court of Appeal's justices agreed that Stone's actions were outside the scope of his employment.

David A. Niddrie, a San Diego lawyer who has squared off against Lehman in the 9th U.S. Circuit Court of Appeals and state appellate courts, said he enjoyed

fighting against her. "She fights fair, and she's very good," Niddrie said.

Niddrie added that he had heard her lecture on federal appellate practice at conferences.

Lehman, who is 5 feet 3 inches tall, earned her "Mulita" nickname from her husband. Out of fear for her safety, she said, he opposed her decision to take up boxing.

Her husband, Juan Alvarez Ojeda, is from Mexico and owns a boat repair business in Coronado called "Juan-A-Do-It Marine."

Lehman's own law practice, she said, is two-thirds of the way to the place where she wants it to be. She is working on eight appellate matters and also works as an appellate consultant. Her earnings are approaching her salary at Gray Cary, she said.

But, she said, the willfulness and stubbornness that she displayed with her husband have served her well as a boxer.

She said that, before her first amateur bout in Imperial Beach, she saw the trophy that would go to the winner.

"I want that trophy," Lehman recalled telling herself.

She fought, she said, with unleashed fury and once floored her opponent.

"I knew I was supposed to go to a neu-

tral corner, but my instinct was to leap on her," Lehman said. "When you hear the bell, you're like a trained dog."

She took home the trophy, and her new confidence inspired her to train even harder. Then, she turned professional. In her second bout, a head butt cut her face open, but she won again.

"That cut was like her badge of honor," said Vaden, who at the time trained Lehman as well as managed her.

But the cut was too much for him. He gave up the training mantle, and as manager, he makes sure she isn't over-matched in her fights.

"I just could not be a part of watching the sharks of boxing bring her down," he said.

Now, her record is four decisions and no defeats in local professional bouts, and after one more fight, she expects to be testing opponents in other parts of the United States.

And though Lehman is older than most women at her stage of boxing development, she doesn't use her age as an excuse to lower her sights away from the champion's belt, no matter how young and tough her ring rivals are.

"So far, nobody's been mentally stronger than me," Lehman said.

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DENNIS DIEMOZ

# Flight Plan

4154

## GC Helps NASA Try to Answer Questions Surrounding Columbia Disaster

BY BRENDA SAPINO JEFFREYS

Dennis Diemoz, general counsel of United Space Alliance, the primary contractor on the space shuttle project, has wrestled with many concerns since the space shuttle Columbia crashed in Texas two months ago, killing its crew and putting a hold on the flights.

But potential liability for USA isn't near the top of Diemoz's worry list.

"Our primary objective is, No. 1, help the families," says Diemoz.

He says other items on USA's priority list in the wake of the accident are helping NASA with the investigation, and working to keep space flight going and USA employees focused on their jobs.

Liability is at the bottom of his priority list, he says.

USA would not be financially liable anyway, he says, because of its contract with NASA that says that the federal agency is responsible for the "first dollar" of any insurance claim for shuttle-related work. That arrangement is warranted because of the hazardous nature of the space flight program, he says.

In the weeks immediately after the Columbia crash, Diemoz spent up to 80 percent of his time on conference calls and meet-

**D** see GC, page 21

### TEXAS LAWYER

DALLAS, TX  
WEEKLY 10,300  
APR 7 2003



# GC HELPS NASA TRY TO ANSWER COLUMBIA QUESTIONS

continued from page 1

ings related to the investigation into the accident. At first, he participated in conference calls at 9 a.m. and 2 p.m. each day, and on a separate call in the evenings with in-house lawyers from the Boeing Co. and Lockheed Martin Corp., the partners in USA, a limited liability company.

The calls dropped to one a day, and now take place three times a week, Diemoz says.

Diemoz says he was in the shower on the morning of Feb. 1, a Saturday, when his wife answered a telephone call from a USA in-house lawyer from Florida who was at the landing site for the space shuttle. Diemoz turned on the television, and watched video of the shuttle falling apart in the sky over Texas.

By 9 a.m., Diemoz, who lives in Clear Lake, was in the office, along with other high-ranking USA executives, where they offered their services to NASA. Diemoz says he spoke to Mike Winchell, chief counsel at the

Johnson Space Center, and offered assistance, but there wasn't much Diemoz could do on that day.

Through a Johnson Space Center (JSC) spokesman, Winchell declines comment.

However, immediately after the accident, NASA impounded everything at USA's offices near the JSC.

## THE COLUMBIA ACCIDENT IS MARKEDLY DIFFERENT FROM THE CHALLENGER EXPLOSION, IN DIEMOZ'S VIEW.

It's routine in the event of an accident, Diemoz says, but even personal items in offices fell under the order.

"Now people are starting to get their stuff back," he says.

Because of lessons learned in the wake of the Challenger explosion in 1986, Diemoz says he and others at USA, and federal employees at NASA had procedures to follow on the day the Columbia went down.

"It worked a lot better, everybody

understands their roles. People were making what I would consider the right decisions early, sending people there [to East Texas] to see what they need," he says, adding that President George W. Bush's early decision to have the Federal Emergency Management Agency assist with the recovery effort also

helped.

Diemoz is on USA's executive catastrophic response team. There were tests of that system — requiring him to call in — three days before the Columbia launch in January, earlier in January, and in December 2002. He reported to USA offices after the Columbia accident that morning.

Diemoz says USA employees are cooperating with the investigation now being conducted by the Columbia

Accident Investigation Board (CAIB). He says two employees were interviewed at public hearings, and a number of others have met privately with investigators trying to determine why the space shuttle Columbia broke up.

Diemoz says in-house lawyers did not accompany the USA employees to their meetings with investigators,

although he says three or four of them had some procedural questions for his department before meeting with investigators.

Diemoz says he told them "as long as they were truthful, there was nothing to worry about."

"Our objective is to find out what caused it and worry about liability later," he says.

Terry Williams, a spokesman for the CAIB, says the board is trying to determine the cause of the accident, and will make recommendations on what needs to be done with the space shuttle program to prevent future accidents. But the board, headed by Adm. Harold Gehman, will not make any liability findings, he says.

Williams says all of the govern-

continued on page 22



ment contractors working on the shuttle program are cooperating fully in the investigation.

The board announced at a briefing on April 1 that its leading line of inquiry focuses on the possibility that a piece of foam struck the shuttle's left wing during liftoff, causing a protective panel on the wing to fly off the next day.

## DISASTER PROCEDURES

Diemoz, 60, has spent much of his career working for government contractors.

He graduated from the University of San Diego School of Law in 1969, and took a job at a firm in San Diego

1974 with Lockheed in California. Almost immediately, he was sent to Saudi Arabia, where he was counsel to the Middle East. By Thanksgiving of 1976, he was back in the United States, but then worked in Iran from January 1977 through September 1978. (After Saudi Arabia, his wife decided to stay in the United States, with the couple's two daughters.) But there was more travel with Lockheed to places such as Singapore and Malaysia for Diemoz.

By 1982, Diemoz was assigned to a Lockheed team in Florida seeking the space shuttle processing contract. Lockheed became the prime shuttle contractor, and Diemoz became counsel for Lockheed Martin Space Operations Center, a wholly

space shuttle Challenger blew up in 1986.

The Columbia accident is markedly different from the Challenger explosion, in Diemoz's view, because the Columbia disaster occurred over land and wreckage is spread over so much territory. Search crews have recovered about 53,000 pieces of the shuttle so far, he says, although that is less than 30 percent of the total vehicle.

The accident is also different because of disaster procedures set up by NASA following the Challenger accident, he says.

Diemoz came to Houston in March 1996 to become general counsel of USA, a 50-50 limited liability company formed by Rockwell &

tract in 1996, and since then has added about 36 more pieces of work.

In December 1996, Boeing bought Rockwell's interest in USA.

As a limited liability company, USA has no board of directors, but does have an advisory board. USA has about 10,800 employees, Diemoz says, with about 3,300 of them in Houston. Others are in Florida, California, Alabama and in Russia (to help operate the space station.)

USA's contract (for about \$1.2 billion a year) runs until Sept. 30, 2004, and terms allow NASA to exercise another two-year option. USA is responsible for the day-to-day operation and management of the space shuttle fleet.

Besides Diemoz, USA has one other in-house lawyer in Houston and two in Florida.

Michael McCulley, chief operations officer at USA, says he has worked with Diemoz since 1990, when he left the astronaut corps and took a job with Lockheed at the KSC.

"I can't think of one time in the years of when he's been with me that he gave me some advice that was incorrect," says McCulley, who piloted the space shuttle Atlantis on a flight in 1989.

## POTENTIAL LIABILITY FOR USA OVER THE SHUTTLE EXPLOSION ISN'T NEAR THE TOP OF DIEMOZ'S WORRY LIST.

where he did international law. But the firm also represented local chapters of the Veterans of Foreign Wars and the Navel Fleet Reserve. He ended up doing a lot of drunken driving defense work. The firm also represented massage parlors, he says.

That really wasn't his cup of tea, so Diemoz took an in-house job in

owned subsidiary of Lockheed that handled shuttle processing and launch operations at the Kennedy Space Center.

He was working there when the

Lockheed in 1996. USA has been operating since June 1996, and it now handles about 70 percent of the total shuttle work, he says. USA started with the space flight operations con-

**LAW**  
**scapes**



McCulley says he talks to Diemoz on a daily basis. He doubts Diemoz missed a single one of the hundreds of conference calls about the Columbia accident since the shuttle went down on Feb. 1.

"He made sure he was being kept

hired Morgan Lewis & Bockius for labor and employment, Crowell & Mooring for government contracts and Greenberg Traurig for intellectual property work.

Tracie Renfroe, a partner in Bracewell who handled an environ-

Public Law 85-804 because of the hazardous nature of the work.

"If NASA was going to say it was something we did, that's tragic enough to live with that, but it doesn't create liability," he says.

A spokesman for NASA did not

not breach its umbrella policy. Judge Hittner signed a final judgment in December, awarding \$2.03 million to USA, but American Home is appealing it.

The underlying suit filed against USA, *Hi-Shear Technology Corp. v. United Space Alliance, et al.* is pending in state court in Florida.

USA's lawyer in the coverage suit, Curtis Porterfield, a partner in Howrey Simon in Los Angeles, did not return two telephone messages before presstime.

Diemoz says the next shuttle flight is scheduled for September of October, and USA employees are preparing for it.

"The uncertainty at this point is how soon we will fly and what if any modifications to the vehicle will be necessary before we fly. We still don't know what caused the accident. We know there is a hole in the left wing, but we don't know what caused the hole," he says.

He says, "We will probably review all the processes we went through and ensure that nothing happens on the next flight, but they might require some vehicle modification that might take a long time."

## DIEMOZ SAYS USA EMPLOYEES ARE COOPERATING WITH THE INVESTIGATION BEING CONDUCTED BY THE COLUMBIA ACCIDENT INVESTIGATION BOARD.

completely up to speed on recovery and analysis efforts," McCulley says. "He's always been like that. He's always been an attorney, a counselor that tried to understand not just the law, but tried to understand what the implications were to the company."

### QUICK STUDY

Diemoz uses a number of firms for outside counsel work, including Texas firms Baker Botts for labor and employment work, and Bracewell & Patterson for environmental and software work. USA also

mental suit for USA, says Diemoz is a quick study.

"He is very practical and pragmatic. He is a quick decision maker, but he likes to gather information, like they all do. I find him very good to work with because he's so bright [and] he is very, very experienced," she says.

Diemoz says most of the company's litigation is employment-related, but there's also an occasional personal-injury suit. USA has insurance coverage for those kinds of claims, unlike space shuttle-related work, where NASA indemnifies USA under

respond to questions about the contract before presstime on April 2.

Lawyers from Howrey Simon Arnold & White won a major coverage suit for USA in December 2002. USA sued American Home Assurance Co. and National Union Fire Insurance Co. of Pittsburgh, alleging they failed to provide coverage to USA for litigation filed in Florida by a subcontractor.

A jury in U.S. District Judge David Hittner's court in Houston returned a verdict finding American Home breached its insurance policy with USA, but found National Union did

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CASSIE MACDUFF

## Judge's legacy is his values

**T**he political climate in which Justice Marcus M. Kaufman was appointed to the California Supreme Court in 1987 was highly charged.

Angry voters had ousted Rose Bird, Joseph Grodin and Cruz Reynoso for overturning death penalties. Liberals feared right-wing ideologues would be appointed to replace them.

Feminists, farmworkers and the ACLU fought Kaufman's appointment.

"That hurt him, because one of the most important things to him was to be unbiased," said his daughter, Sharon Granowitz of Highland.

Over the years, fairness was Kaufman's hallmark. Far from an ideologue, he decided cases on a strict interpretation of the law. He supported the death penalty and property rights but sided with liberals on other issues.

"In that sense, he was a purist," said Philip Kassel, a San Bernardino lawyer and longtime friend.

The former San Bernardino lawyer, appellate court justice and California Supreme Court associate justice died last week at 73. He was one of the most prominent public figures San Bernardino has ever produced.

Kaufman retired from the court after less than three years, but not because of politics. He longed to return to family in Southern California and desired intellectual stimulation routine cases couldn't provide.

As a justice, Kaufman was a taskmaster whose blistering questions could send lawyers slinking back to their seats. When arguing before him, "you better know your cases," said Richard Simon, another San Bernardino lawyer and friend.

But if his persona on the bench was intimidating, off the bench Kaufman was warm, kind and jovial. He mentored aspiring young lawyers, writing letters of recommendation to help them get into law school or get their first jobs.

"Dad was huge on helping people," Granowitz said.

Among those were San Bernardino lawyer Tim Prince, who worked for him while studying law at Boalt Hall, and Leslie Simon Wagner, who clerked for him while at the University of San Diego's law school.

"He had an amazing mind," Wagner recalled. If she was struggling to find the right legal citation, he could point her to the exact case without referring to a lawbook.

The law was like a second language to him, Granowitz said; it came naturally. "He was exceptionally bright," said San Bernardino lawyer Allen B. Gresham.

Kaufman also had a lively sense of humor, regaling friends and family with jokes, stories and one-liners.

Tragedy touched his life; his son died at 22 of complications from surgery. The loss softened him, said Rabbi Hillel Cohn of Congregation Emanu El, where the Kaufmans worshipped.

The sadness that settled over him began to lift with the birth of his granddaughter Shelby, now 24. "He used to come home from court at lunch to hold her," Granowitz said.

When Redlands lawyer Florentino Garza lost a son a few years later, Kaufman sent him a letter full of compassion and hope, Garza said.

In a message to his family read at his memorial, Kaufman described the values he had hoped to impart: "a love affair with excellence ... impatience with mediocrity ... the realization there is much greater pleasure in giving and helping others than in receiving and being helped."

As long as those values live, Kaufman wrote, he would live within them. What a beautiful way to look at leaving life.

Reach Cassie MacDuff at (909) 890-4448 or [cmacduff@pe.com](mailto:cmacduff@pe.com)

PRESS-ENTERPRISE  
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# Davis Picks Two for San Diego Bench

By Claude Walbert  
Daily Journal Staff Writer

SAN DIEGO — Gov. Gray Davis on Wednesday appointed two former county bar association presidents to the San Diego Superior Court.

The appointments were among dozens Davis has been making statewide, including four new Central Valley judges he named to the Superior Court bench last week.

The new San Diego judges are Stephanie Sontag, president in 2000, and Aaron H. Katz, president in 2001. Both have civil law practices in San Diego.

"This is public service, so I get to continue community service, only in a different way," Sontag said. "It's different and wonderful. It's a huge responsibility, and I like that."

Sontag, 54, a partner at Procopio, Cory, Hargreaves & Savitch, is a member of the firm's management committee. She handles complex business litigation and the defense of labor and employment cases.

Before joining Procopio Cory in 1997, she was an associate with Dorazio, Barnhost, Goldsmith & Bonar from 1983 to 1985 and an associate and partner with Post Kirby Noonan & Sweat from 1985 to 1997.

In 1995-96, Sontag was president of the Lawyers Club of San Diego. Currently, she is a master in the American Inns of Court, Enright Chapter; chair of the San Diego County Bar Association's arbitration committee; and a member of the boards of the San Diego County Bar Foundation and California Rural Legal Assistance.

Sontag received a bachelor's degree in psychology from the University of Arizona and a law degree from the University of San Diego School of Law. She was admitted to the State Bar in 1983. She will fill the seat vacated by Carol Lam, who was appointed U.S. attorney for the Southern District of California.

Katz, 41, is a partner at Chapin Shea McNitt & Carter. He handles the defense of medical malpractice and product liability cases, usually representing doctors, hospitals or businesses.

"I am honored to receive this appointment from Governor Davis and humbled by the faith that he has shown in me," Katz said. "I am particularly thrilled to join one of the finest, hardest-working and most dedicated benches in the country."

Before joining Chapin Shea in 1990, Katz was a San Diego County deputy district attorney, beginning in 1986.

A member of the American Inns of



AARON H. KATZ

Court, Lewis M. Welch Chapter, Katz has served on the boards of the San Diego County Bar Foundation and San Diego Mediation Center.

Katz received his bachelor's degree in political science from UCLA and his law degree from Southwestern University School of Law. He was admitted to the State Bar in 1986. He will fill the position vacated by Bonnie Dumanis, who was elected San Diego County district attorney last year.

The new Central Valley judges include a public defender and two court commis-

tioners. Joining the Stanislaus County Superior Court will be Ricardo Cordova, chief deputy at the public defender's office in Modesto, and Jack Jacobson, a Modesto civil defense lawyer.

Court Commissioners Cinda Sanchez Fox and Robin Appel will be promoted to the San Joaquin Superior Court.

Appel, 48, who answered her phone, "Judge Appel," with a laugh, said she was very excited to be promoted.

"I feel wonderful," she said.

The commissioner has presided in family court since she was appointed in 1995. Previously, she practiced family law and civil litigation with the Stockton firm of Reece & Appel from 1983 to 1995. She graduated from McGeorge School of Law in 1979.

Fox, 45, has handled a criminal calen-



STEPHANIE SONTAG

dar since she was named a commissioner in 1997. She also has presided in drug court and domestic-violence court.

She was a deputy public defender in Stockton from 1985 to 1991, then went into private practice handling family law and criminal cases. She graduated from the University of California, Davis, School of Law.

Cordova, 49, is second in command at the Stanislaus County public defender's office. Also a graduate of the University of California, Davis, School of Law, he joined the office in 1995 after spending 16 years representing low-income residents of Stanislaus County with California Rural Legal Assistance.

Cordova is a member and former president of the Modesto school board. He fills a vacancy left by the retirement of Judge Glenn A. Ritchey.

Jacobson, 49, is an attorney with Curtis & Arata in Modesto, a law firm he joined in 1993. He specializes in insurance defense, including tort and employment discrimination cases.

Before joining his current firm, he worked for a dozen years with the firm of Trimbur, Davis, Clark, Jacobson & Avila doing similar work. He earned his law degree from the University of San Diego School of Law in 1978. Jacobson replaces Judge Terry Cole, who retired this month.

Each judge will earn an annual salary of \$139,476.



**SAN DIEGO DAILY  
TRANSCRIPT**

**SAN DIEGO, CA  
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# Agencies initiate public awareness campaign to prevent hate crimes



## Law Briefs

By Andrew Donohue

Wary of possible hate crimes in San Diego County during the war on Iraq, a coalition of county law enforcement agencies plans to unveil a public awareness campaign called "It's Us vs. Hate" on Wednesday.

The San Diego Regional Hate Crimes Coalition is to present examples of its multimedia campaign, including ads on buses, billboards and transit shelters.

The coalition is made up of a horde of countywide groups, including the San Diego County District Attorney's Office and the San Diego City Attorney's Office.  
**Source Code: 20030401tja**

David A. Huch has joined **Barker Walters**, a local full-service firm.

Huch, formerly of the San Diego County District Attorney's Office, is now an associate attorney

working in the firm's litigation practice.

For the district attorney, he assisted in prosecuting state misdemeanors and administering misdemeanor jury trials. According to the firm, he also served in the legal department of a North County company of 2,500 employees.

Huch has experience in commercial litigation and employment law, specifically dealing with complex antitrust, employment and intellectual property issues.

He'll handle insurance defense cases for **Barker Walters**.

Huch was admitted to the California Bar in 2002, the same year he earned his J.D. from the University of San Diego School of Law.  
**Source Code: 20030401tjb**

**Sheppard, Mullin, Richter & Hampton** is hosting two seminars this month to review leave of absence labor laws.

The events will be led by three of the firm's labor and employment attorneys, David Chidlaw, Stacey James and Terry Chapko.

The first event will be held at the Holiday Inn Carlsbad by the Sea from 8 to 10 a.m. on April 17.

The second forum will be hosted by the Hotel del Coronado from noon to 2 p.m. on April 22.

For more information, go to [www.sheppardmullin.com](http://www.sheppardmullin.com).

**Source Code: 20030401tjc**  
[andrew.donohue@sddt.com](mailto:andrew.donohue@sddt.com)



4154

## harvey's way



WILLIAM S. SPEER

No frills: Vengroff in his office—a corner booth in the old Brenton Reef restaurant building.

Last October, Harvey Vengroff was the keynote speaker at a Sarasota Chamber of Commerce Committee of Economic Development breakfast. The event, packed with men and women in business suits, was held at Michael's on East. Vengroff ambled in wearing his trademark corporate uniform—a T-shirt and shorts.

"I saw him walking in the back door wearing cutoffs and sailing shoes and told someone next to me, 'Maybe we should tell that man he's in the wrong place,'" remembers Peggy Barney, who had just been promoted to business

Whether he's  
building his billion-dollar  
company or homes  
for local charities,  
Harvey Vengroff  
follows his instincts and  
gets it done.

development director of the Chamber's Committee for Economic Development. "Then they told me, 'That's our speaker.'"

Barney wasn't the only one who looked askance at the casually dressed Vengroff. Many in the audience seemed

puzzled as he walked to the podium. They sat up, however, when Vengroff, fit and tan at 61, began to talk about his company, Vengroff, Williams and Associates (VWA) and the unconventional style that has propelled it into a billion-dollar business.

Vengroff started VWA in 1963 in California when he was selling janitorial supplies and couldn't get people who owed him money to pay up. He hired a collection agency to no avail. So he decided to take matters into his own hands. He walked his Great Dane in through the front door of companies



that owed him money—and usually walked back out with a check. A light bulb went off in his head. “Hmmm, I could make a living doing this,” Vengroff remembers thinking.

He was right. Today, VWA is the world's largest commercial collections agency, handling \$32 billion in volume a year. It also handles all sorts of billing needs—anything to do with accounts-receivable management. Its client roster is a Who's Who list of major companies, including Microsoft, IBM, Sun Microsystems, Cisco and the American Stock Exchange. The company employs about 1,100 people in offices in Florida, California, New York, Singapore, Amsterdam and Dublin and brings in revenues of more than \$3 billion.

Sarasota is the headquarters of Vengroff's Florida division. Vengroff didn't plan on starting a company when he retired here 13 years ago. The initial idea was to relax and sail on his 54-foot ketch with his wife Carol and son Travis, now 16. And, in fact, they did do some sailing, spending a year or so cruising to different ports and home-schooling their son on board. But then, like many restless captains of industry, Vengroff just couldn't sit still. He ended up starting a division of VWA in a cramped office on Longboat Key with about 10 people, a number that has grown to 325 in the last 10 years.

And he's making his mark on Sarasota in other ways—although most Sarasotans would never know it, since he's rarely in the news, hates any kind of meeting and avoids social events and the black-tie circuit. (His wife is well known in Sarasota as a cheerful and tireless public school volunteer.) A major real estate investor, he owns two motels and the old Brenton Reef restaurant building on North Tamiami Trail, a number of apartment and commercial buildings, and renovated a building on Central Avenue for the Sarasota School of Arts and Sciences.

And now he's building—for free, since his wife Carol loves the arts and asked him to do her a favor—a new home for Theatre Works on an eight-acre property off Fruitville Road, the former site of Stottlemeyer Lumber. The complex will also include offices for his expanding workforce, film and sound studios, a 450-seat restaurant and a Vegas-style nightclub with a center stage that rises from the floor and can convert into a boxing ring on weekend nights and a church on Sundays.

Crazy, you say? Not for Vengroff, whose office is a cluttered corner booth in the old Brenton Reef. His employees are squeezed in there, too, and Vengroff has paid no attention to remodeling. The place looks virtually the same as when waitresses were serving shrimp cocktails. Some workers actually sit at computer stations behind the bar.

His business associate Rodney Schansman, an Atlanta Internet executive, laughs at the description. “He doesn't spend a lot on overhead,” he says, adding, “No one can ever prepare you for Harvey Vengroff.”

That's an understatement. After all, how can you categorize a man whose accomplishments range from building three nuclear power plants to selling toilet bowl cleaner to teaching himself to sail by navigating the Caribbean with only a compass and some candy bars as companions?

You know you're not dealing with the usual businessman as soon as he hands you his card. The card lists his cell number along with the phone numbers of the President of the United States, the party chairman of China, the prime minister of England and the secretary-general of the United Nations. A line at the bottom asks, “Guess which one is going to call you back?” Vengroff, obviously.

“It's easy to get in front of him the first time,” says SouthTrust vice president Bill Casper, who cold-called him one day and was immediately told to

head to Vengroff's boat for a meeting. “If you don't make a good impression, my hunch is it's probably not so easy to get in the second.”

“He's a nut,” says Schansman, “but if you want to get something done, call Harvey.” (His wife Carol says with a laugh that Vengroff is so quick-acting that he's actually left her on the dock when she was late for a sailing trip. You either learn to be on time or figure out that missing the boat isn't that important, she says.)

Vengroff doesn't consider himself a nut. He just thinks people should be “the CEOs of their own lives.” He's puzzled that people want to play it safe and by the rules. “It's not hard to be a millionaire,” he asserts.

Vengroff grew up in New York with a self-employed dad who started a janitorial business every year just so he could take a two-week vacation in the summer. “He was the most optimistic person I've ever met,” he says. They moved constantly. “I never went to the same school twice,” he says. Vengroff loves to say he graduated “first in his class...first on the bottom, that is.” He was named least likely to succeed.

Undaunted by such predictions or his grades, Vengroff applied to schools such as Harvard and MIT. He says, not without a certain pride, that he was rejected by both. Finally, Long Island University accepted him. Then they asked him to pay the tuition. “I didn't know it cost money,” he says. He told the bursar that in lieu of a check for tuition, his cleaning company would clean the campus. Needless to say, the 17-year-old Vengroff had no cleaning company, but he quickly created one, tacking “Help Wanted” flyers up around campus, soliciting students for part-time cleaning work. And it worked. Vengroff says not only did he cover his tuition, he also won the cleaning contracts for LaGuardia Airport and the Chrysler Building in



Manhattan and was driving a Jaguar by the time he was 18.

From there, Vengroff jumped from one college to another and one business to another, always landing on his feet. He owned several franchises, including the Jerry Lewis Theaters, by the time he was 20 or 21. He sold insurance. Somewhere along the way, he got a master's in education and taught high school science for a total of two days. He tried law school at San Diego School of Law.

While at law school, he saw an ad about a home-study course in computer programming at Penn State. The application cost \$26. Unbeknownst to Penn State, Vengroff created something he billed as "a screening test" for applicants and advertised that, for \$253, he would administer the two-hour test to potential candidates to see if they qual-

warned the officer and asked for a warrant first.) He still bears a scar on his lip from trying to repossess a car back in those days.

These days, however, Vengroff is less a scrapper than a sharp entrepreneur. His drive to do things his way has made him an innovator. He realized early on that the use of sophisticated, flexible computer technology was key to a business that needed to handle all sorts of companies and billing needs. And he branched off into unknown territory with an attitude of always finding a solution—case in point, winning the bid of electrical contractor for three nuclear power plants when he knew nothing about nuclear power plants and the facilities they needed. Today, the plants are still up and operating in Fort Bragg, Fort Campbell and at the

School of Arts and Sciences and his plans for the Theatre Works complex, he's provided a free home to the Sarasota Boxing Club and rents space at bargain rates in his North Trail motels to non-profits like Take Stock in Children and the Coalition for Affordable Housing. He's also known for lending a hand to deserving tenants in his rental properties for low-income people. Vengroff says such arrangements are "win-win" situations. Good tenants help clean up an area and make his properties more valuable, he explains. And, as a self-made millionaire, Vengroff is known for giving money to people—rarely charities—he believes in. "I'll help somebody, but there's got to be a plan and then they have to promise to help somebody else if they do make it," he says.

**"You have to have goals to work for him," says an employee. "He'll ask, 'Have you written them down? Can I read them?' He's never happy with underachievers."**

ified. If they passed, Vengroff told applicants, he would send their applications in. While the candidates took the exam, Vengroff would work on his law school studies. At some point, Vengroff had rooms full of people taking the exam, each one of them paying him \$253 while he did his homework. Eventually, one applicant discovered that the exam served absolutely no function and he could send the application in himself. There was "a big article in the newspaper about me," Vengroff says, which effectively ended the part-time business.

His propensity to make up his own rules has occasionally landed him in trouble with the law, he says, but he's never been convicted—although he has been arrested a couple of times, once for obstruction when he kicked shut an open file drawer and broke the fingers of the police officer who was rifling through his papers. (Vengroff says he

University of Virginia Medical Center.

Schansman says he met Vengroff when he was searching for a company that could help him with collections. "My IT guy was saying we can't do it. Harvey said, 'Don't worry about it. I'll take care of it.' He did. He got everything done."

Vengroff also hires people who adhere to his philosophy and drive. K.C. Cudney, who says her income jumped "five to eight times" since she began working for Vengroff 10 years ago, says the most important part of working for Vengroff is drive. "You have to have goals if you're going to work for him," she says. "He'll ask you, 'Have you written them down? Can I read them? What do you want to be when you grow up?' He's never happy with underachievers."

Among his associates, Vengroff has a reputation for generosity. In addition to building a home for the Sarasota

Once again, Vengroff insists he's retiring. He's in the middle of selling VWA to his employees. Cudney, who in her 10 years with the company had risen to division president before stepping down to spend more time at home, says she doesn't believe Vengroff will ever retire. "He needs the stimulation. He likes to stir the pot." She tells this story:


"Once when he, Carol and Travis went somewhere on vacation and we needed his office space, we reorganized. He's always been able to see everyone from where he sat, but I moved him into a corner with no windows. He was so mad when he came back and saw what I had done that he punched a hole in the wall and said, 'There, now I can see.'" And—as you'd expect from a wildly successful entrepreneur who hates wearing socks and runs his company from an old restaurant booth—he never has fixed that hole. ■



— *Profiles in Excellence: 2003 Women In Business Nominees* —

**Ardelle St. George**

*Partner, St. George & Carnegie*



St. George, who holds her Juris Doctor from the University of San Diego Law School, represents Fortune 100 companies on intellectual property, technology development and Internet-related issues, putting her at the forefront of some of the most complex legal issues of our time.

She also was the first female president of the Orange County Association for Corporate Growth and has succeeded in branding the OC chapter as a premier business networking organization. She assisted in producing a one-hour television show featuring prominent CEOs from Orange County on KOCE-TV. She is a member of the KOCE-TV Foundation, the Orange County Venture Group and the advisory board of Serving People in Need.

**ORANGE COUNTY BUSINESS  
JOURNAL**

**IRVINE, CA  
WEEKLY 21,000  
APR 28 2003**



# Maine lawyers evolve to meet clients' needs

4154  
By MATT WICKENHEISER

Staff Writer

There are few important steps you can take in life that don't involve a lawyer. Buying a house? The papers will be drawn up by a lawyer. Getting a divorce? You'll come to know your attorney better than you did your ex-spouse.

The need for legal services even follows you beyond the grave, with probate work a big part of the legal system. All of that's when you're doing things legally - never mind if you run afoul of the law.

The profession enjoys an odd dichotomy of traditional dignity versus derision. Few professionals are as maligned as lawyers. Everyone knows a lawyer joke or two.

On the other hand, lawyers work for a basic right important to a free democracy - the right to representation in a court of law. And those who practice the law are rigorously schooled and tested before they're deemed fit to join the bar.

Lester F. Wilkinson Jr. is president of the Maine State Bar Association, an organization that had its beginnings in 1891. Today, the voluntary association has more than 3,000 members.

Wilkinson is the managing shareholder of the Augusta office of Bernstein, Shur, Sawyer & Nelson and is a 1978 graduate of Bates College. He earned his law degree from the University of San Diego in 1981.

**Q.** In general, what sort of image do you think most Americans have of lawyers?

**A.** About a year ago, the American Bar Association commissioned a national survey to answer that very question. It found that Americans are ambivalent about lawyers.

On the positive side, they said they consider lawyers knowledgeable about the law and able to help clients navigate through difficult situations.

On the negative side, they said they



Lester F. Wilkinson Jr. is president of the Maine State Bar Association. He is the managing shareholder of the Augusta office of Bernstein, Shur, Sawyer & Nelson.

believe lawyers are greedy, manipulative, and corrupt. Some also said they believe the central place of lawyers in society enables them to play the system. Lawyers shouldn't worry much about their public image.

**Q.** Do you think it's different in Maine? How so?

**A.** We've done no public opinion polling in Maine, but I believe Mainers tend to be somewhat less cynical and view lawyers more positively than in more populous regions of the country. That's not to say, though, that every Maine resident thinks highly of every Maine lawyer.

Maine lawyers work hard and deserve a positive public image. They spend more time providing free legal services to people who cannot otherwise afford them, through the Volunteer Lawyers Project, than lawyers in most other states. Maine also produced a number of superstars - Ed Muskie, Bill Cohen, George Mitchell and others - folks with humble personal backgrounds who have made grand contributions to this state and country, and each began his or her career as a lawyer.

Most importantly, I believe most Maine residents know personally or professionally a lawyer they admire or respect.

## About 'Focus'

Focus is a weekly feature of the Portland Press Herald that explores issues of importance to different sectors of Maine's economy. Today:

## The legal profession in Maine:

Number of law firms: 725

Number of lawyers per firm: 1-4 lawyers in 510 firms; 5-9 lawyers in 130 partnerships; 10-19 in 55 firms; 20-49 in 20 organizations; 50-99 lawyers in four firms, 100-249 in three partnerships.

Total annual payroll: \$172 million

Total law firm employees: 3,800

Most lawyers in a county, Cumberland: 1,327 or 42.1 percent

Fewest lawyers in a county, Waldo: 27 lawyers, or 0.9 percent.

Sources: U.S. Census, Maine Bar Association

**Q.** What's the impact, in your mind, of attorneys' television ads on that perception?

**A.** It depends heavily on the individual ads. As in any other field, there can be good ads and bad ads. And whether any given ad is good or bad depends very much on the eye of the individual viewer.

Some ads offend some lawyers and may also reinforce some of the negative public perceptions of the legal profession. But they also accomplish their primary purpose: to reach potential clients.

Please see **LAWYERS**, Page 7D

PORTLAND PRESS HERALD

PORTLAND, ME  
SATURDAY 73,734  
APR 26 2003



# LAWYERS

*Continued from Page 5D*

The important issue is whether the ads do any secondary damage to the confidence the public must have in our courts. There's no reliable study I know of proving television ads lower public perceptions of the legal system.

**Q.** Maine is viewed as being less litigious than other states – how is that reflected in the bar?

**A.** Perhaps because Maine is a relatively small state, there is a collegiality, a civility, among most Maine lawyers that may be less evident elsewhere. Maine lawyers certainly know how to play hardball for their clients, but I see a degree of professionalism here which limits cut-throat behavior or win-at-all-costs strategies. My sense is that the no-nonsense, problem-solving approach, rather than the hired-gun, take-no-prisoner approach, is more prevalent among

Maine lawyers – reflecting the general sentiment of Maine people with problems that need solving.

**Q.** How have you seen the profession change in the past 10 or so years?

**A.** The challenges of practicing law have become more complex and the pace is faster, and the profession has grown to meet those challenges. We now have mandatory continuing legal education in Maine. We all have to keep going to school to maintain our licenses to practice, and the result is that our clients are better served. More lawyers are narrowing their practices to better serve clients. Non-legal service providers have entered the traditional practice areas for some lawyers, and do-it-yourself courtroom representation has increased.

**Q.** Lawyers in Maine have been forming more consulting arms, alternate dispute resolution groups and niche specialization. What is driving that in the marketplace?

**A.** Client service is driving those initiatives and specialization. The focus on alternate dispute resolution groups is strongly encouraged by the courts to ease the demands of civil trials. Some large firms, and even middle-size firms, are establishing both lawyer and non-lawyer consulting groups in niche areas, diversifying to meet evolving client needs and seeking markets for their expertise.

**Q.** What would you say are the big issues facing the profession, in the state and nationally?

**A.** One big issue is whether general practitioners at solo and small firms are going to thrive. Like primary care providers in the medical profession, these lawyers can be gatekeepers to assure affordable legal services to the public. Another important issue is how our legal system manages the tension between individual liberties and national security as the war against terrorism continues and concerns about personal safety in our schools, neighborhoods and courts mature.

**Q.** What are some things most people don't know about the legal profession?

**A.** People may not know how many lawyers Maine has who never get anywhere near a courtroom. Many of us work to provide wills and set up estates, to facilitate real estate and other business transactions and undertake countless other tasks to keep the social system running smoothly. I suspect many people think lawyers make far more money than they do. Many lawyers do not earn incomes that anyone with a graduate degree envies.

Probably many people don't know that Maine ranks very low in investment in its judicial budget. Some of the Maine facilities in which justice is delivered are aging and, frankly, are at times unsafe for litigants in contentious disputes.

And I doubt that many people know they can hire a lawyer for a very limited purpose if they can't afford a lawyer to represent them in an entire case.



## **Other USD-Related News**



# Racial, sexual incidents prompt walkout at USD

By Eleanor Yang  
STAFF WRITER

4154  
Frustrated by a resurgence of racially and sexually motivated incidents, dozens of University of San Diego students and faculty members walked out of classes yesterday and urged the administration to address anti-gay, racist and anti-Semitic sentiments on campus.

"The administration is not doing anything," student body president Christopher R. Wilson said. "Students of color don't feel protected at USD — inside the classrooms and in the dorms."

In the past four weeks, four bias-motivated incidents and hate crimes have been reported to the Public Safety Office. The most serious was a burglary reported at a campus apartment, where racial slurs were written on the walls, desk and mirror of two female students.

Other incidents included anti-gay graffiti scratched on a student apartment's door, a Malcolm X poster defaced with a swastika sign, and fliers about the history of the Black Panther Party thrown in the trash.

The incidents are the most serious reported since last fall, when nine incidents apparently motivated by prejudice rocked the private Catholic university.

In September, a Latino landscaping worker was spat upon, and notes were left on students' doors that read, "Go home, nigger."

In response to the fall incidents, university officials conducted six diversity training sessions, made plans to augment freshman orientation tolerance training, and will expand residential assistant human-relations training, said Thomas Cosgrove, dean of students. The faculty also is considering a diversity-class requirement for the largely white campus, but that process could take two to three years.

The latest incidents frightened some of the 50 students gathered yesterday. Some have asked friends to escort them to class, and others have been afraid to speak up in class for fear of backlash, said Marvin Banks, president of the Black Student Union.

Michelle Camacho, a sociology and ethnic studies professor taking part in the walkout, said students need to be immersed in anti-racist thinking as soon as they arrive on campus.

The solution, some professors said, is institutional change that results from increasing the number of minority students and faculty members on campus and creating a more welcoming environment.

"What we really need is fundamental change," said Gail Perez, interim director of the ethnic studies department.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA  
THURSDAY 374,856  
APR 24 2003

Eleanor Yang: (619) 542-4564;  
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# Dividing line

4154-450  
By Gil Griffin  
STAFF WRITER

Perhaps nowhere else does a rusted metal fence in a remote, dusty valley hold so much hope and, at the same time, so much fear.

Here — South of the Tijuana River, in a national estuarine sanctuary — lies Cañon de Matadero (Dead Man's Canyon). It's the colloquial name both United States Border Patrol agents and desperate border-crossers have for this section of fence and for its precarious conditions.

Though it doesn't have a speaking part and isn't listed in the credits, it's the border that stars in "The Gatekeeper," a deeply moving feature film that opened Friday.

"It's definitely a live and vivid character," said director and star John Carlos Frey, as he glanced over the fence. He watched a man

Film, play explore  
both sides' divergent  
perspectives of life  
across the border

---

on the Mexican side set up a makeshift camp, a short distance from where he and his crew filmed some of the picture.

"It's like an off-camera narrator. It contains the essence of all the in-

dividuals in the movie. It represents the borders of ignorance, the borders of economics and the borders of religious differences."

That's how the border is portrayed in "The Gatekeeper," which

won prizes at seven film festivals, including the audience choice award at the 2002 San Diego Latino Film Festival.

Meanwhile, the border has also been playing an integral role in theatrical productions.

At University Heights' Diversionary Theater, the comic, gay-centric play "Deporting the Divas" gives the San Diego-Tijuana border a mysterious, foreboding and unforgiving personality.

"It represents a social, cultural and historical scar between the two countries," said Francisco Lomeli, a UC Santa Barbara Chicano studies professor who has written several books and articles about U.S.-Mexico border issues.

"From the south looking north, it's a look of hurt, suffering and frustration. Mexicans have always seen the border as a major obsta-

SEE **Border, D8**

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA  
TUESDAY 374,856  
APR 29 2003



## ► BORDER

CONTINUED FROM D1

### Filmmaker takes unflinching look at immigrants

cle. To Americans it's like an abyss — the type you wish not to acknowledge."

#### Festering and ugly

If the proverbial scar appears visually and thematically banded in films such as "Traffic" (filmed in San Diego County) and "Lone Star" and in TV shows such as "Kingpin," it's festering and ugly in "The Gatekeeper."

Frey's character, Adam Fields, is a rogue U.S. Border Patrol agent. He has an Anglo name, but a Mexican heritage he suppresses. Fields conspires with an American vigilante group to go undercover as an undocumented immigrant. The homing device Fields wears is meant to lead the

"From the South looking North, it's a look of hurt, suffering and frustration."

#### FRANCISCO LOMELI

*UC Santa Barbara  
Chicano studies professor*

crossers into an ambush, but instead, Fields is taken with the others to a squalid, forced-labor camp in California.

There is racism, rape and humiliation.

"The two films that inspired me were (the 1970s TV mini-series) 'Roots' and 'Schindler's List,'" said Frey, 39, born in Tijuana, raised in Imperial Beach and educated at Marian Catholic High School and the University of San Diego. His parents — his father, Daniel, a retired dairy farmer from Switzerland and his late mother, Leonor, a Tijuana singer — are immigrants.

"These conditions are happening here, right under our noses. I talked to hundreds of undocumented workers and to Drug Enforcement Agency officers and they tell me that I've only scratched the surface."

#### Profitable genre

"El Norte," the landmark 1980s film, explores the lives of undocumented immigrants, but not perhaps as in the unflinching way "The Gatekeeper" does. The U.S.-Mexican border has been the subject of hundreds of Mexican films since the 1930s, but mostly for commercial exploitation, according to Norma Iglesias, a San Diego State University professor of Chicano studies and a researcher at El Colegio de la Frontera Norte, a Tijuana think tank.

"It's a specific genre in Mexico that's very profitable," Iglesias said. "A lot of people link the border with their dreams. As many as 50 percent of the people are possible migrants. In states like Michoacan and Jalisco, there's a strong migrant tradition and it's part of the culture."

Mexican "border" movies, from action flicks and Westerns to melodramas, have portrayed the border as both a dangerous and anarchic no man's land and

a gateway to prosperity, temptingly dangling dollars for Mexicans who fear losing their cultural identity. But the migrant characters, Iglesias said, were, at best, cartoonish.

"Mexican directors haven't really wanted to explore the sociological topic of the border," Iglesias said. "But there are some young filmmakers like Maria Navarro and Carlos Bolado who made films like 'El Jardin del Eden' and 'Bajo California' who are interested in that."

#### Border as metaphor

Chilean-born playwright Guillermo Reyes, a professor at Arizona State University, adds a fresh dimension to treatment of the San Diego-Tijuana border in his "Deporting the Divas."

Though it's a comedy, the play uses the border as a metaphor for the blurring of the boundaries of culture, language and sexual orientation. Reyes' main character is also a Mexican-American Border Patrol agent who masks both his heritage and his homosexuality to fit into his perception of what mainstream America wants

him to be. The character, who is married, does so, while having an affair with a male, undocumented immigrant.

"There's the safety factor of the border," said Reyes, who lived in San Diego for four years as a UCSD graduate student, "(of) people wanting to live in their own world and in some cases, having to pass for something they're not. In Chile, I was brought up to think of myself as a white person (because of his European ancestry), but suddenly in the U.S., I was seen as non-white. So in many ways I've been on both sides of the border."

#### Unpleasant memory

Frey, a dual citizen of the U.S. and Mexico, has spent a lifetime straddling the line between the two countries. He has spent the last 17 years between business in Hollywood and family in San Diego and Tijuana.

The border, he said, has made its presence felt in his life.

"Growing up, there would be undocumented immigrants hiding in our back yard, under our cars, in our garage and in the alfalfa fields," Frey said. "I didn't comprehend what was happening. I lived in an affluent city, but there was a world on the other side of the fence that was the opposite."

Frey still bristles at a haunting memory caused six years ago by the presence of that fence. His mother — a permanent U.S. resident — went walking outside her home, without her green card.

"The Border Patrol picked her up and deported her," Frey said, with a tone of incredulity. "She was taken to a detention center in Tijuana. I was incensed."

Frey's mother died six months before he finished shooting "The Gatekeeper." In the opening credits, he dedicates the movie to her. Frey said after her death, he thought, "Now I really need to get this film made."

The urgency, some say, paid off.

"He opens a new door, you see immigrants from the inside," said Lomeli, the UCSB professor.

"Other films tend to demonize immigrants as invaders. This one 'Americanizes' them, telling the story of vulnerable people coming over, trying to improve their lives."



# Scandinavian Trade Mission Pays Off for Arcoa Industries

## Chambers Sponsor Seminar on Recruiting Foreign Workers

San Marcos-based **Arcoa Industries Inc.** is reveling in its success at winning four new contracts for business in Scandinavia after a trip to Denmark, Sweden, and Norway.

In March, Arcoa was the only local company out of eight U.S.-based medical device manufacturers and health care service providers involved in a trade mission organized by the U.S. Department of Commerce.

Arcoa CEO Chet Warfel said the Commerce Department arranged meetings with companies in the three countries visited March 17 to 21.

"We set up four customers, one in Denmark, Sweden, and Norway," Warfel said.

The fourth contract was with a regional distributor for grocery stores.

Arcoa is a small family-owned company with 35 employees. Warfel, his father, Guy Warfel, and his sister, Marty Ziegenfuss, own the company.

Arcoa makes products such as the EZ Assist Reacher, which helps people who can't reach items on the ground or on a shelf because of a medical condition.

"In each Scandinavian country, health care is extremely subsidized by the government," Chet Warfel said.

The governments won't import medical devices, but they'll buy foreign products from a local distributor, he noted.

The region also proves to be a good market because of its size. There are 50 million people in Denmark, Sweden, and Norway. In addition, they are generally higher income earning areas, according to Warfel.

"They like American products. It's a very western culture," he said.

Most Scandinavians speak English.

Arcoa is considering a second Commerce Department trade mission, which is scheduled for September in the United Kingdom and Ireland. However, that region has a stronger competitor.

In Scandinavia, a Swedish company makes products similar to Arcoa's, Warfel said, but the San Marcos company's products sell for one-half or less of the competition's price.

### Foreign Employee Program:

The Chambers of Commerce in Carlsbad, Escondido, Encinitas, Fallbrook, Golden Triangle, Oceanside, Poway, Rancho Bernardo, and San Marcos have joined together to present "Beyond Borders: Recruiting and Retaining Personnel From Abroad" on April 30.

The San Diego World Trade Center and Biocom, a trade association for the life science industry, are also sponsoring the seminar from 7:30-10 a.m. at the Carlsbad Chamber of Commerce office at 5934 Priestly Drive in Carlsbad.

The seminar speakers will address employment and immigration issues.

Pre-registration is required. The cost is \$40 for members of the chambers, the trade center, or Biocom, and \$55 for nonmembers.

For information, call Elyzabeth DuRard at the Carlsbad Chamber at (760) 931-8400. Registration can be completed online at ([www.carlsbad.org/events/events.htm#apr30](http://www.carlsbad.org/events/events.htm#apr30)).



International Business

Mandy Jackson

**Young Global Minds:** The World Trade Institute at the San Diego World Trade Center is launching its second year of GlobalBiz, a seven-week business education program designed to introduce local high school students to careers in international trade.

The program is put on in association with the San Diego Workforce Partnership and Junior Achievement.

After a week in a classroom at the University of San Diego from June 23 to 27, students will have a six-week paid internship from July 7 to Aug. 15.

Students entering their junior or senior year of high school in the fall will have to submit an application, school transcripts, a teacher rec-

ommendation, and a personal essay to apply.

Companies looking to get involved in GlobalBiz should contact Alexandra Wong at the trade center at (619) 615-0868, Ext. 109 or log on to ([www.wtisd.org](http://www.wtisd.org)) for information.

**Kyocera Joins CT-PAT:** Kyocera Industrial Ceramics Corp., headquartered in Vancouver, Wash., recently announced that it has become a certified member of the Customs-Trade partnership, a program of the former U.S. Customs Service, which has now been rolled into the Department of Homeland Defense.

The corporation is a wholly owned subsidiary of **Kyocera International Inc.** of San Diego, the North American holding company for Japan-based Kyocera Corp. The industrial ceramics company has a regional sales office in San Diego.

CT-PAT is a new, and highly publicized program, that allows for its members and their entire supply chain to be pre-screened, in order to allow for faster shipping of parts and products into the United States by land, air, and sea.

Send international business news to Mandy Jackson via fax at (858) 571-3628 or via e-mail at [mjackson@sdbj.com](mailto:mjackson@sdbj.com). Call her at (858) 277-6359, Ext. 114.

## SAN DIEGO BUSINESS JOURNAL

SAN DIEGO, CA  
WEEKLY 14,000  
APR 28 2003



# SAN DIEGO PARENT MAGAZINE

SAN DIEGO, CA  
MONTHLY 90,000  
APRIL 2003



**Burrelles**  
INFORMATION SERVICES

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University of San Diego Sports Camps,  
619-260-4593; 4154  
<http://camp.san.diego.edu>

With 25 years of experience in the camping business, USD knows about kids and what is important for their growth and development. We provide outstanding facility and top-quality coaches, using Professional Division I coaches to direct each of the 14 different sports camps. Our coaches are committed to helping children reach their full potential in a wholesome and caring environment. The importance of balancing athletics and school is a meaningful philosophy that is incorporated into the camp curriculum. All camps emphasize personal attention, skill development and quality instruction. Campers ages 6 to adult, gain from the experience of meeting and competing with athletes from around the world. Camps start June 15 and range in cost from \$120 to \$650. One- or two-week camps are available in basketball, swimming, soccer, volleyball, tennis, baseball, softball and water polo. USD is accredited by the American Camping Association.

**Tutoring**



# Bailey Gardiner to handle PR for Pala Casino Resort and Spa

4154 P.4A (University of San Diego)



## MarketInk

By Sonya McDowell

**Pala Casino** has hired San Diego-based integrated marketing agency **Bailey Gardiner** to handle the public relations for the grand opening of its new hotel and spa.

This summer, Pala Casino will become Pala Casino Resort and Spa, a 220,667-square-foot, \$215 million casino, entertainment and dining complex. Bailey Gardiner will handle the public relations initiatives, introducing the public to the new resort and all of its amenities. The newly designed resort and spa will include a 10-story hotel tower with 507 four-star hotel rooms, state-of-the-art fitness center, eight indoor massage rooms, two VIP spa suites, 10 salon stations, a boutique and more.

Bailey Gardiner has created award-winning marketing communications programs for an array of clients including Tiffany & Co., House of Blues, Shea Homes and W Hotel. **Source Code: 20030416tia**

NYCA, a full-service advertising agency, announces Rob Petrie as their new associate creative director and vice president.

A 15-year ad veteran, Petrie came to NYCA from **Y&R Irvine**, where he worked on high-profile national clients such as Lincoln Mercury, Sony, Mattel and Jaguar. Petrie also worked at **Di Zinno Thompson** in San Diego and created award-winning campaigns for Rally's, San Diego Convention and Visitors Bureau, 2-Fish Shoe Works, June Lake

and June Mountain, among others.

NYCA is located in Encinitas and opened in March 2002. Their clients include TaylorMade Golf, EastLake Development, Rossa Putters, Maxfli Golf Balls, Direct TV, HNC Software and others.

**Source Code: 20030416tib**

**Tartan Media Group Inc.**, a full-service marketing agency, has appointed Tina Stillions to director of public relations. Stillions comes to Tartan with a diverse background in marketing communications and book publishing.

Stillions' primary responsibilities include public relations for Tartan Media Group and the newly formed Tartan Web Solutions. She will also oversee corporate communications and

client representation.

Prior to joining Tartan, Stillions worked as an account executive for **The Oddo Group**. There she represented clients including I-Bus, AP Labs, Whittaker Fuels and Structron tools. She also worked for many years in the book publishing industry and was a community relations coordinator for Barnes and Noble Bookstore.

**Source Code: 20030416tic**

The results are in from the San Diego Advertising Club's 2003 Creative Show awards program held on Friday, April 4 at the Culy Trucking Warehouse, in downtown San Diego.

Of the 510 entries for this year's awards program, 81 awards were

See **MarketInk** on 4A

## SAN DIEGO DAILY TRANSCRIPT

SAN DIEGO, CA  
THURSDAY 15,000  
APR 17 2003



# MarketInk

*Continued from Page 3A*

presented to 24 different entrants. Awards were presented in one of three categories: gold, silver and award of excellence. Awards were presented in advertising (print, TV, radio, public service), graphic design (identity, letterhead, company literature, poster design, editorial design, books and jackets, product packaging, environmental graphics), Web site advertising and design, advertising, photograph, illustration, self-promotion and student work.

**Matthews Evans Albertazzi**, with three gold, four silver and eight excellence awards, also was honored with the Best of Show award in the advertising category, while **Murphy Design**, with two gold, one silver and one excellence awards, garnered the Best of Show award for graphic design.

Other single gold award winners included **Vitro**

**Robertson, AM Advertising, Campbell Mithum** and Art Institute of California, while **Conover Graphic Design Studio** won two gold awards.

Other multiple award winners of second- and third-place awards included **Big Bang Idea Engineering**, **Di Zinno Thompson, Goss Keller Martinez, Hollis Design, Ivan Freaner Creative, Lucas Martinucci, Lyon & Associates, Vivimedia** and **XMAS Telemundo**.

Creative Show officials presented **MaeLin Levine**, owner of **Visual Asylum** and a long-time member of the American Institute of Graphics Arts' (AIGA) San Diego chapter, with the Paula E. Sullivan Award for outstanding career achievement. **Source Code: 20030416tid**

• • •

The Society for Marketing Professionals Services (SMPS) is holding its annual golf tourna-

ment on May 2 at the Vineyard in Escondido. Check-in time is 11:30 a.m.; shotgun start is 1 p.m. This year over 100 participants have already signed up.

Participants include decision makers and facilities professionals who work in both the private and public sectors. Leaders with the city and county of San Diego, San Diego's Centre City Development Corp. and real estate development companies will be playing. Also teeing off are facilities professionals with Sharp Healthcare and local universities like SDSU, USD and UCSD.

The charity recipient for this year's tournament is Pro Kids Golf Academy & Learning Center.

Green fees are \$125 for members and \$150 for nonmembers. For more information visit [www.smeps.org](http://www.smeps.org). **Source Code: 20030416tie**

[sonya.mcdowell@sddt.com](mailto:sonya.mcdowell@sddt.com)



## Athletics



## LOCAL COLLEGES

# Toreros finally get on the board in victory over Gonzaga

4154  
USD's scoreless streak against Gonzaga reached 24 innings before the Toreros broke through yesterday to score — and win — in the finale of their three-game West Coast Conference baseball series at Spokane, Wash.

USD (23-27, 12-12 WCC) scored four times in the seventh inning and added three runs in the ninth for a 7-2 victory over the Bulldogs (20-21, 8-13).

Pinch-hitter Jamie Hesselgesser singled in the first run in the seventh for the Toreros, who were shut out twice in Saturday's doubleheader. Center fielder Tony Perez then hit a three-run homer.

USD starter Justin Blaine limited Gonzaga to two runs over five innings. Pat Lucy earned his first victory with an inning of relief. Perez pitched the final three innings for his ninth save.

USD is tied for first place with USF in the conference's West Division.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA

MONDAY 374,856

APR 28 2003



# Falcons get off the schneid with their first conference victory

UNION-TRIBUNE

4154

Behind the complete-game effort of Air Force Academy senior Josh Zumbrun, the Falcons got their first Mountain

**Air Force****3****Aztecs****0**

West Conference victory of the season yesterday with a 3-0 win over SDSU.

Zumbrun (2-1), a right-hander making only his second career start, allowed

the Aztecs (20-24, 12-8) seven hits and walked two, getting 16 groundouts. Outfielder Anthony Gwynn was the lone SDSU player with more than one hit — his two singles extending his hitting streak to 13 straight games.

The Falcons, who had dropped 18 consecutive MWC games this season, struck early, scoring two runs on junior Mike Rose's fifth home run of the season, a two-run shot in

the first. Air Force (13-26, 1-18) added another run in the third.

SDSU, which got a complete-game four-hit, nine-strikeout performance from senior righty Joe Carque (4-2), saw its four-game winning streak come to an end.

## Gonzaga 5-14, USD 0-0

Gonzaga got two fine complete-game pitching performances in a doubleheader sweep over USD, shutting the

Toreros out for the day in West Coast Conference action. In the first game, junior left-hander **Ed Clelland** limited the Toreros (22-27, 11-12 WCC) to just four hits.

Sophomore right-hander **Eric Dworkis** struck out 10 batters and Gonzaga broke out for 19 hits in the nightcap. USD managed a combined 10 hits in the games, led by junior short-stop **Jose Ortega** (3-for-6).

## CS Stanislaus 5-3, UCSD 4-4

UCSD came back from a tough loss in the first game, beating visiting Cal State Stanislaus in eight innings of the scheduled seven-inning California Collegiate Athletic Association game.

UCSD's **Matt Kennison** singled home **Nigel Miller** from second base for the winner.

Valhalla High alumnus **Alex Cremidan** (2-2) came on for the final two innings in relief of starter **Jose Navarro** (Mt. Carmel) to pick up the win for the Tritons (25-26, 19-18).

Stanislaus (24-24-1, 18-17) pushed across two runs in the top of the seventh to erase a 4-3 deficit and held on for the win in the opener. UCSD reliever **Justin Suarez** (0-4), a Montgomery High graduate, suffered the loss.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA  
SUNDAY 374,856  
APR 27 2003



# Aztecs score early and often to win rematch with Toreros

By Kirk Kenney  
STAFF WRITER

4154

In several games this season, San Diego State's offense has slipped into neutral after getting off to a fast start.

SDSU got off to a big early lead yesterday, but avoided a collapse. And the Aztecs did it against cross-town rival USD, beating the Toreros 13-8 in a non-conference game at Cunningham Stadium.

It was a little payback for SDSU, which lost to USD last week at Tony Gwynn Stadium.

"We didn't like them beating us on

our field last week," said SDSU designated hitter Garrett Cook. "We wanted to come out and really take it to them."

The Aztecs collected a season-high 21 hits — including three hits apiece by Cook, Anthony Gwynn, Josh Allen and Jake McLintock — off seven Toreros pitchers.

SDSU opened up an 8-0 lead through the first two innings. Cook got things started with a two-run single in the first. In the second, most of the damage was done by Allen's bases-loaded double and a two-run homer by Cook.

"We opened the door for them early on and they kicked it in," said USD head coach Rich Hill.

USD (22-25) is no stranger to comebacks, and the Toreros rallied for two runs in the third and four in the fourth to make it 8-6.

This time, however, the Aztecs (19-23) closed the door behind them.

SDSU put up two more runs in the seventh and three in the eighth to decide matters.

"They kept the pressure on us all game," said Hill. "They deserved the win."

The Aztecs took their lumps in victory.

Aztecs left fielder Landon Burt was hit in the right elbow by a pitch in the second inning that made his arm go numb for a few minutes. Burt came to

the plate with a little padding on his elbow for subsequent at-bats, but was hit again in the same spot in the seventh inning.

"I'll take a few more for the team, but not in the elbow," said Burt, who earlier this season set a school record when he was hit three times in one game. Burt's swollen elbow will be on ice for the next two days, but he doesn't expect to miss any playing time. SDSU freshman left-hander Ben Coon wasn't as sharp as he's been in other efforts this season, hitting four batters in the game after going 56 2/3 innings without hitting any. But Coon (4-3) got the victory for eight innings of work and allowed the bullpen to

stay fresh for this weekend's MWC series at Air Force.

"Hopefully, this gives us a rhythm going into this weekend," said Allen.

The Aztecs also were buoyed by the return of freshman shortstop James Guerrero, had had missed five games with a shoulder injury.

USD left fielder Josh Hansen led the Toreros with three hits and three RBI. Teammate Joey Prast drove in two runs with two hits. Prast set a school record in the ninth inning with his 22nd double of the season.

USD resumes play in the West Coast Conference this weekend when it travels to Gonzaga.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA  
WEDNESDAY 374,856  
APR 23 2003



# Toreros come through with big hits

## in sweep of Saint Mary's

By Kirk Kenney  
STAFF WRITER

Tony Perez had to thank his pal Joey, among others, in USD's doubleheader sweep against Saint Mary's yesterday.

**Toreros  
18-6**

**Saint Mary's  
11-5**

The Toreros won the first game 18-11 at Cunningham Stadium, but it was a dramatic 6-5 win in the second game that had Perez smiling afterward.

"I would have been crying in here," said Perez. The senior from Eastlake High moved from center field to the mound in the eighth inning with the second game tied 2-2 and allowed Saint Mary's to score three runs for a 5-2 lead.

"It's my job to shut the other team

down," said Perez. "I was kind of feeling like I let us down."

That's when he got a little help from his friend.

"Good ol' Joey," said Perez.

Junior Joey Prast hit a three-run homer in the eighth inning to make it 5-5.

"I crushed that thing as hard as any ball I've hit all year," said Prast, who leads the Toreros with 10 homers.

But the ball had to fight a strong wind blowing in from left field. It hit on top of the fence and bounced over.

Perez (2-4) singled in the winning run in the ninth to give USD — and himself — the victory.

The Toreros (22-24, 11-10) lifted themselves back above .500 in West Coast Conference play by sweeping the Gaels (16-22-1, 7-10-1).

In the first game, USD head coach

Rich Hill was ejected for the fourth time this season after arguing a call with plate umpire Dennis Smythe in the fifth inning. USD pitching coach Sean Kenny also was ejected at the time.

Hill argued long and loud with Smythe after being ejected, made contact with the umpire and received an automatic one-game suspension in doing so. The suspension was served during the second game.

It remains to be seen whether Hill receives any further punishment when the WCC reviews the incident.

"I'm confident in the process in place," said Hill. "Other than that, I have no official comment."

Smythe, as is typical for umpires, had no comment.

All this transpired during a fifth inning in which the Gaels turned a 10-3

deficit into an 11-10 lead. USD regained control of the game with a six-run sixth.

The Toreros finished the first game with 22 hits. The top four hitters in the lineup — Perez, Prast, Freddy Sandoval and Josh Hansen — were 15-for-18 with eight RBI. Hansen, who was 5-for-6, and shortstop Jose Ortega had four RBI apiece.

### Aztecs 5-10, Utah 3-9

San Diego State rallied for five runs in the ninth inning to beat Utah and complete a doubleheader sweep against the Utes at Salt Lake City.

The Aztecs (18-23, 11-7) moved into a second-place tie with BYU in the Mountain West Conference.

Chad Corona's three-run home run highlighted the comeback in the second game against Utah (18-20,

6-11). Josh Allen also had a homer and three RBI for the Aztecs.

In the first game, SDSU took a 5-1 lead into the bottom of the seventh, then held on for the win. Junior left-hander Drew Jensen recorded his second save of the season in the first game and his sixth victory in the second.

### UC Davis 9-3, UCSD 4-1

After taking Friday's opening game of a four-game series, UC Davis (25-16, 19-11 CCAA) made it three in a row, sweeping a doubleheader from UCSD (24-22, 18-15).

UC Davis' David Butterworth was a combined 5-for-7 with four RBI and two runs scored. David Hawk hit his third home run for UCSD in the first game, and Damian Fante finished 3-for-8.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA  
SUNDAY 374,856  
APR 20 2003



# San Diego State loses fourth straight game in series opener at Utah

Utah sophomore Clay Westmoreland pitched a complete game and teammates Wick Udy and Mike Westfall each hit a two-run homer as the Utes defeated San Diego State 7-2 yesterday in the opener of the teams' three-game Mountain West Conference series at Franklin Covey Field in Salt Lake City.

Utah

7

Aztecs

2

The loss was the fourth straight for the Aztecs (16-23, 9-7), who slipped into a third-place tie in the conference. Westmoreland (4-3) allowed eight hits and struck out five for Utah (18-18, 7-9).

SDSU starting pitcher Mike Moat (3-4) also went the distance, allowing nine hits. Only four of the seven runs off Moat were earned, because of two

errors by the Aztecs.

Kyle Floquet, playing in place of injured shortstop James Guerrero, led the Aztecs with three hits.

The teams play again today and conclude the series tomorrow.

## Aztecs sign two local players

West Hills catcher Clay Coulter and Morse pitcher Bruce Billings have signed letters of intent to SDSU,

giving the Aztecs seven local players in their 2003 recruiting class.

The 6-foot-2, 205-pound Coulter, who batted .404 last season for the Wolf Pack, possesses a strong arm and a quick release. Billings is a 5-11, 195-pound right-hander whose fastball has been clocked at 90 mph this season.

Billings follows Morse teammate Adam Jones to SDSU. Jones, a shortstop, committed during the NCAA's

early signing period in November.

## USD game postponed

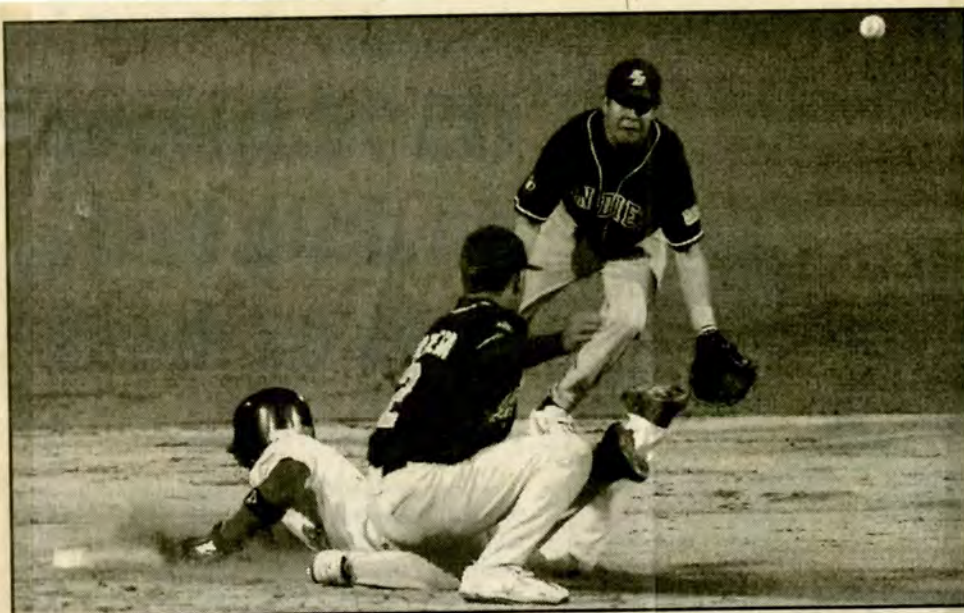
USD's game against Saint Mary's was postponed because of rain and will be played today at 1 at Cunningham Stadium. The teams conclude their West Coast Conference series tomorrow with a doubleheader beginning at 11.

— KIRK KENNEY

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA  
FRIDAY 374,856  
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San Diego State's Anthony Gwynn is safe at second on a seventh-inning steal as USD's Joe Ortega (left) and Erik Verdugo watch the ball. John Gastaldo / Union-Tribune

## USD wins bragging rights

By Kirk Kenney, STAFF WRITER

They say these Tuesday nonconference games don't really mean much. Don't believe them.

Not when San Diego State right fielder Jake McLintock is staring out at USD pitcher Sean Warlop, his former Bonita Vista High teammate.

Not when USD's Joey Prast is hitting and former Poway High teammates Rielly Embrey and Anthony Gwynn are trying to keep him from getting on base.

Not when 15 of 20 starters in the game, including both pitchers, are graduates of local high schools.

USD's 8-4 victory over San Diego State before 1,509 fans last night at Tony Gwynn Stadium means the Toreros can do some bragging.

"At least for a week," said USD coach Rich Hill.

The teams meet again Tuesday at USD's Cunningham Stadium.

"We've got that city competition," said SDSU coach Tony Gwynn. "But in the big scheme of things it doesn't mean anything, just another loss."

Said Hill: "It just feels like there's some-

thing on the line."

Prast singled in the first inning and had a few moments to catch up with Embrey, who was playing first base for the Aztecs.

Embrey and Gwynn couldn't do much in the third to stop Prast, who gave the Toreros a 2-1 lead with his ninth home run of the season.

"Rielly didn't say anything on that one. He just put his head down," said Prast, who was 3-for-4 with three runs scored.

Said Embrey: "It's always nice to see a guy from high school. But I preferred his out to the one he hit out."

USD expanded its lead to 4-1 on two-out RBI singles by Trevor Pike and Tony Perez in the fourth.

USD had a 5-3 lead before putting up three more runs in the ninth, two of them coming on Freddy Sandoval's seventh homer.

USD's Chad Cummings (4-1) got the win in relief and Perez finished for his eighth save.

SDSU freshman second baseman James Guerrero missed his second straight game with a shoulder injury suffered over the weekend against New Mexico and will not make the trip for this weekend's series at Utah.

**Toreros**

**8**

**Aztecs**

**4**



# San Diego State loses to New Mexico in extra innings

UNION-TRIBUNE

4154  
New Mexico pushed across single runs in the ninth and 10th innings yesterday for a 5-4 Mountain West Conference win over San Diego State at Lugo Field in Albuquerque.

New Mexico tied the bottom of the ninth when Chris Alexander walked and came home on DH Joe Salas' double off the wall in center field. The relay throw appeared to beat Alexander to the plate, but he was called safe. In the 10th, Josh Jezek hit a one-out single off SDSU's Ronnie Lindsey (2-3) to give New Mexico (25-15, 9-6 MWC) its second win in the three-game series.

Landon Burt, Garrett Cook and Jon Stephens each had two hits for the Aztecs (16-21, 9-6), who fell into a three-way tie for second place in the conference.

SDSU plays USD tomorrow at 6 at Tony Gwynn Stadium.

## USD loses twice to Santa Clara

Santa Clara took two of three games in its West Coast Conference series with USD by sweeping a doubleheader yesterday, beating the Toreros 6-0 and 2-1 at home.

Joe Diefenderfer went the distance for Santa Clara (18-21, 10-5 WCC) in the first game, allowing five hits with two walks and seven strikeouts.

Freshman Justin Blaine pitched well for USD (19-23, 9-9) in the second game, allowing one run and six hits with a walk and three strikeouts in five innings. Santa Clara's Kellan McConnell was even better, limiting the Toreros to two hits over four innings without allowing a run.

USD scored a run in the eighth to make it 2-1, then had the potential tying run thrown out at the plate on an at-

tempted double steal.

## Softball

San Diego State swept visiting Centenary (La.) College 5-3 and 2-0 as the Aztecs broke out for 11 hits in the opener and Bre DeSanta (14-4) tossed a five-hit shutout in the nightcap. The Aztecs won their ninth and 10th straight games. In game one, Janna Kovensky and Bainca Cruz were both 3-for-3 as SDSU (30-14) scored all its runs in the first inning. De Santa fanned 13 in the second game. Centenary falls to 18-26 ... Host LMU took a pair from USD, winning 6-3 and 7-2. In the first game, the Lions (22-16, 6-2) scored three runs in the eighth to beat reliever Erin Harmonson (Scripps Ranch), who fell to 3-11. Two LMU homers helped the Lions take the nightcap. Gina McFarland and Hilary McHugh were both 2-for-3 for the Toreros (6-30, 1-7).

SAN DIEGO UNION-TRIBUNE

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## Tennis

Pepperdine won both the men's and women's West Coast Conference championships yesterday. The Waves beat USD in the women's finals at Pepperdine 4-1, and Pepperdine beat the Toreros in the men's finals at USD by the same score. USD's Emma Murphy was named to the All-WCC singles first team. Pepperdine's men's team, ranked No. 26, is 14-9; the No. 43 USD men are 13-7. USD's Pierrick Ysern was named to the All-WCC men's singles first team while Jason Pongsrikul and Nic Beuque of USD were named to the All-WCC men's doubles first team.

## Women's water polo

No. 8-ranked SDSU lost twice in the winner's bracket of the Long Beach Tourney, falling 10-5 to No. 3 USC and 12-11 in OT to No. 4 Long Beach State.

## WCC baseball

WEST	Conference		All Games	
	W	L	W	L
Loyola Marymount	8	7	21	16
USD	9	9	19	23
USF	9	9	16	23
Portland	4	10	8	26

COAST	Conference		All Games	
	W	L	W	L
Pepperdine	12	3	22	15
Santa Clara	10	5	18	21
Saint Mary's	6	8	15	19
Gonzaga	4	11	15	19
Portland and Saint Mary's have one conference tie				

## MWC baseball

	Conference		All Games	
	W	L	W	L
UNLV	12	3	28	11
SDSU	9	6	16	21
New Mexico	9	6	25	15
BYU	9	6	17	16
Utah	5	9	17	18
Air Force	0	14	11	23



## LOCAL COLLEGES

# Aztecs rally but come up short in another wild one at New Mexico

UNION-TRIBUNE

4/15/03

San Diego State rallied against New Mexico for the second straight game, but the Aztecs dug themselves too big a hole in yesterday's 14-11 loss at Lobo Field in Albuquerque.

SDSU (16-20, 9-5 MWC) trailed 5-0 after three innings. The Lobos (24-15, 8-7) stretched their advantage to 14-3 through six innings before the Aztecs mounted a comeback with seven runs in the eighth and one in the ninth.

SDSU's Landon Burt and Josh Allen each had four hits and teammates Anthony Gwynn and Jon Stephens had three RBI apiece.

New Mexico first baseman Chris Alexander hit two home runs, giving him 20 on the season, and collected a game-high six RBI.

### More baseball

USD was rained out of its game with host Santa Clara. The Toreros (19-21, 9-7 WCC) will

play a makeup game today with the Broncos (16-21, 8-5) as part of a doubleheader. PLNU was beaten 17-5 and 8-7 by The Master's in a GSAC doubleheader.

### Track and field

The SDSU women's team won just six events but still managed to outpoint UCLA 159-124.5 and win the Cal-Nevada State Collegiate Championships at the SDSU Sports Deck. The Aztecs' Melinda Smedley, who was named most valuable female athlete, won the 100 and 200 and ran on both of SDSU's first-place relay teams. Dan Ames (El Capitan High), a junior at UCLA, won the shot put and discus events. Anthony Blacksher took third in the 100 hurdles for Cal State San Marcos.

### Tennis

The men's and women's teams from USD both advanced out of their respective semifinals

by beating Loyola Marymount at the WCC Championships. The No. 2-seeded Toreros men scored a 4-3 win at home and the USD women got by LMU 4-2 at Malibu. Both squads will meet the top-seeded Pepperdine teams in today's finals. The women play at 11:30 and the men at 1:30 at the USD West Courts. The UCSD men, ranked No. 20 in Division II, improved to 16-4 by blanking Cal Poly Pomona 9-0.

### Softball

PLNU won three games against Vanguard and that, combined with other conference losses by Concordia and Cal Baptist, gave the Crusaders their second straight GSAC title. SDSU improved to 28-14 and remained unbeaten in MWC play (6-0) after beating UNLV 1-0 and 3-2 in a pair of extra-inning games at SDSU Field. In the first game the Aztecs' Celena Velasquez struck out nine over 10 scoreless innings. Bre DeSanta pitched a complete game to win the

nightcap. USD didn't score a run on the day, falling 4-0 and 6-0 in a PCSC doubleheader at Loyola Marymount. UCSD came up short in two comeback attempts and lost 5-3 and 7-6 in a home doubleheader against Cal State San Bernardino.

### Golf

SDSU shot a 3-under 285 but still fell two spots in the standings and finished 12th overall at the ASU Thunderbird Invitational at Tempe, Ariz. Host Arizona State won the tournament, finishing 28 strokes ahead of the Aztecs.

### Women's water polo

Eighth-ranked SDSU won three games, including a 9-6 decision over No. 14 UCSD, at the first day of the Long Beach State Tournament. Casey Finnegan led the Aztecs with eight goals on the day. Holly Hartzell (Fallbrook) and Amber Prestegard each scored six.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA  
SUNDAY 374,856  
APR 13 2003



COLLEGE  
BASEBALL

# Waves complete sweep of USD

Toreros commit  
six errors in  
series finale

By Kirk Kenney  
STAFF WRITER

As Pepperdine's runs and hits and USD's errors mounted yesterday, it became increasingly apparent to those at Cunningham Stadium that it was a lost cause — a lost weekend — for the Toreros.

USD coach Rich Hill seemed oblivious to this fact during Pepperdine's 12-1 victory, which completed a three-game sweep of the West Coast Conference series.

The Waves built an 11-0 lead going into the bottom of the fifth, but Hill continued to shout encouragement from the third base box when his players came to the plate. Things such as ...

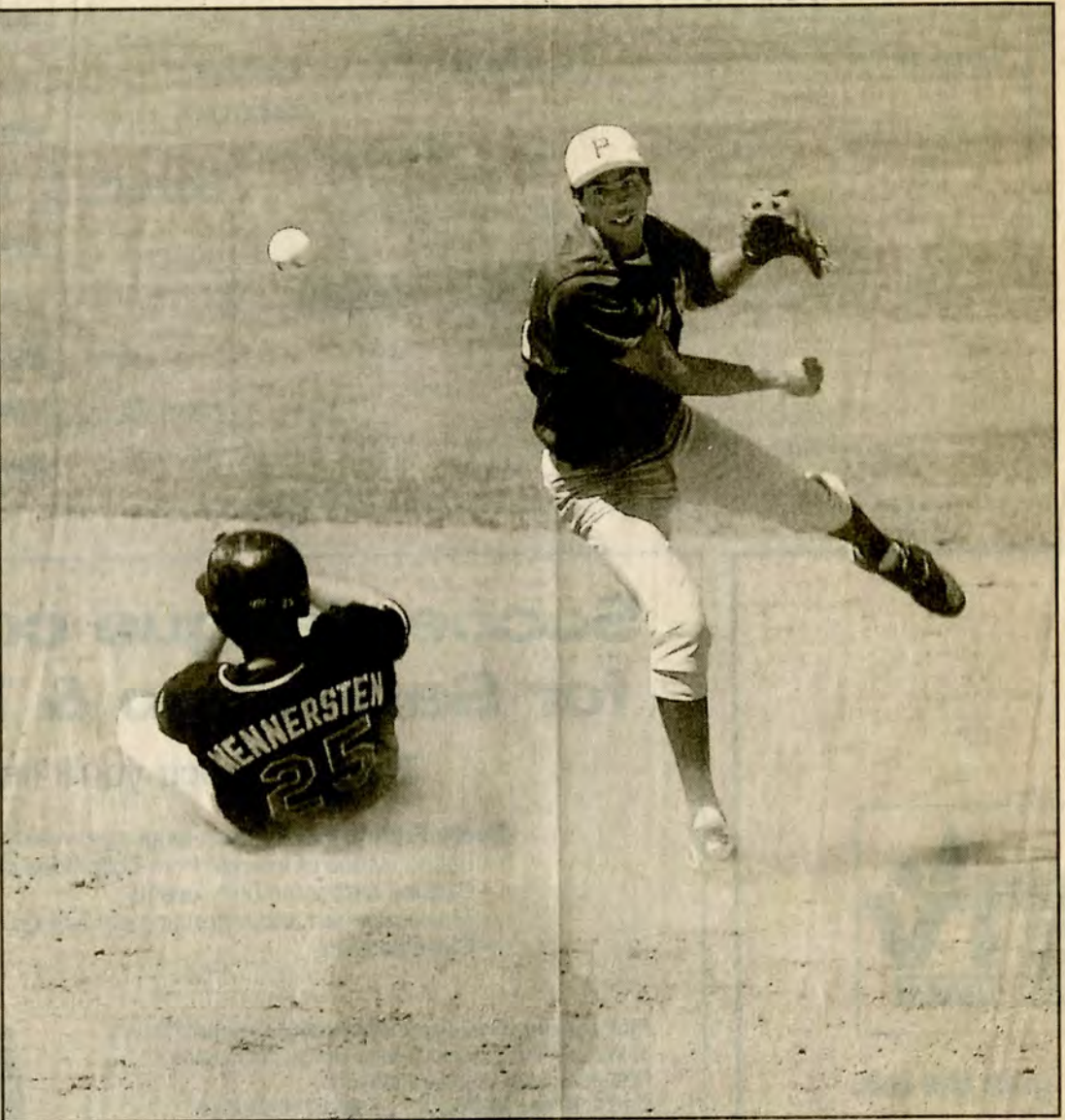
In the fifth: "Good job. Good take. Atta boy."

In the sixth: "C'mon. C'mon. Here we go."

In the seventh: "C'mon, Joey. C'mon, kid."

In the eighth: "Put a good swing on it. C'mon."

In the ninth: "Let's go to work. C'mon. Make something happen right here. Never



Pepperdine's Kevin Estrada fires to first for double play against USD. Peggy Peattie / Union-Tribune

know."

When the final out was made, Hill bent forward, took a deep breath, straightened up and moved on.

"I'm probably stupid, but I think until the last out is made that we're going to win," said Hill. "I really do."

USD rallied for four runs in the ninth inning earlier this season for a victory over Oregon State. In a game against Texas, the Toreros rallied for seven runs in the ninth but fell short. Perhaps that's why Hill holds out hope.

Pepperdine's lead was insur-

mountable in large part because the Toreros made six errors. Only three of the runs scored off USD pitchers Tony Perez (1-4) and Sean Warlop were earned.

Pepperdine (19-14, 9-3 WCC) maintained its hold on first place in the conference's Coast Division. USD (17-21, 8-7) dropped to second in the West Division behind Loyola Marymount.

Hill briefly gathered his players together down the left-field line after the game.

"We just need to put this weekend behind us and start

over with a clean slate tomorrow," Hill said. "That was my message."

Each player has his own way of putting it behind him.

"I just go home and talk to my roommates about anything other than baseball," said first baseman Lucas Wennersten.

"You just try to stay mentally tough," said third baseman Freddy Sandoval, whose home run in the sixth accounted for the Toreros' run. Sandoval also had two of his team's errors.

Remaining focused becomes increasingly difficult when you add injury to insult.



## WCC Standings

WEST	Conference		All Games	
	W	L	W	L
Loyola Marymount	8	4	21	12
USD	8	7	17	21
USF	6	9	13	22
Portland	4	8	8	23

COAST	Conference		All Games	
	W	L	W	L
Pepperdine	9	3	19	14
Santa Clara	8	4	16	19
Gonzaga	4	8	13	16
Saint Mary's	4	8	13	19

## MWC Standings

	Conference		All Games	
	W	L	W	L
UNLV	10	2	26	9
SDSU	8	4	15	19
New Mexico	7	5	23	13
BYU	6	6	13	16
Utah	4	7	14	16
Air Force	0	11	10	20

Sophomore infielder Jamie Hesselgesser, one of the team's top hitters the past three weeks, pulled his left hamstring in the first inning and could be out for a month.

"Somebody else is going to have to step in and do the job, just like he did," said Hill. "Those kinds of things have been hitting us all year, and we just have to overcome them."

The next opportunity to do so is tomorrow at USC. Then it's back to conference play over the weekend at Santa Clara.

## S.F. State 7, UCSD 0

Visiting San Francisco State (17-23-1, 12-16 CCAA) took a 3-0 lead after 1½ innings and never looked back in shutting out No. 21 UCSD. Tritons starter **Justin Suarez** (0-1) allowed nine hits and four earned runs in 3⅓ innings. The Tritons (24-16, 18-10) managed seven hits off starter **Lance Stevens** (4-4) and reliever **Keith Albright**. **Brett Burton** was 2-for-4 with a stolen base for UCSD, which turned five double plays.



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INFORMATION SERVICES

COLLEGE BASEBALL

# Fired-up SDSU rallies to win

By Kirk Kenney  
STAFF WRITER

San Diego State players and fans left Tony Gwynn Stadium thrilled yesterday with a 4-3, 10th-inning comeback victory over BYU. SDSU coaches walked away shaking their heads — again — because the Aztecs had gotten away with one.

Aztecs

4

BYU

3

10 INNINGS

Players and fans were caught up in two moments — Rielly Embrey's game-tying solo homer in the bottom of the ninth and Peter Stonard's game-winning single in the 10th — in the Mountain West Conference win.

"I wasn't going to let them beat me with an inside fastball again," said Embrey, who struck out twice Friday night on just such pitches.

This time the junior first baseman smoked reliever Jason Garcia's fastball over the right-field wall to make it 3-3.

SDSU's Anthony Gwynn doubled off the wall in right-center against Garcia (0-4) to lead off the 10th. A single and a walk loaded the bases before Stonard lined the first pitch from reliever Tyler Dabo down the left-field line to end it.

"Anthony and the other guys did all the work," said Stonard. "I just had to put it in play."

The victory enabled SDSU (15-19,

8-4 MWC) to take two of three games from BYU (13-16, 6-6) as the Aztecs prepare for nine straight conference games on the road.

SDSU coaches were happy enough to get the win but couldn't get their minds off all the mistakes made along the way.

The Aztecs stranded runners in scoring position, had a runner picked off base (for the ninth time this season), were at times out of position on defense and on and on.

"The players were cruising along, thinking we had it won 2-0," said SDSU head coach Tony Gwynn. "Then (Ryan) Chambers hits a three-run homer and all of a sudden it lights a fire under them."

"Until we get to the point where these guys realize what it takes to execute and win, you hold your breath all game long."

SDSU scored once in the first inning and made it 2-0 in the fifth on freshman Curt Mendoza's second homer of the season.

SDSU starting pitcher Joe Carque handed the lead to Daryl Harang with two runners on base and no outs in the eighth.

Two pitches later BYU had a 3-2 advantage compliments of Chambers.

SDSU pitching coach Rusty Filter came out so quickly to pull Harang that Filter nearly bumped into Chambers completing his home run trot.

In came freshman right-hander

Ronnie Lindsey (2-2), who held BYU in check for three innings while his teammates put on their rally caps.

## Pepperdine 6, USD 3

Junior right-hander Jacob Barack (Rancho Buena Vista) won his fifth straight game, leading the Waves at Cunningham Stadium. Barack (5-1) allowed 10 hits, but he limited the Toreros (17-20, 8-6 WCC) to two earned runs over eight innings.

Pepperdine (18-14, 8-3) collected 15 hits off USD's Aaron Wilson (3-4) and Chad Cummings, including four hits by Kevin Estrada.

## UCSD 7-5, S.F. State 0-1

The Tritons got two complete-game pitching performances in their sweep of visiting San Francisco State (16-23-1, 11-16 CCAA). Junior Rafael Bergstrom (5-0) threw a six-hit shut-out — his second consecutive shut-out — in the opener while Byron Grubman (7-0) went the distance in the nightcap. David Hawk hit his second home run of the year in the opener as UCSD (24-15, 18-9) had 13 hits. Damian Fante was 3-for-3 with two RBI in the nightcap.

## Azusa Pacific 7-6, PLNU 5-5

PLNU dropped two games as host Azusa Pacific's first win was in the completion of a game that started March 1 at PLNU. Brad Vericker homered in both games for the Crusaders (23-10, 11-5 GSAC).



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COLLEGE BASEBALL

# USD loses opener of key series

By Kirk Kenney, <sup>4154</sup>STAFF WRITER

If USD and Pepperdine maintain their leads in their respective divisions of the West Coast Conference, they will meet in the WCC playoffs for the second straight season.

<b>Pepperdine</b>	The Toreros are all for a re-
<b>6</b>	match — they defeated
<b>Toreros</b>	Pepperdine last year in Malibu
<b>0</b>	to earn their first NCAA Tour-
	namment berth — but they would
	like it to be on their terms. On
	their turf.

That's what makes this week-end's series significant. Whoever wins it would host the best-of-three playoffs.

The Waves got a leg up on USD yesterday with a 6-0 win at Cunningham Stadium.

Pepperdine right-hander Greg Ramirez (3-2) shut down USD on six hits, striking out nine and walking two.

The Toreros (17-19, 8-5 WCC) might argue that Ramirez and the Waves (17-14, 7-3) benefited from a strike zone that stretched nearly a foot to either side of home plate.

In fact, USD coach Rich Hill made such an argument in the bottom of the sixth inning and it led to his ejection in the top of the seventh.

USD starting pitcher Kyle Collins (5-2) allowed all six runs over 7 1/3 innings.

## BYU beats Aztecs

BYU pounded San Diego State freshman

left-hander Ben Coon for six runs in the first inning, then settled in for a 7-5 Mountain West Conference victory at Tony Gwynn Stadium.

Coon (3-2) retired just one of the eight hitters he faced in the first before being replaced by Erick Eigenhuis.

Eigenhuis and Will Miller limited BYU (13-15, 6-5 MWC) to one run over the final 8 2/3 innings.

SDSU is 14-19, 7-4.

BYU starter Paul Jacinto (La Costa Canyon) won to even his record at 4-4.

## SDSU pitcher arrested

San Diego police arrested Aztecs junior pitcher **Ryan Heil** near his San Carlos home Thursday morning on suspicion of driving under the influence. Heil, 21, was pulled over at 4:22 a.m. on Mission Gorge Road near Margerum. He was booked into jail but later released.

Aztecs coach **Tony Gwynn** said Heil has been suspended for the rest of the season for breaking team rules. Heil's status will be reviewed after the outcome of his court case.

## UCSD loses opener

UCSD freshman Jose Navarro allowed five hits and one earned run over 7 2/3 innings, but the 21st-ranked Tritons lost 2-1 to visiting **San Francisco State**.

Union-Tribune staff writer **Pauline Repard** contributed to this report.



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LOCAL COLLEGES

## Hansen, Ortega lift USD

UNION-TRIBUNE

4154  
Josh Hansen and Jose Ortega hit RBI singles in the bottom of the eighth inning yesterday to give USD a 3-2 nonconference victory over Cal State Northridge at Cunningham Stadium.

Ortega had three of seven hits for USD (17-18), which has struggled to find its offensive rhythm in recent games.

"We're just waiting for a few guys to get going," said coach Rich Hill.

USD right fielder Joey Prast keeps going and going. Prast was 2-for-3, boosting his season average above .400. He leads the West Coast Conference in several categories, including runs (42), hits (55), RBI (39) and doubles (16) and is third in average (.401) and homers (8).

Right-hander Brian Jones was the only one of six USD pitchers to throw more than one inning, allowing four hits and one run with three strikeouts over four innings against the Matadors (6-28). Chad Cummings (3-1) picked up the win with a scoreless eighth inning, and Tony Perez pitched

the ninth for his sixth save.

USD has an opportunity to go over .500 for the first time since the season's opening week when it returns to conference play Friday in the opener of a three-game series at home against Pepperdine.

### More baseball

Catcher James Nepa hit two home runs and drove in five runs as visiting Cal Poly Pomona beat PLNU 9-3 in a non-conference game. The Broncos (8-26) got 11 hits off six Crusaders pitchers, including freshman starter (and losing pitcher) Ryan Craine. Mike Acuna (Poway High, Southwestern College), Adam McGrew and Jud Richards had two hits apiece for PLNU (23-8).

### Men's tennis

UCSD No. 1 singles player Sameer Chopra beat Kevin Whipple 6-3, 6-4 and then teamed with Bryan Swatt at No. 1 doubles to whip Whipple and Eric Butorac 8-5 as the Tritons (14-2) defeated visiting Gustavus Adolphus (Minn.) College 7-2.



SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA  
WEDNESDAY 374,856  
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COLLEGE BASKETBALL

# Stockalper exits at USD

By Hank Wesch, STAFF WRITER

4154

Derek Stockalper, the CIF Division I basketball Player of the Year in 2002 after leading Carlsbad High to the section championship, is leaving USD after an emotionally trying freshman season.

USD announced yesterday that it had granted the 6-foot-4 guard/forward's request to be released from his scholarship. Stockalper said he started contemplating cutting his Toreros ties near the end of last season and made the decision final a week ago.

"It wasn't the right fit for me," Stockalper said. "I thought it was when I made my choice (while in high school), but it didn't turn out to be that way."

Stockalper played in 25 of USD's 30 games last season with averages of 11.5 minutes, 2.7 points and 1.4 rebounds. He earned a spot in the eight-man rotation.

But injury and illness at two of the worst possible times kept Stockalper from full enjoyment of the Toreros' special season. USD earned an NCAA Tournament appearance for the first time in 16 years.

Stockalper sprained his right ankle on the eve of the Toreros' Nov. 26 game at UCLA and wasn't able to play in the team's historic overtime victory.

Last month, he came down with a severe case of the flu and wasn't able to make the trip to Spokane, Wash., for the NCAA Tournament game against Stanford.

Stockalper said he intends to continue

his collegiate career at another school but has no specific plans for when or where he will do so.

USD coach Brad Holland said he was surprised by Stockalper's decision and granted the release request with some regret.

"Personally, I really like Derek, and I wish he were going to remain with the USD program," Holland said. "I feel that in time he would have been a very good player for us. I truly wish everything works out for him wherever he winds up going."

Holland said that the scholarship vacated by Stockalper will go to 6-1 guard Brad Lechtenberg for his senior year. Lechtenberg averaged 4.3 points in 19 games as a walk-on last season.

## Elsewhere

■ Butler University gave coach **Todd Lickliter** a seven-year contract after he guided the team to the third round of the NCAA Tournament.

■ Pittsburgh announced that assistant **Jamie Dixon** will succeed **Ben Howland** as head coach.

■ Michigan State assistant **Mike Garland** will succeed **Rollie Massimino** as head coach at Cleveland State.

■ Former Western Kentucky player **Darrin Horn** was hired as coach of the Hilltoppers.

Union-Tribune news services contributed to this report.



# Cal women's crew scores a narrow, but big, upset

## Photo finish decides Jessop-Whittier Cup

By Mick McGrane

STAFF WRITER

This wasn't your vanilla version of victory.

This was a dagger to the heart.

For the duration of her college career, Khobi Brooklyn and the Cal women's varsity crew had played a sour second fiddle to Washington, rowing in a wake rippling with frustration.

But in a race that came down to a

photo finish yesterday, the Bears came away a picture of bliss.

For the first time since the race's inception in 1983, Cal held off the defending national champion Huskies by eight one-hundredths of a second to capture the Jessop-Whittier Cup in the San Diego Crew Classic at Crown Point Shores.

Washington, which has won four of the six NCAA championships in women's rowing, was coming off an undefeated 2002 season and had won the race 10 times in the past 11 years.

The topper? Brooklyn, a senior who

SEE Crew, E14



USD's Kim Cupini (center) enthusiastically celebrates with her teammates after the Toreros' third-place finish in the Women's Cal Cup grand final.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA  
MONDAY 374,856  
APR 7 2003



## Inside track helps Cal top Washington

occupies Cal's No. 3 seat, just happens to hail from, of all places, Seattle.

"It's been so frustrating," Brooklyn said. "Every year, we're asked the same question — whether or not we can beat Washington. It's not like we lacked motivation."

The Bears, who posted a time of 6:42.5 yesterday, got a booster shot of confidence during Saturday's prelims

when they established the day's fastest mark at 6:54.6. The showing earned Cal the pole position for yesterday's grand final, a distinct advantage in that Lane 1 is less vulnerable to wind factors.

Washington, which was clocked in 6:42.58 yesterday, posted a time of 6:54.48 on Saturday and was assigned Lane 3 for the first time in the history of the race. Stanford had gained Lane 2 after winning Saturday's second heat.

"There's an advantage of being in Lane 1 just because of the wind, but I don't know if it was that much of a factor today," said Huskies senior coxswain Anne Hessburg. "It just came down to

the very last stroke at the finish line."

And the first photo finish in the history of the race.

"One of the most maddening things for a crew coach is to have to sit there and wait for the official announcement," said Cal coach Dave O'Neill. "It was maybe 12 or 15 minutes before I was officially told that we'd won. It was so sweet to hear, because everyone was thinking that Washington had won."

"Washington is the standard for women's rowing. You don't win four national championships and not be considered the best team in the country. But we knew we had a good group, and we also knew how impor-

tant the heat races were, because the lanes can really have an effect. But we didn't give up on Saturday and we certainly weren't going to give up today. We knew we were going to be in for a fight."

Unlike Saturday's prelims, in which Cal caught Washington at roughly 500 meters and was able to hold on, the Bears played catch-up the entire race yesterday before pulling ahead with about 10 strokes to go.

"We weren't at all sure we had (won) it," Brooklyn said. "It was just all-out, a true race to the very end."

Washington, which had won the Jessop-Whittier Cup nine straight times before losing to USC in 2001,

features a crew of five returning rowers and had beaten Ohio State by three seconds in last year's race.

"From Day 1 of the season, Washington is on our minds," Brooklyn said. "I think what we did Saturday was the first step in changing the form of what had gone on in the past."

### Tritons fare well

The top finish among area universities belonged to UCSD, which placed second in the women's collegiate Division II/III final.

USD was third in the women's Cal Cup grand final, while San Diego State was fifth in the women's collegiate lightweight grand final.



# Simply dipping an oar was enough for SCAD

By Mick McGrane  
STAFF WRITER

Cazzie Russell is the men's basketball coach. Until two years ago, Luis Tiant served as the baseball coach.

Yet in case Scott Nohejl fails to spring the lock on the memory bank, fret not.

It's not as though the Savannah College of Art and Design is threatening to crowd Notre Dame from a position of national prominence.

Said Nohejl, who coaches the men's crew team: "It's kind of a David and Goliath story."

By comparison, David was a 14-point favorite.

The only Division III school competing in this weekend's San Diego Crew Classic at Mission Bay's Crown Point Shores, SCAD was in the water at 7 a.m. yesterday — and readying for a flight home 20 minutes later.

A four-year school of 5,800 students located in Savannah, Ga., SCAD bills itself as the largest art school in the nation. Not in terms of future Renoirs. This is about graphic arts and computer-generated special effects, weaving wizardry into the silver screen.

The special effects in the movie "Spiderman?" SCAD had a hand in it. The Blockbuster movie rental commercials featuring that wise-cracking hamster? Roll credits. SCAD.

Yet the Bees — not to be confused, of course, with Georgia Tech's Yellowjackets — also do sports. No fewer than 15 full-time varsity sports are offered at the school, which introduced a men's rowing program in 1989.

Nohejl, a native of Cleveland who was raised in Atlanta, has termed it a "rebuilding year" at SCAD, an assessment verified when the team finished seventh (last) in yesterday's first heat of men's Cal Cup eights.

"I think a good quote is, 'We needed to row a great race today, and we only rowed a good race,'" Nohejl said.

No matter. Even after a thorough dunking, the Bees, who will wing their way back east this afternoon, were still abuzz.

"I got everything out of this that I wanted," said senior crew member Greg Cook, who aspires to a career in cinematic special effects.

Though SCAD is an independent, the school last year won the lightweight fours event at the Southeast Regional International Rowing Association championships.

The Bees regularly row against Division I opponents Georgia, Georgia Tech, Clemson and Duke.

"We're primarily a fours program that is making a transition into the eights for the bigger regattas," said Nohejl, whose team was making its second appearance in the Crew Classic in four years. "That leaves us at a little bit of a disadvantage."

## The usual suspects

Cal's varsity men's eight posted the fastest time in the Copley Cup heats, covering the 2,000-meter course in 6:11.9, nearly seven seconds better than Washington (6:18.2).

Cal, which has won the event four straight years, has also captured four consecutive national championships. Ranked No. 1 in the nation, the Bears topped Washington in last year's Copley Cup final in a time of 5:35.62, the second-fastest mark in the 31 years of the event.

Yale and Navy, ranked first and second, respectively, in the nation in the men's lightweight eights, will square off in this afternoon's grand final after both finished first in their heats yesterday. Yale beat Navy by a foot in last year's International Rowing Association championships.

## To row another day

Though no local crew won a heat race yesterday, USD turned in the best performance of any area university when it posted the fourth-fastest finish in the women's Cal Cup event.

Other local squads advancing to today's finals include San Diego State in the women's collegiate lightweight; USD and UCSD in the women's collegiate novice division; UCSD in the women's open; UCSD in the men's collegiate novice; and UCSD in the women's collegiate Division II/III race.





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# Crew Classic hosts annual regatta

By PAUL DOUGLAS  
Beach & Bay Press

The 30th annual San Diego Crew Classic rowing regatta will part the calm waters of east Mission Bay April 5 and 6. More than 3,000 athletes and 20,000 fans will return to participate in one of the largest eight-person crew events in the world.

The colorful competition will be held along Crown Point Shores on a course built into the creation of Mission Bay decades ago. Since 1973 the event has kicked off crew season, providing junior rowers exposure to established collegiate programs.

Races are Saturday from 7 a.m. to 5 p.m. and Sunday from 7 a.m. to early afternoon, with the action peaking in the

collegiate finals for the Jessop-Whittier Cup for women and the Copley Cup for men.

Six teams line up their shells for the start of each race near SeaWorld, allowing the dramatic finishes to be in full view of the fans on Crown Point. The surging craft converge on the gold buoys while the unique square oars flash in the sun and cheers swell on the shore from fellow athletes, alumni, friends and family.

The athletes deliver seven to eight minutes of all-out effort, the best teams delivering a stroke nearly every two seconds.

The defending champions from the 2002 regatta — the men from University of California, Berkeley and the women

see Crew Classic, page 6

## Crew Classic from page 1

from University of Washington — will compete.

More than 100 college and club teams will be represented. Teams from Miami to Michigan, Boston to San Diego will participate.

Local crews include men's and women's teams from San Diego State University, University of California at San Diego and the University of San Diego.

Collegiate rowers achieve the highest academic performance and graduation rates of any sport, according to the U.S. Rowing Association, founded in 1872.

Club teams include the San Diego Rowing Club on El Carmel Point and the ZLAC women's rowing club in Pacific Beach. Many young members of the 100-plus-year-old clubs have earned crew scholarships and will be returning to Mission Bay to represent their universities.

Mission Bay Rowing Association on Santa Clara Point will also be represented.

The eight-oared crews typically carry



Members of the University of California at San Diego crew prepare to race during the 2001 Crew Classic. The ladies will take part in this year's regatta at Mission Bay, April 5 and 6.

BBP photo/Paul Douglas

a coxswain to keep the team members paced as they battle their competitors. They race in sleek boats called shells made from wood materials or carbon fiber. Eighty-seven races will feature six classes, including collegiate, JV, novice,

junior, club and masters.

Ticket prices remain at \$5 for anyone over 13 years of age to see the spirited competition, the trade show, numerous food concessions and alumni tents. Guests under 13 are free.



# No gentle streams in crew

## Local student rowing on sanctioned team

By Al Stevens

Times Reporter 4154

Fountain Hills resident Carolyn O'Hara is a pioneer.

For six days each week O'Hara dedicates herself to a sport that would seem the ultimate paradox for a desert community – crew.

But rowing in the desert isn't as hard as it might once have been. With the development of Tempe Town Lake in the late '90s and the subsequent arrival of several club rowing programs sponsored by Tempe Parks and Recreation, the odd is about to become the norm. And it is getting help from a high school no less.

O'Hara, her coach, John Ciani, and the other 23 athletes on her Gators rowing team form the first and only sanctioned high school rowing team in the state.

There are a handful of other teams that share the water with the Gators everyday, including an Arizona State University team, but those teams are club or college squads, not high school. When it comes to high school rowing, Xavier is in a league of its own.

For Xavier, it was a two-year uphill battle to form its sanctioned crew team. The group originally formed in the fall of 2000 and rowed for two years as a club.

O'Hara rowed on that team and is now one of six current Xavier rowers able to say that they have competitive rowing experience. Those girls, along with Ciani – who rowed in the early '80s at University of San Diego before going on to coach the women's team as the decade closed – form the core of experience. Call it Xavier's own version of the Magnificent Seven.

The rest of the team is filled with enthusiastic, if still untested, first-time rowers.

Ciani's said his early season struggles have been comprised of teaching those new rowers how to keep from capsizing their boats.

"It's all balance and that's what they're struggling with," Ciani said. "But that's what you get with a new sport."

Perception can be another struggle, as O'Hara will attest to herself.

"When you first start, you think, 'Whoa, this isn't exactly how I thought it would be,'" she said.



Carolyn O'Hara, Xavier High School student, gets set to row on Tempe Town Lake.

"You know the song that goes row, row, row your boat gently down the stream?" O'Hara asked. "There's nothing gentle about rowing."

Instead, the sport consists of eight rowers in a streamlined hull along with a coach, called a coxswain, at the stern helping to prod the team on as it slices through the water.

It is a consuming and demanding sport for any athlete, requiring both athleticism and focus. Add seven more rowers to the mix and timing and teamwork become additional variables.

And when the team isn't rowing, the athletes spend their time working out, building the strength to help propel a 60-foot rowing shell through the water.

All of this rowing costs money, though – and a lot of it.

It cost more than \$60,000 to outfit the group, with more than a thousand dollars a month currently going toward rental fees in Tempe. A single oar can go for more than \$400. All of the money for the team, however, came from private sources.

"We received nothing from the school financially," Ciani said.

In addition to the initial costs, rowers like O'Hara pay \$85 a month in dues just to participate. A typical rowing season will last from September until May for the team, with the Gators traveling

to California four times in the next two months to compete.

Rowing in the Pacific Ocean and the adjoining bays will be a lot different than Tempe Town Lake, O'Hara said, with the force of the ocean's waves making the job harder for everyone in the boat.

But even that difficulty can be surmounted, especially when you are used to dealing with puzzled looks from people when they find out that high schools can row, too.

O'Hara said she receives funny looks from people when she tells them about her after school activity. Some think she canoes, some see her in a kayak and even more don't know what crew is at all, much less that it is a sport practiced in Arizona.

For O'Hara, the opportunity to join the team came by way of an introduction at Xavier. Since she swam with the Scottsdale Aquatics Club when she was younger, the idea of once again competing in the water intrigued O'Hara.

"I'd seen it before," she said. For now, O'Hara is a pioneer in the sport, but soon, she may have some competition from friends.

"A couple of my friends say they want to do it," O'Hara said.

If they do, they'll have to remember that they too will be pioneers.



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## Cossaboon's assistant becomes his USD women's replacement

When John Cossaboon left USD after six successful seasons as women's soccer coach, the school announced it would launch a "national search" for his replacement.

It concluded the search and announced its decision: Ada Greenwood, the Toreros' assistant coach for the past five seasons.



**Ada Greenwood**

Said USD athletic director Tom Iannacone: "We found that the qualities we were looking for in an individual to lead our women's program were right here in our soccer community."

In Greenwood, it had a man with intimate knowledge of the West Coast Conference, arguably the best women's soccer league in the country — last season, five of the eight teams made the NCAA tournament and two, Portland and

Santa Clara, reached the final. And it had someone familiar with the Southern California youth soccer, which produces the majority of the nation's top players.

Greenwood, originally from England, is also a coach at the powerhouse San Diego Surf club, winning the under-17 girls national championship in 2000.

"My biggest challenge is to get the best recruits here," Greenwood said, "to get the same caliber recruits as Santa Clara and Portland and UCLA. I also want to improve our consistency. My goal is with 15 minutes to go, to be up 1-0 or losing 1-0 or tied, to still have a chance of winning — to be in the game with the best teams in the nation.

"Is it going to be easy? No. But I've got to believe we can do it with the resources we have."

— MARK ZEIGLER



## INTELLIGENCER JOURNAL

LANCASTER, PA  
SATURDAY 43,151  
APR 19 2003

## PATRIOT-NEWS

HARRISBURG, PA  
SATURDAY 120,000  
APR 19 2003



## TRANSACTIONS

4154

### BASEBALL

#### American League

CLEVELAND INDIANS—Signed RHP Blake Stein to a minor league contract.

KANSAS CITY ROYALS—Activated OF Carlos Beltran from the 15-day disabled list. Returned OF Rontrez Johnson to the Texas Rangers.

TEXAS RANGERS—Purchased the contracts of RHP Rosman Garcia and LHP Brian Shouse from Oklahoma of the PCL. Placed RHP Jay Powell on the 15-day disabled list. Designated LHP C.J. Nitkowski for assignment.

#### National League

NEW YORK METS—Recalled C Jason Phillips from Norfolk of the IL. Optioned RHP Jason Middlebrook to Norfolk.

#### Eastern League

NEW BRITAIN ROCK CATS—Announced 2B Kevin Connacher has been assigned to Rochester of the IL.

#### Atlantic League

NEWARK BEARS—Agreed to terms with RHP Manny Barrios, INF Bryan Britt, INF Tom Hoge, INF Ryan Lehr, INF Jack Santora, and INF Corey Slavik.

#### Central League

AMARILLO DILLAS—Signed 1B Mark Burke.

#### Northeast League

QUEBEC LES CAPITALES—Signed RHP Eric Charon.

### BASKETBALL

#### National Basketball Association

NEW JERSEY NETS—Waived F Jamie Felck.

#### United States Basketball League

OKLAHOMA STORM—Signed C Johnny Tyson.

### FOOTBALL

#### National Football League

SAN FRANCISCO 49ERS—Signed DT D'Marco Farr to a one-year contract.

WASHINGTON REDSKINS—Signed DT Jermaine Haley to an offer sheet.

#### Canadian Football League

WINNIPEG BLUE BOMBERS—Signed G Raymond Roberts-Blake.

### HOCKEY

#### National Hockey League

BOSTON BRUINS—Named Mike Sullivan coach of Providence of the AHL. Assigned RW Lee Goren to Providence.

SAN JOSE SHARKS—Signed C Grant Stevenson.

#### American Hockey League

CINCINNATI MIGHT DUCKS—Named Mike Kromph director of ticket sales, Mike Amshoff and Steve Cowell senior account executives, and Eric Knauss marketing coordinator.

#### East Coast Hockey League

DAYTON BOMBERS—Announced the contract of Greg Ireland, coach, will not be renewed.

### SOCCER

#### Major League Soccer

MLS—Fined Los Angeles coach Sigi Schmid \$500 for entering the referee's area following a game on April 5.

### COLLEGE

AQUINAS—Announced the resignation of Rick Albro, men's basketball coach, to become men's assistant basketball coach at Cleveland State.

DAYTON—Named Greg Williams women's assistant basketball coach and Mike Jackson men's assistant basketball coach.

HOFSTRA—Announced freshman F Tifini Rodgers has left the women's basketball program with the intent of transferring.

ILLINOIS STATE—Named Danlyal Robinson men's assistant basketball coach.

MURRAY STATE—Named Chris Goggin men's assistant basketball coach.

NEVADA—Named Kim Gervasoni women's basketball coach.

PRINCETON—Named Bill Hickey sprint football coach.

SAN DIEGO—Named Ada Greenwood women's soccer coach.

WASHINGTON & JEFFERSON—Named Fred Wallace volleyball coach.

UCLA—Named Donny Daniels men's assistant basketball coach and Chris Carlson director of men's basketball operations.



# Ex-Tiger Askew to coach at Rossville

**R**ossville headmaster Harold Bowie didn't need an introduction to the man on the phone, but he was getting one.

A call came in from someone interested in the head boys basketball coaching position recently vacated by Keith Taylor, and the voice sounded familiar.

"He started telling me who he was, and I interrupted

him," Bowie said. "I've been in Memphis for a long time. I've seen Vincent Askew play."

It was none other than the former Memphis State and NBA player on the phone,

and he wanted the job at Rossville. Bowie agreed to an interview, and Askew is now at Rossville and is ready for next season.

"I'm pretty excited and the kids are, too," Bowie said. "We're impressed so far. Obviously it's a been-there, done-that sort of thing for him, but we like his fundamentals."

After averaging 11.4 points in three seasons with the Tigers, Askew was picked by



**BRIAN DOUGLAS**  
On preps

the Philadelphia 76ers in the second round of the 1987 NBA draft. He went on to play parts of nine NBA seasons with five teams, averaging a career-best 9.9 points with Seattle in 1994-95.

## Open and closed

It's not unusual for there to be changes in basketball coaching positions this time of year. One is in girls basketball at Harding.

Harding's Ryan Derrick has decided not to return as the Lady Lions head coach, and the school is searching for a replacement.

One coach who said he will not be going anywhere is Bartlett boys coach Hubie Smith, who has been the subject of several rumors with his son, Adam Smith, graduating from Bartlett this spring.

"I've heard them, too," Smith said. "I guess because Adam's a senior that's how it got started. Have I talked to people? Yes, but it would take a special job for me to leave Bartlett."

## Mark your calendar

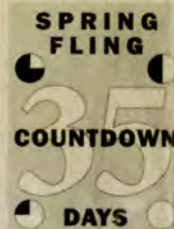
Spring Fling schedules are out, and schools across the state had better check it before making reservations.

The move to Memphis caused a few tweaks over the traditional setup established during the event's time in Chattanooga.

For instance, the boys soccer title games will all be held on the same day, Saturday May 24. In the past, the title games have been staggered across three days.

Track and field competition is now on Thursday and Friday instead of Friday and Saturday, an accommodation that will allow those athletes to attend the event's other big change, an opening ceremony on Wednesday, May 21, at AutoZone Park.

"With the opening ceremony being such a great event, we wanted everyone to be able to come," said Tiffany Brown, managing director of Memphis and Shelby County Sports Authority. "Instead of (asking people) to pay for



the coveted use of Auto Zone Park for its pool play games, while Class AAA will be held Gagliano and Sowell fields.

Gene Meness of the TSSAA said Class AAA and Division 2 were not considered for play at Auto Zone since that park is only available through May 22 and they don't begin play until May 21. Class A and AA start on May 20.

## Family tradition

When Houston sweeper Lacey Rush signed to play soccer with the University of San Diego last week, she chose a place that holds a lot of meaning to the Rush family.

Her father, Bob Rush, once made a similar move. The former University of Memphis football star also went to San Diego when the Chargers drafted him in the first round in 1977, and he played center there for several seasons. It had an influence on his daughter's college decision

two extra nights, it worked better to start then."

One other note of interest is that Class A baseball got

years later.

"We never lived there," said Lacey, who didn't enter the picture until her father played for Kansas City. "But we would go back there every summer. I spent a lot of summers on the beach, boogie boarding and catching sand crabs. It's kind of been a childhood dream to go there. As early as I could realize what college was, I wanted to go to San Diego."

The coaches at San Diego don't normally recruit far from California, but she convinced the staff to come watch her at a tournament in Dallas. But the game started late and the weather was poor, so the coaches only got to see her for roughly 20 minutes. It was still enough to convince them she could get the job done.

As usual, wasn't finished sending kids to college. Lindsey Talley and Lee Ridenhour decided to stay together at Appalachian State. Two boys players also signed, as Kevin Brown chose Centre College in Danville, Ky., and Nathan Chantara joined his older brother at Christian Brothers University.

Contact reporter Brian Douglas at 529-5804; E-mail: douglas@gomemphis.com

## COMMERCIAL APPEAL

MEMPHIS, TN  
TUESDAY 210,000  
APR 15 2003



# It's official, Haas signs with USD

by Darrell Moody

Sports Editor

4/15/03

It's official, Emily Haas will be at the University of San Diego next fall.

Haas, a dominating middle blocker for three years at Douglas High and a member of the Capital City Volleyball Club, signed a national letter-of-intent Wednesday afternoon to play volleyball next year at the University of San Diego.

Haas also received interest from University of California at Santa Barbara, Wisconsin and Florida State. Her desire to stay on the West Coast brought the decision down to USD and UCSB.

"I visited UCSB, and liked it all," Haas said. "The next day I went to San Diego. The coaches were awesome and very nice. I loved it there."

San Diego finished third in the West Coast Conference last year, and was ranked 25th in the country. USD has reached the NCAA tournament five of the last six years.

And, USD coaches Jennifer Petrie and Brent Hilliard, were happy to land the 5-foot-11 Haas, a three-time all-state performer.

"What attracted San Diego to Emily was the fact that she was one of the most physically dominating players at Junior Olympics last year," said Hilliard, USD assistant coach. "We weren't the only ones to see that. Someday she has a



SHANNON LITZ/The R-C

**All smiles:** Douglas High volleyball and basketball star Emily Haas, surrounded by her mom, Leslie, brother, Roland Jr. and dad,

Roland Sr., signs her national letter-of-intent to the University of San Diego Wednesday afternoon.

chance to be an All-American at the collegiate level."

Haas has an opportunity to get significant playing time as a

freshman at middle blocker, according to Hilliard.

"We have a senior (Lisa Gordon) that just had surgery,

and another middle blocker tore her anterior cruciate ligament two years ago who is

See Haas on page 2

Continued from page 1

playing this spring, but she's up one day and down the next," Hilliard said. "Emily should be able to get quite a bit of playing time."

Hilliard said the plan is to keep Haas at middle blocker, but also added that she could easily be a right-side player.

The question is, will Haas be a six-rotation player? Hilliard said that's one thing the coaching staff isn't sure of yet.

"I've seen Emily play a little," Hilliard said. "She does get to play back row for her club team, which is a rarity on some club teams."

Haas, a standout basketball player for the Tigers, said she won't try to walk on to the USD basketball team.

"I will definitely miss it," she said. "I don't think I could

play two sports and keep my grades up. A little time off is good."

In fact, Hilliard said Haas isn't the only USD volleyball

player that played basketball in high school.

"We have a couple of all-state basketball players coming in to play volleyball," Hilliard

said.

"We probably have more size than our basketball team. The basketball coaches around here are drooling."

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SATURDAY 7,300  
APR 19 2003



SAN DIEGO UNION-TRIBUNE

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LOCAL COLLEGES

## USD softball rallies late for doubleheader split

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The USD softball team salvaged a split with visiting Portland State when it rallied from an early three-run deficit to beat the Vikings 4-3 in the nightcap of a Pacific Coast Softball Conference doubleheader.

The Toreros (6-24, 1-1) lost 2-0 in the opening game. The teams play a doubleheader again today starting at noon.

In Game 2, Portland State (9-15, 1-1) took a 3-0 lead in the second inning. In the bottom half of the inning, USD's Marissa Merchain cut the advantage to one run with a two-run, two-out single.

The Toreros tied the game in the fourth on an error and won it in the seventh when Desi Collo was allowed to score after an illegal pitch.

### Track and field

■ The SDSU women's team came away with five wins and five NCAA Regional qualifying marks at a six-team nonscoreing meet at **Cal State Northridge**. Nicole Ireland was a winner in three events (200, 400, 4x100 relay) and Candace Hill earned qualifying marks in the shot put and discus. Shayla Balentine qualified by winning the pole vault at 13 feet. In the 400, Ireland's time of 52.64 was the fifth-fastest in school history.

■ The UCSD men's and women's teams took first place in a five- and

six-team meet at **PLNU**. The Crusaders' men and women each finished third and the men and women of **CSU San Marcos** each took fourth place.

### Men's golf

SDSU tied for third place at The Border Olympics when its players combined to shoot a 1-over 289 in the final round at Laredo, Texas.

Individually, the Aztecs' Lars Johansson shot a 2-over 74 and finished fourth with a 5-under 211. SDSU's Mark Warman and Brian Miller tied for 15th place after firing a 69 and 71, respectively. **Texas A&M** overcame a 16-stroke deficit in the final round to take the championship from **Arkansas**.

### Women's water polo

Sixth-ranked SDSU fell 4-3 at No. 8 **Hawaii**, marking the first time in 13 contests this season that the Aztecs lost to a lower-ranked team. SDSU (14-9, 4-6) got goals from Chelsy Smith, Holly Hartzell and Casey Finnegan. The Aztecs failed to hold two second-half leads.

### Men's volleyball

No. 10 **Stanford** beat UCSD 30-20, 30-20, 30-27 at RIMAC Arena. Kevin Keyser had nine kills to lead the Tritons (6-20, 1-19 MPSF).



## LOCAL COLLEGES

# Aztecs' Warman shoots record 62

UNION-TRIBUNE

4154  
Mark Warman, an SDSU junior, shot a course-record 9-under 62 yesterday on the Stanford Golf Course as the Aztecs moved into second place with a 36-hole score of 565 at the U.S. Intercollegiate held on the 73-year-old Stanford University Golf Course.

Warman, tied for second at 9-under 133, broke the old record of 63, held by Bud Brunell and Brad Martin.

UCLA, paced by current leader Roy Moon (131) is at 12-under 556 heading into today's final round. USD is in last place at 600.

## Tennis

Cal Poly Pomona (17-4) won the California Collegiate Athletic Association women's title after beating UCSD (16-5) 5-0 at UC Davis.

■ USD's women's team beat the University of Oregon 4-3 at USD's West Courts. No. 1 USD singles player Emma Murphy beat Daria Panova 4-6, 6-2, 6-2, No. 2 Lauren Perl, a Torrey Pines alumna, beat Courtney Nagle 7-5, 6-2. The Toreros are 10-10; Oregon is 10-15.

■ Five of UCSD's six men's singles players won and two of the Tritons' doubles teams won in UCSD's 7-2 CCAA victory at Sonoma State. The Tritons are 17-5, while the Seawolves fall to 3-13.

■ The USD men's team dropped a 4-3 decision at UC Santa Barbara to finish the regular season at 13-9. The Toreros will now await word from the NCAA for a possible at-large bid into the NCAA Championships. USD singles winners were Pierrick Ysern at No. 1, Jason Pongsrikul at No. 2 and Nic Beuque at No. 3.

## Track and field

Cal State San Marcos runners Andrea Jackson, Tiffany Lowery, Luci Downey, and Abril Jimenez placed fourth in the women's 4x400 relay with a time of 4:05.16 at the Pomona-Pitzer International.

## Women's water polo

SDSU beat crosstown rival UCSD 9-5 in the second annual Harper Cup Match at the Ray and Joan Kroc Center. Amber Prestegard scored four goals for the Aztecs (18-11). Dana Tucker scored three goals for No. 14 UCSD.

## Softball

SDSU set a school record for consecutive wins (12) after beating Utah 3-0 in a Mountain West Conference game at SDSU.

The Aztecs (33-14, 9-0) then went on to beat the Utes (16-21, 5-5) 1-0 in the nightcap for their 13th straight. Celena Velasquez (12-4) went the distance in the opener as SDSU banged out 11 hits. Bre DeSanta (15-4) struck out 10 in the second game as the Aztecs scored the game's lone run in the bottom of the eighth on Kelcy Murphy's RBI single.

■ Santa Clara (24-19, 6-2) swept host USD 3-0 and 6-0 in Pacific Coast Softball Conference action. Santa Clara pitcher Jaime Forman-Lau no-hit the Toreros (6-34, 1-11), striking out 14 in the nightcap.

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# 'MNF' finds its way back here

**T**here are two ways to look at the NFL including the Chargers on the 2003 season's "Monday Night Football" schedule.

One, of course, is to celebrate the fact the league believes the team will be good enough to justify a prime-time appearance on Oct. 27 against Miami (and hopefully new Dolphins linebacker Junior Seau).

The other is to put the news in perspective and say that it's about time.

Excluding expansion teams in Cleveland and Houston, only one team has been absent from the NFL's prime-time showcase longer than the Chargers, and let's be honest, the Bengals don't really count.

The Chargers last played on Monday night on Nov. 11, 1996, and if you think that was a long time ago, it was. Bobby Ross was still coaching the team, Stan Humphries was still the quarterback and Ryan Leaf still lived in Pullman, Wash.

Yeah, those were the days.

The point is that this really shouldn't be a big deal. So the Chargers will play on "MNF." Great. If they hadn't been so bad for so long — their winning percentage (.323) in the six seasons since they fired Ross is 15 points lower than Tony Gwynn's career batting average — such an appearance would be a regular occurrence.

ABC certainly hasn't been lobbying to stay away. Qualcomm Stadium photographs well, especially at night, and the atmosphere is always electric. And what network wouldn't want to use an "MNF" game as an excuse to spend a long weekend here?

So let's not get too carried away. It's not as if the Chargers are part of a select group or anything — 21 of the NFL's 32 teams will play on "MNF" this season. In fact, it's interesting that of those 21 teams, the Chargers are the only one that will not appear as well on ESPN's "Sunday Night Football," meaning the powers-that-be are, at best, cautiously optimistic regarding the team's chances.

Further proof of that: The Chargers also are one of only seven teams that will not make multiple appearances in nationally televised games (including prime time, Thanksgiving and two Saturdays in December). And I don't know that I'd want to be lumped with Houston, Cincinnati, Arizona, Detroit, Jacksonville and Carolina.

The bottom line: It'll be fun to have Al Michaels and John Madden back here, if only so they can talk up San Diego again while the Spanoses and NFL commissioner Paul Tagliabue cringe. It's just too bad it's taken so long.

## Final Four frenzy

■ There's no real Cinderella

team at the Superdome this weekend to capture the casual fan, but as CBS play-by-play man **Jim Nantz** said yesterday, "If you didn't know all the seeds, you could say all four were Cinderellas."

Nantz's point was that Texas has no modern basketball tradition; Marquette hasn't been to the Final Four in more than a quarter-century; Kansas has had better teams in the past that didn't win; and Syracuse didn't win its conference, nor was it even the Big East's highest-seeded team.

"I think all four of these teams have an underdog mentality," Nantz said.

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■ Tournament ratings on CBS are down 15 percent — hardly surprising considering what's going on in the world. Ratings for golf and the NBA also were way off last week. The only sport that showed an increase was NASCAR. How does this happen?

■ ESPN again has the women's Final Four, although a schedule change this year has the semifinals on Sunday (starting at 4 p.m.) and the final on Tuesday.

## Flipping chambers

■ NBC's main Arena Football telecast Sunday (which won't air here) will be shown via the American Forces Network on Monday to troops stationed in 179 countries, including Kuwait, Qatar and Bahrain. Throughout the telecast, family members of military personnel will be sending messages to the service men and women watching.

■ The first of 11 Spirit soccer matches on Channel 4 San Diego is tomorrow night, although the 6 p.m. opener against Boston won't be shown until 10 p.m. because of the Padres game.

■ ESPN and ESPN2 begin 14 straight days of NHL play-off coverage at 4 p.m. Wednesday. There'll be another 14 days after that, and another 14 days after that and another...

■ **Petros Papadakis** is believed to be the leading candidate to work with **Steve Hartman** on XTRA-AM's "Loose Cannons" show. Among the other nine co-hosts to audition, **Chris Ello** — who should have been hired by San Diego's new Mighty 1090 — made a good impression.

■ Speaking of 1090, morning co-host **Scott Kaplan** wins this week's hometown cheerleader award for saying **USD's Brad Holland** was "a better choice than **Ben Howland**" for the UCLA job. Why, because Holland is a frequent guest on Kaplan's show?

■ But nothing this week could top XTRA's **Lee Hamilton**, who told his audience that UCLA is "not a state school," which will come as news to California taxpayers.

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# MacMillan scores four goals in U.S. rout of Canadians

By Mark Zeigler  
STAFF WRITER

Early in yesterday's match between the U.S. and Canadian national soccer teams, Mia Hamm and Shannon MacMillan were standing behind the ball for a free kick 20 yards from goal. Hamm usually pulls rank and takes them, but in this case she consulted MacMillan.

"She asked me, 'Do you feel it?'" MacMillan said. "I said, 'Yeah, I'll take it.' As soon as it left my foot, I knew it was going in. Usually you don't call off Mia Hamm, but sometimes things just fall your way like that in soccer."

It was one of those days for MacMillan, who seems to be having more and more of them lately. She finished with a career-high four goals, one more spectacular than the next, as the U.S. women overcame a 1-0 deficit to beat Canada 6-1 at RFK Stadium in Washington.

MacMillan, whose second goal was a dazzling 40-yard lob over Canadian goalkeeper Erin McLeod, won't get to rest on her laurels — or rest, period. A few hours after the match, she and four Spirit teammates boarded a cross-country flight so they can play in a WUSA match against the San Jose CyberRays tonight at 5 at USD's Torero Stadium.

"I'm definitely a little tired," said MacMillan, who went the entire 90 minutes and became

the fifth player in U.S. history to score four goals in a game. "And now I have to jump on a plane, so that doesn't help ... But I'll get on the massage table (in the morning), and I'll be ready to go and give it everything I've got left."

Spirit coach Omid Namazi can appreciate the toll of playing heavy minutes in an international game, followed by a long flight and another high-level game less than 24 hours later. But he also knows that in the WUSA you need to win home games and the Spirit already has lost one this season, and he also knows that his contingent of national players, who accounted for five goals and three assists yesterday, are the backbone of his team.

Translation: He plans to start all five Spirit players who were at RFK yesterday — MacMillan, Aly Wagner, Julie Foudy, Joy Fawcett and Canada's Christine Latham.

"We're going to start out the game strong and go out there with all we've got and try to knock them out early," Namazi said. "We're going to be attack-minded from the start. Whether physically we can or not, we'll see. We're going to start as we can." (Wagner (two assists) went in assistance yesterday, Foudy (one goal) and Fawcett (one assist) played a half, and Latham was subbed out in the 58th minute. In addition, Spirit



Spirit's Aly Wagner congratulates teammate Shannon MacMillan (left) on one of her four United States goals. Associated Press

midfielder Jen Nielsen is sidelined with a broken big toe, defender Amy Sauer is listed as doubtful with an ankle injury and Brazilian midfielder Daniela is in Peru for World Cup qualifying.

San Jose is in a similar boat. Brandi Chastain played the full 90 against Canada yesterday, Australian defender Dianne Alagich has bronchitis and both starting forwards — Katia and Pretinha — are with Brazil.

The CyberRays have never lost at Torero Stadium (1-0-2),

but the Spirit has the added motivation of trying to move above .500 for the first time in franchise history. Nine previous times it has had a chance to have a winning record during the regular season, and nine times it has failed; its all-time record in those games is 0-5-4.

"We have talked about it," Namazi said. "I don't want to dwell on it too much, because it might put undue pressure on the players. But the players are aware of it, and I think they want to get that monkey off their backs."

## Spirit vs. CyberRays

Site/Time: Torero Stadium, USD/5 p.m. TV: 4 San Diego.

Records: Spirit 1-1, CyberRays 1-1.

All-time series: San Jose leads 2-1-3. The lone Spirit win was at San Jose in July 2001.

Outlook: If you see three fans wearing kilts and waving Scottish flags in Section 103, that would be the younger brother and two cousins of Scottish forward Julie Fleeting (they're in town visiting for the week). "I just hope they don't sing all match," Fleeting says. The versatile Kerry Connors will start in place of Daniela at defensive midfield, her third different position in as many games. During the offseason the CyberRays traded with Philadelphia for Mandy Clemens, who went to high school across the street from Torero Stadium at USDHS. San Jose is coached by Ian Sawyers, a.k.a. Julie Foudy's husband. The CyberRays have rallied around Brandi Chastain, whose mother died of a stroke in September and whose father died of a heart attack three weeks ago.

— MARK ZEIGLER

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Boston's Stephanie Mugneret-Beghe manages to keep the ball away from touted Spirit rookie Aly Wagner. Sean M. Haffey / Union-Tribune

# It's same old Spirit that opens season

By Mark Zeigler  
STAFF WRITER

New coach, new players, new formation, new uniforms, new attitude.

Same result.

Breakers

2

Spirit

1

Stadium.

The Spirit dominated the game for the final 10 minutes, scoring once and nearly tying it in injury time, but it was the first 80 minutes that was the

The San Diego Spirit remains oh-for-its-history on opening days, losing 2-1 to the Boston Breakers last night before 6,161 at USD's Torero

**TIM SULLIVAN:** Breakers leave quite a mark on Aly Wagner in her WUSA debut. C4

difference. Or in this case, the same — same silly mistakes, same anemic attack, same soft defense, same lack of purpose that plagued it for three seasons.

Spirit players and coaches had a semi-legitimate excuse at their disposal, and didn't shy from using it.

The day before kickoff, all-planet defender Joy Fawcett was at a San Diego hospital, with an arthroscope snaking in-

SEE Spirit, C4

## ► SPIRIT

CONTINUED FROM PAGE C1

### Fawcett's loss leaves defense in total disarray

to her right ankle to repair bone spurs. Fawcett was the centerpiece of coach Omid Namazi's new tactical formation, a three-defender alignment that he reasoned could not function without her.

"It's frustrating, because our whole game plan had to be changed the day before the game and we hadn't practiced (the new one)," Namazi said. "Any time you go through that, you're going to have some negative effects. It took us out of our rhythm."

Instead, Namazi tried every formation known to man — starting in a 4-5-1, switching to a 4-4-2, trying a 3-5-2 and finishing in a 3-4-3.

None of it worked until rookie forward Christine Latham banged home a loose ball in front of net in the 89th minute and rookie midfielder Aly Wagner had a wide-open look in injury time. Wagner got the ball at the top of the penalty area and fired a low shot that Boston goalkeeper Karina LeBlanc,

diving to her right, barely saved.

The game was lost far earlier, though, when the Breakers dominated long stretches of the action.

New Boston coach Pia Sundhage is from Sweden but she can read English newspapers just fine and, when she saw that Fawcett was out, she scrapped her initial game plan as well. Instead of playing the Breakers' typical possession game, Sundhage instructed her team to play more direct, to bang long balls forward and put the patched-together Spirit defenders under pressure before the midfield calvary could arrive.

"When you are used to playing with a certain player in the back and that person is gone," Sundhage explained, "you get a little vulnerable."

The San Diego back line: Kim Pickup, who started only five games last season; Lisa Krzykowski, who was cut by Atlanta; Ronnie Fair, who was cut by New York; and Andrea Alfiler, who is part of the Spirit's reserve team.

The Breakers made it 1-0 in eighth minute on a header by Norway's Dagny Mellgren off a corner kick, and 2-0 in the 68th minute when Germany's Marlene Meinert slipped behind a Spirit defender and beat goalkeeper Jaime Pagliarulo.

Nine minutes later, Meinert probably should have been awarded a penalty kick (replays indicated she was taken down in the box by Pickup), but referee Kari Seitz swallowed her whistle and the Spirit was given a reprieve.

And nearly capitalized. The game ended with Spirit substitute Allie Sullivan chasing after a ball in the box and LeBlanc charging toward her. They collided, the ball squirted harmlessly away and moments later Seitz blew the final whistle.

"The way we finished is the way we have to start games," Shannon MacMillan said. "We battled to the end, which is something we didn't always do last year. We had some bite tonight."

The good news is that Fawcett might miss only one other game.

More good news: The Spirit has a bye next week, giving it two weeks of practice to sort things out.

Even more good news: The next game is April 19 at New York, which lost 4-0 yesterday to Atlanta.

"Tonight they were the better team," Namazi said. "But some of the things I saw from our team, I liked. This is just one game . . . I expect people to give us a few more games and then judge us."

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