

East Palo Alto Cityhood Reaffirmed

The Struggle Continues

In a unanimous August 22nd ruling, the state Supreme Court upheld the June 1983 vote for Incorporation here in East Palo Alto. The ruling turned back charges of voter fraud leveled by absentee landlords and their backers in their latest desperate attempt to deny residents their right to community control.

Led by former congressman Paul N. "Pete" McCloskey (who supported the community's demand for cityhood when it served his own self-interest -- re-election) the opposition poured in thousands of dollars for misinformation, outright slander, voter harassment and the challenge in the court. Anti-cityhood forces accused election workers of improperly aiding absentee voters and incorrectly submitting their ballots.

"There (has) been no fraud, coercion or tampering," said the court. (See text of Supreme Court decision, page 5.)

The opposition premise was so flimsy that the court in an opinion written by Chief Justice Rose Bird, was compelled to state "...we do not think the expression of popular will should be nullified in such an arbitrary manner..."

The threat that cityhood held for absentee landlords and big business is apparent. Without a city government, measures like rent control become impossible. Because power was vested in the county seat, officials with little interest in the needs of the community were able to exert undue influence.

East Palo Alto's experience is one more illustration of a very dangerous trend. It is a trend to subvert the so-called "sacred right of the ballot" when the interests of the Right are threatened. The experience of Spiver Gordon and others in the Alabama Black-belt directly parallels EPA's experience. The kind of grassroots organizational activity that gained this city's right to community control brought, in the case of Alabama, state and judicial harassment for many, and conviction for Gordon.



Vice Mayor James Blakey (center) and Councilmember Ruben Abrica (right) join the incorporation victory celebration.

Similar situations are documented throughout the country. Progressive candidates and popular causes are under virulent attack, especially when it is expressed at the ballot box.

In this context the lawsuit against EPA has national implications. There is a deepening subversion of people's rights through the weakening of institutions that the government has long said it upholds. Almost half the federal judiciary is composed of Reagan appointees. And, the confirmation and appointment of William Rehnquist, a long time foe of civil and human rights, as Chief Justice of the US Supreme Court is further evidence of Reagan's intentions. It is no coincidence that Justice Rose Bird, the judge who handed down the East Palo Alto decision, is also under attack. Although her opponents purport to represent crime victims upset with her reluctance to impose the death

penalty, the major force in the "Dump Bird" campaign is big business in alliance with the "moral majority" who are dissatisfied with decisions affecting their profits and control.

The fact that East Palo Alto has fought for cityhood and has now been in operation for over three years does not mean that its troubles are over. The city experiences the same problems that plague Third World, poor, and working people throughout the United States: drugs, crime, jobs, economic development and local schools. All these problems are made harder by the pernicious effects of Reaganism.

However, the city's 18,000 residents now have a voice in the direction of their community. It is a voice that must continue to make itself heard! The necessity for a fighting spirit is the lesson of East Palo Alto's experience.

Citizens React to Supreme Court Decision

by Jackie Mraz

While the state Supreme Court unanimously upheld the June 1983 election that made East Palo Alto a city, opinions on the impact the decision will have on the community are diverse.

Two important issues are repeatedly mentioned in connection with the court's decision: economic development in East Palo Alto, and the legal ramifications for absentee ballot voting in California.

Although reaction among city officials and East Palo Alto residents varies, most are pleased with the court's ruling.

"The decision improves our ability to issue bonds, said Mayor Barbara Mouton. "(And it may remove doubts in the mind of the average citizen about East Palo Alto's viability as a city."

"There are divisions everywhere," added Mayor, when asked about the opposition to incorporation and the prospects for achieving political unanimity. "The Supreme Court decision didn't start it and it won't stop it. I think it's very healthy for people to voice their different opinions."

If the decision rendered on August 21 is not appealed, City Manager Fred Howell also foresees the ability of the city to sell bonds as the major impact of the suit.

"Once it's all over, we will no longer have the specter of litigation to impede the sale of tax-exempt bonds," said Howell. "Beyond that, its (importance will be) psychological and political."

For City Councilmembers John Bostic and Warnell Coats, However, the decision is little more than a legal formality that reaffirms cityhood.

"The real decision was made three years ago when the election took place," said Coats. "The issue has always been what's the best way to make life in East Palo Alto better, not whether or not to incorporate."

According to Bostic, the June, 1983 election decision itself is not significant.

"It is significant in acknowledging that East Palo Alto is a city three years after the fact," Bostic said. "But we can make it a significant event by using it as a calling card for development. Bostic also stressed the importance of bringing in retail stores to East Palo Alto to improve the city's tax base. Continued on page 3

Proposition 63 Threatens Bilingual Services

By Carlos Romero

If proponents of Proposition 63 have their way, it may soon be illegal to use any language other than English in most public transactions, reports a coalition of Latino and Asian organizations that have joined together to fight the proposition.

Known as the "English-only" initiative, the impact of Proposition 63 would be felt most in the area of bilingual services and could spell the end for bilingual schools, police services, courtroom and hospital translators, and a slew of other bilingual services presently provided by state and local governments throughout California.

Proponents of the initiative argue that passage of the proposition would unify Californians by having everyone speak English. In addition, they assert, passage is needed because the state is threatened by "the goal of a bilingual culture for California."

California state senator Art Torres, who in August announced the formation of Californians United, a statewide Political Action Committee opposing Proposition 63 has responded to these allegations.

"Such contentions are misrep-

resentations and exaggerations designed to create fear and animosity which will result in divisiveness and disharmony," Torres said. "Positive, not negative, initiatives must be undertaken for new immigrants to learn the English language and become integrated into mainstream society."

Effects of the Proposition

Proposition 63 would amend the California Constitution and designate English as the state's official language. Its sweeping language prohibiting any law which "diminishes or ignores" the role of English as our common language could be used to challenge every form of language assistance provided by the State and local governments which is not mandated by some other constitutional provision or federal law.

In addition, the proposed measure would allow any resident or person doing business in California the right to sue the State to enforce these provisions.

Because the proposition amends the state constitution, both the legislature and local governmental bodies would be powerless to respond to varying needs of the public.

"Historically, English-only movements have failed in their objective to

attain national and cultural unity," Torres said. "Instead they have bred antagonism and misunderstanding."

Initiative Sponsors

The initiative is being sponsored by U.S. English, a national lobby founded three years ago by former U.S. Senator S.I. Hayakawa. Stanley Diamond, a former Hayakawa aide, is in charge of the California chapter and is directing the pro Proposition 63 forces.

U.S. English claims that Latinos, for instance, are refusing to learn English and clinging to the Spanish language and thus not assimilating as quickly as other immigrant groups have in the past.

Californians United has countered U.S. English's claims by pointing to a recent study which indicates 98 percent of Latino parents say it is essential for their children to be fluent in both reading and writing English.

Furthermore, they argue that bilingual services are designed to permit minorities to participate in schools, courts, government and business market places. Thus, they add, these services help integrate rather than isolate new citizens into Continued on page 8

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In the News

Compiled by Meda Okelo

DAMAGES TO BE SHARED BY 6000: In Philadelphia, more than 6000 African-Americans denied jobs at USX Corp from 1972-1979 are expected to share in the \$16 million in court-ordered damages. The judgement followed a 1983 ruling that the company discriminated against African-Americans who applied for laborer jobs at the plant located 15 miles north-east of Philadelphia.

AUTO-FINANCING RATE WARS: The recent announcement by General Motors reducing its auto finance rate to 2.9% has started a 'finance rate war'. Ford dealers quickly announced a 2.5% auto race financing, and the American Motor Company followed suit with a zero finance rate. Informed observers believe this rate war indicates the sluggishness of the automobile market rather than a 'favor' being doled out to customers.

CONGRESSIONAL POWER AT STAKE: Democratic candidates for a Senate seat need to only win four extra seats to gain control over the Republican dominated Senate. Thirty four seats are coming-up for re-election, 22 held by Republicans. Fear of losing control of the Senate has led President Reagan to travel the country soliciting support for Republican candidates. He helped Ed Zschau raise half a million dollars at a fundraiser in southern California recently.

DRUG WAR LAUNCHED ON THE LOCAL FRONT: The U.S. Department of Education added to the Reagan administration's war on drugs by publishing a booklet on how-to-drive the drug problem from the nations public and private schools. Published at a cost of \$440,000, the handbook has been mailed to every school (private or public) in the country. The 78 page handbook aimed at educators, parents and students lays-out the basic facts about drugs. It also provides a detailed explanation of the educators rights to search students for drugs and suspend or expel offenders.

INCREASE IN THE PRISON POPULATION: The prison population climbed over the half a million mark for the first time in the history of the U.S. In the first six months of this year, the prison population increased by 25,630 according to the Justice Department's Bureau of Statistics. California accounted for about 20% of this increase. California currently has 55,238 inmates. North Dakota has only 411.

VIETNAMESE CELEBRATE VU LAN: Over 1000 Vietnamese from as far away as Los Angeles gathered at the Vietnamese Buddhist temple on Donohoe, to celebrate Vu Lan. Vu Lan is an occasion when parents are collectively thanked for all that they have done to raise their children. The temple, which is yet to be completed, is expected to cost close to one million dollars. So far approximately half a million has been raised and spent.

SUMMER ART SCHOOL: Up to 600 promising art students statewide are expected to participate in a four to six-week California State Summer School for the Arts in 1987. This program, which is

expected to provide intensive summer training for promising high school artists, will be located at a California college or university. Arts studied in the program will include dance, drama, music, creative writing, visual arts, film and design, and many others.

MICHELLE ODETTE POOLE: The famed child of brain-dead Marie Odette Henderson was finally born by caesarian section on Wednesday July 30th. Weighing approximately 2 pounds, the 8-month 3-week old fetus was delivered after doctors determined that her lungs were mature enough. Shortly after the delivery, doctors withdrew life-support equipment from Marie Odette. The birth has stirred up the controversy surrounding the rights of the unborn child, the unmarried father and the parents of a brain-dead mother-to-be.

AIDS: 269 San Mateo and Santa Clara residents have AIDS according to the latest figures from local health officials. This figure is expected to rise to 1200 by the year 1991. Currently, AIDS is primarily transmitted through homosexual activity and intravenous drug use. Health experts however believe that in the next five years, most AIDS cases will be attributable to heterosexual activity. In San Mateo, at least \$122,223 will be spent on educational programs aimed at high risk groups and the general public, according to the County's Health director Margaret Taylor. In Santa Clara, \$190,000 is currently being spent on education according to the county's AIDS Project Coordinator Millicent Kellogg.

CITY COUNCIL AND SCHOOL BOARD MEET: Members of the East Palo Alto City Council and the Ravenswood School District Board met recently to iron-out problems that have hounded the relationship between the two groups. Important agreements were reached, including reiterating the importance of working together in an effort to use community resources more efficiently and effectively. They also decided to meet again on September 24. City officials hope that with this renewed interaction between the two boards, the City will be able to establish an agreement that would allow for the establishment of a joint fueling facility.

CULTURAL ARTS COMMISSION TO BE FORMED: The San Mateo County Board of Supervisors recently voted to create a Cultural Arts Commission. Allocating the Commission \$25,000 to get started, the Board hopes that through the creation of the commission, artistic opportunities will be expanded in the county. The Board has pledged to look for other ways to help raise more money.

PROBLEMS AT SHORELINE: Mountain View fire officials banned lawn seating at the newly constructed \$20 million Shoreline Amphitheatre owned by Bill Graham. The ban followed three fires that are believed to have been sparked by leakages of methane gas from the 600 acres of garbage on which the theater is built. About 7000 of the theater's 15,000 seats were in the affected area.

FUNDRAISING STANFORD STYLE: Stanford raised a whopping \$179 million in gifts and grants from private donors in the fiscal year of 1986-87, a jump of more than \$50 million over the previous year. This figure includes \$72 million donated by individuals. The University of California System, however, remains the number-one school in donations among all California colleges and universities. The UC total was \$227.6 million in 1984-85.

If you watch the National League Playoffs beginning October 8, be sure to look for the Houston Astros' star right fielder, number 17. He is East Palo Alto's own Kevin Bass, a power hitter who has hit over .300 to lead the team to its best season ever. Bass, who played high school ball for Menlo-Atherton High, now lives in Sugarland, Texas.



South Africa Update

THOUSANDS DETAINED: Since the June 12 imposition of the emergency, 8501 people have been detained in South Africa, according to Minister of Law and Order, Louis Le Grange. Critics of the South African government however, assert that far more have been detained than the South African government will admit.

INVESTMENTS IN SOUTH AFRICA: There are currently \$47.25 billion invested by foreign companies in South Africa, \$18 billion of this by British companies. South Africa has repeatedly threatened to take over these companies should Britain and other members of the European Economic Community (EEC) impose sanctions.

SOUTH AFRICAN UNREST CONTINUES: Clashes between Africans and the South African security forces have continued. Over 22 persons were killed in the last week of August following widespread rent strikes in such neighborhoods as Soweto and other government-created and-owned residential townships reserved for Africans. Over 100 persons were injured during these clashes. The Soweto Council which has been called an 'Uncle Tom' extension of the government, reportedly instructed the police to forcefully evict tenants conducting a rent boycott.

SOUTH AFRICANS HANGED: Six South African freedom fighters were hanged in early September. The six were variously accused of involvement in acts resulting in the deaths of several whites. Andrew Zondo, Siphon Kulu and Clarence Payi were specifically identified as African National Congress members.

CALIFORNIA DIVESTS: After months of refusing, Governor Deukmejian finally agreed to a bill that would require the divestiture of more than \$110 billion in

securities. The governor reportedly indicated he changed his mind after realizing that South Africa was making no progress to change its ways. The bill requires the managers of state funds to complete divestment in four years. In the first year, they will be forbidden to increase holdings in firms doing business with South Africa and in each subsequent three years, they must divest at least one-third of the holdings. Deukmejian critics claim the governor voted for divestment as part of his efforts to get re-elected. Fears however have been expressed that the U.S. Senate's weaker law may pre-empt the far stronger state law. Some critics of the federal measure passed in mid-August have claimed that it was deliberately intended to over-ride local laws. There are 16 states and 62 municipalities that have passed some law designed to express opposition to racial oppression in South Africa.

COKE DEPARTS: Coca-Cola Co. announced in mid-September that it will sell all its holdings in South Africa. The Atlanta based soft drink company expects to sell in the next nine months, all of its 30% shares in one of South Africa's largest soft drink bottlers and distributors, and its 80% interest in Johannesburg's canning industry. Eighteen other companies have pulled out of South Africa since the beginning of this year. International business consultants maintain that soon almost no American investment will be left in South Africa. The 250 remaining U.S. companies in South Africa are reportedly re-examining their options. This switch in attitude is being attributed to pressures from city governments that are refusing to buy the products of companies doing business in South Africa. Several cities have passed laws prohibiting or curtailing the awarding of contracts to corporations operating in South Africa. Recent additions to the roster include San Francisco, Los Angeles, Raleigh, N.C., Topeka, KS and Washington, D.C.



East Palo Alto's first anti-drug fair held on August 23 at the Bell Street Park, attracted a large and diverse crowd.

The East Palo Alto Progress

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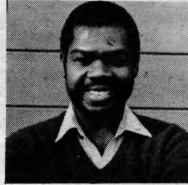
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Ron's Corner

By Ron Drake



In an effort to keep their readers as fully informed as possible, the **Progress** commissioned me to come up with this multiple choice quiz. Let's see how you do.

1. Suppose you ran up bills totaling over \$200 billion this year with no way to pay them? Would you be:
 - a) Let go with a severe warning.
 - b) Thrown into jail.
 - c) Visited by a large guy named Vito who'd arrange it so you'd have to unbutton your shirt to slurp soup.
 - d) Elected President of the United States.
2. The gubernatorial race between George Deukmejian and Tom Bradley is as exciting as:
 - a) Watching paint dry.
 - b) The life cycle of the greater subtropic sea snail.
 - c) Seeing Nancy Reagan on Mr. T's lap.
 - d) ZZZZZzzzzzz.
3. Your civil rights are safest with:
 - a) Muammar Qaddafi.
 - b) P.W. Botha.
 - c) Mikhail Gorbachev.
 - d) William Rehnquist.
4. California assemblyman Don Sebastiani regularly refers to people of color as n-----s. At your next party, the wine you'll serve will be:
 - a) Anything...
 - b) But...
 - c) Sebastiani...
 - d) Wine.
5. If the economy were a patient and you were a doctor reporting on its condition, you'd list it as:
 - a) Fair.
 - b) Serious.
 - c) Critical.
 - d) P.L.D. (Pushing Up Daisies.)
6. If Jerry Falwell gets his way, which of these things will never happen again?
 - a) Sex before marriage.
 - b) Sex after marriage.
 - c) Sex.
 - d) Nancy Reagan on Mr. T's lap.
7. Which team calls the shots in the White House?
 - a) Reagan and Bush.
 - b) Regan and Weinberger.
 - c) The Rich and Famous.
 - d) Bartles and Jaymes.
8. The best way to get a politician's attention is:
 - a) A phone call.
 - b) A letter.
 - c) An office visit.
 - d) Ten Thousand dollars in small, unmarked bills.
9. The best person to learn the facts of life from is:
 - a) Your mother.
 - b) Your father.
 - c) Your pastor.
 - d) Ed Meese.
10. The most disgusting development in recent history is:
 - a) The proliferation of nuclear weapons.
 - b) The appointment of Rehnquist as Chief Justice.
 - c) The economy.
 - d) Nancy Reagan on Mr. T's lap.
11. The most important aspect of the U.S.A.'s South Africa policy is:
 - a) Black.
 - b) White.
 - c) Brown.
 - d) Green.
12. Ronald Reagan is to brains as:
 - a) Einstein is to physics.
 - b) Hank Aaron is to home runs.
 - c) Stevie Wonder is to music.
 - d) A fish is to a forest fire.

If you answered (d) to all of the above (except number four; I'm dead serious about that one) then you're up on current events. Congratulations!

Citizens' Reactions to Cityhood

Continued from Page 1

Stephanie Smith, owner of Stephanie's Fish Market and Down Home Kitchen on University Avenue, also emphasized the importance of development in connection with the decision.

"But we have to be aware of what people are bringing into the community," said Smith cautiously. "We need development to serve the people who've stuck with the city through the hard times."

Smith places absolute confidence in East Palo Alto's future, if developers are not given free reign in the city.

"This is the last frontier in California," she said. "East Palo Alto has the potential to turn around and be as good of a city as Atlanta where Black people can take control of their destiny and do more than just survive."

Omwale Satterwhite, however, former city councilmember and former chairman of the San Mateo County Planning Commission, does not think the decision will greatly influence economic development in East Palo Alto, or that it will strongly influence the city's future.

"I don't think it's a milestone for the city," Satterwhite said. "I don't see the decision as opening up doors for development."

For councilmember Ruben Abrica and attorney for the city Thomas Adams, much more is at stake than economic development. Both emphasized the legal ramifications of the decision, and neither viewed the decision merely as a formality that confirms cityhood.

"The decision safeguards the right of voters to have their votes," Abrica said.

Adams does not expect that an appeal to the U.S. Supreme Court will be filed by former councilmember Gertrude Wilks, who filed the original lawsuit.

"The lawsuit is not of federal importance," Adams said.

The formation of the East Palo Alto Police Department was made possible by the June 1983 election, and the department is often credited with helping to improve the city's quality of life. The impact so far of the decision on the police force, however, has been minor.

Police Chief Nelson said that after learning of the Supreme Court ruling, he "went along doing business as usual." According to Nelson, the decision has not greatly influenced other members of the department either.

"Looking at the management team that we've put together for the police department and the city, it's been a relief," Nelson said. "It didn't make a difference for the line personnel, because they have always acted as if East Palo Alto was a city."

For community leaders, the decision's importance is crucial in maintaining and strengthening the city's identity.

Carmaleit Oakes, EPACCI head and long-time community activist, is optimistic that political unity can now be attained in East Palo Alto.

"There were those who looked at cityhood as if it were in the far future," Oakes said. "Now they are beginning to say, 'We really are a city!'" And as to the future of anti-incorporation efforts? "They're dissipating like snow in July," said Oakes.

The Reverend Joseph Green, Pastor of Unity Baptist Church, was optimistic about East Palo Alto's future in his invocation address at the Reaffirmation of Cityhood Celebration on September 5 at City Hall.

"But there are some that are dubious of our goal and our unanimity," he warned.

When questioned about the impact the Supreme Court decision will have on the community, however, Green remains hopeful about the prospect of maintaining community-wide support for incorporation.

"Those who were in the middle of the road will now go with the winning side," Green said.

William Tinsley, President of the South San Mateo branch of the NAACP, is hopeful that the decision will go even further than convincing citizens who were previously neutral on the incorporation question that East Palo Alto is a full-fledged city.

"(Now they will) really see the light," said Tinsley of citizens who had been persuaded by the arguments of incorporation foes. "They will see that they are not losing their homes and not being thrown out of the community."

Tinsley also praised the East Palo Alto Police Department for its hard work and believes that as a result of the Wilks vs Mouton decision, East Palo Alto can move forward more effectively than even on community problems such as crime and drug abuse.

Joseph Goodwill, president of the East Palo Alto Chamber of Commerce, was brief but optimistic in his comments on the impact of the decision.

"The decision speaks for itself," Goodwill said. "We should now come together and make a success."

Citizens of East Palo Alto were not alone in their hopes for renewed efforts to make a successful city. Joe Zirker, a resident of O'Connor Street in Menlo Park is now hopeful that a petition will be started to re-annex the formerly East Palo Alto portion of O'Connor Street back into the city.

"Eva and I have a lot of associations with people in this community and we want to be a part of it," Zirker said.



Lillie Johnson (left) and Carmaleit Oakes, two tireless campaigners for incorporation, observing the City Hall festivities.

Oakes' Acorns



By Carmaleit Oakes

Much has been said and written about the three social plagues, namely alcoholism, smoking, and drug abuse: negative habits that lead to self-destruction. A youth survey shows that teenagers rank alcohol and drug abuse as major problems, while adults view them as contributing to the breakdown of family life. Today's generation is facing a drug culture. Intensified by the deaths of two of our finest athletes, basketball star Len Bias and football player Don Rogers, the chilling impact of their deaths has demoralized a nation. On the days these two died from cocaine intoxication, hundreds of others across our nation also died for the same reason, yet the shock of their deaths went unnoticed.

Why, we ask?

It is common knowledge that in the White male business world, alcohol and cocaine are indulged in upon reaching home. Drug use among entertainers -- the John Belushis, Rick Nelsons, and David Crosbys -- also goes unnoticed until someone overdoses.

However, this is not the case in the Black community, to whom I am addressing these comments. Of the 43 athletes busted for drugs, 37 were Black.

After Bias died, it was disclosed that he had not earned a single credit in his final semester at the University of Maryland and was 21 credits short of a degree after four full years.

The media have used us to talk about the problem. Len Bias probably never had a checking account, yet he was faced with the awesome pressure of signing a multi-million dollar contract. He was provided with sophisticated access to cocaine. Of course, Boy George may have made front page news, but when you pick up the green sports page, make no mistake about it -- the athletes they're talking about are Black. We may be losing in a field that we only recently were allowed to enter. Remember, we have always been allowed to participate in athletics where physical, not mental, prowess was encouraged. That is why we must resolve this drug problem.

Meanwhile, thousands of children are trekking back to school. Most, for different reasons were looking forward to that first day. Little did they realize that they were facing the best days of their lives. At the end of their rainbow awaits a world -- a world that may not be so kind to them as were their school days. Emulating the sports/entertainment world just could become an illusion. Many children determine at an early age that if they are going to make it, "it's gotta be sports, man." Anybody can be a lawyer by hard work, but not anybody can be a Bill Russell. It takes the truly gifted to make it as entertainers and athletes.

The reason children tend to do better at basketball and football is that they assume they can learn to do it well, and so

they practice constantly to prove themselves right. There is no doubt in my mind that Black youngsters can develop their math reasoning, their elocution, and their attitudes the way they develop their jump shots and their dance steps. By the combination of sustained enthusiastic practice and the unquestioned belief that they can do it. This is a behavioral problem. It is the result of a remedial tendency to avoid intellectual engagements and competitions. Avoidance is rooted in the fears and self-doubts engendered by institutionalized racism. School counselors are known to expect low achievement.

Tell a White broadcaster he talks "Black" and he'll sign up for diction lessons. Tell a White reporter that she writes "Black" and she'll take a writing course. Speaking correct English is "White." Even economic success is defined as "White." Peer pressure has a lot to do with the entrenchment of "Black" English. Resumes are not written in "Black" English. It is not the language of professionals, of manuals, newspapers, government forms or job applications. Our children are not being taught the importance of communication -- of using the language of the society in which they hope to succeed.

Wouldn't it be wonderful if we could instill Black children with the notion that excellence is "Black," rather than "White" or "Chinese?" Wouldn't it be of value if we could turn the mainstream myth on its head and show that morality, strong families, determination, courage, and love of learning are traits brought by slaves from Mother Africa? Blacks have a heritage from their ancestors to draw upon that Whites lack. When we begin to reflect on the role that Black people have played in building this country, White people have a responsibility to do justice by them. Somehow, we have to make our children understand that they are competent and intelligent, capable of doing whatever they put their minds to and making it in the American mainstream, not in a Black subculture.

So come on, kids! Basic education is a gift too good to believe or appreciate. There are teachers who have designed lessons to give you the shortest route to learning a subject. Phrases like "Experience is the best teacher" and "There are a lot of things you can't learn from books" are okay sometimes. But who wants to learn that boiling water is hot by spilling it on oneself? Learning from experience is painful and slow. Just think, you have special hours in a special place to go to -- that familiar school building. You don't have worries about money. That's your parents' job. School is your job. You're an adult a lot longer than you're a child. If you want to enjoy the good things in life, get a good education. Stay away from street corners. Know what I mean?

Now, back to our beginning subject: Drugs. Nancy Reagan might well reflect on how many of the young people in question have been driven to drug abuse as she smiles, saying, "Just Say No!" School age children are unequal to the stress brought on as a direct consequence of her husband's policies. If they are from the minorities, where teenage unemployment is rampant, there could be your explanation for the increase of drug activities. We know the struggle, so be strong and face up to it. Don't sidetrack a good education to become a Bias or Rogers. Education is good insurance. So is a Social Security card. Strive to acquire both. The future belongs to those who prepare for it.

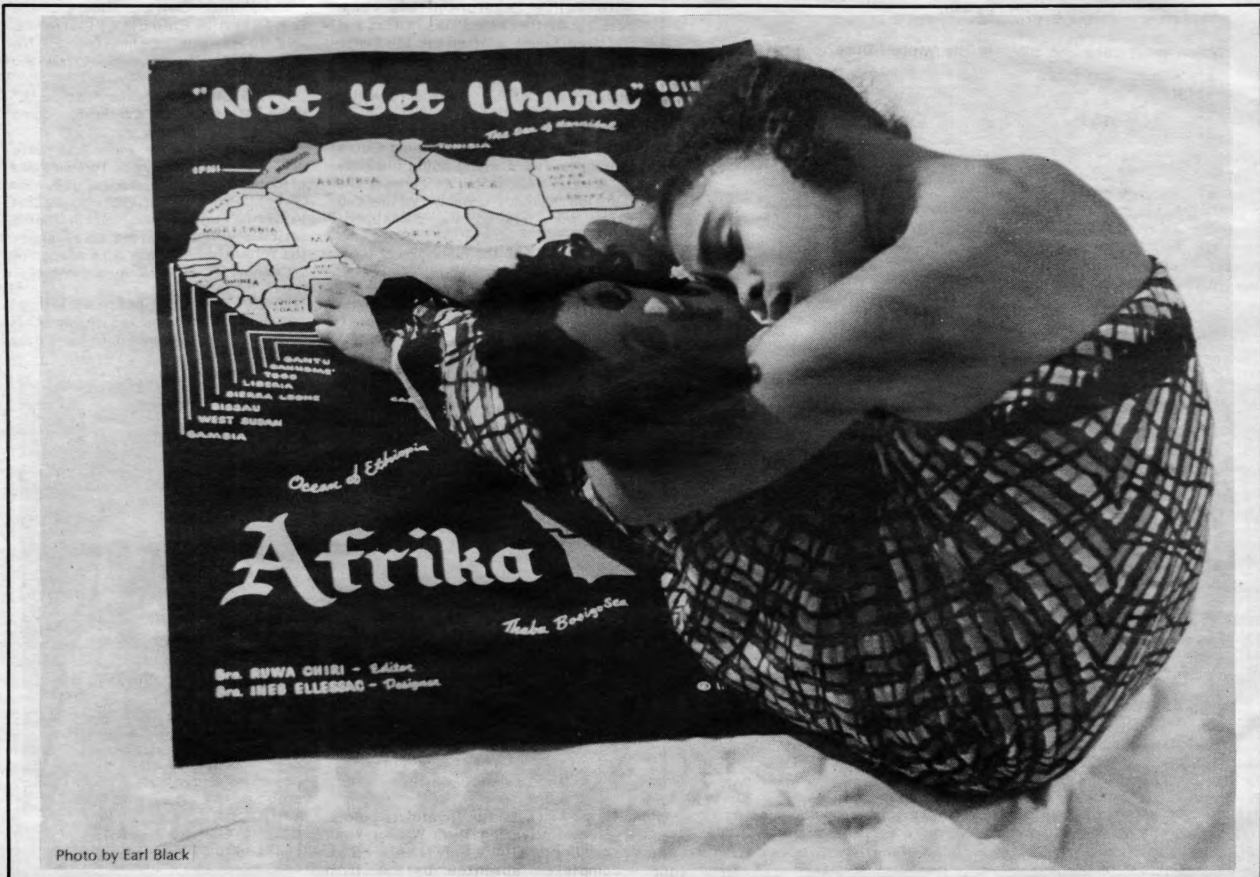


Photo by Earl Black

How the Supreme Court Decided

Excerpts from the Court's Decision

Editor's note: Following are excerpts from the 20-page decision written by State Supreme Court Chief Justice Rose Bird, upholding the incorporation of East Palo Alto. "Appellants" here are the cityhood opponents, represented by Attorney Paul McCloskey. Quotation marks are from the original; headings have been added.

Appellants seek to invalidate a municipal incorporation election on the ground that there were irregularities in the handling of certain absentee ballots. The trial court found that there had been no violation of any mandatory provision of the Elections Code or tampering with or fraud involving the ballots, and it confirmed the passage of the incorporation measure. We agree.

On June 14, 1983, the San Mateo County Board of Supervisors declared that a measure to incorporate the community of East Palo Alto had passed by a margin of 15 votes: 1,782 voters being in favor and 1,767 opposed. Two hundred seventy-two votes were cast by absentee ballot; these ballots favored incorporation by a ratio of nearly two to one. Appellants filed a statement of contest on grounds of misconduct by election officials and illegal voting, challenging 147 votes.... The trial court rejected appellants' challenges to all but five votes which were cast by nonresidents... and confirmed passage of the incorporation measure by a margin of thirteen votes, as well as election of four challenged city council members.

Guiding principles

"It is a primary principle of law as applied to election contests that it is the duty of the court to validate the election if possible. That is to say, the election must be held valid unless plainly illegal....

"...A distinction has been developed between mandatory and directive provisions in election laws a violation of a mandatory provision vitiates the election, whereas a departure from a directive provision does not render the election void if there is a substantial observance of the law...(and voter's rights are not) injuriously affected by the deviation....

"The contestant has the burden of proving the defect in the election by clear and convincing evidence."

I. Were Ballots Illegally Delivered?

Fifteen voters submitted applications for absentee ballots and listed the residence or business address of Joseph Goodwill as the place to which the ballot should be mailed. The county clerk mailed the ballots to the specified addresses. Eight voters picked up their ballots at Mr. Goodwill's office. Two voters who were relatives of Mr. Goodwill picked up their ballots at his home. Mr. Goodwill delivered the remaining five ballots to voters at their homes.

Appellants argue that these 15 ballots should not be counted because the clerk violated Section 1007, which provides in pertinent part that "if the official deems the applicant entitled to an absent voter's ballot he or she shall deliver by mail or in person the appropriate ballot." Appellants argue that this provision requires that ballots be mailed only to the voter's residence, and that it prohibits third parties from delivering the ballot to the voter.

"plainly meritless... we remain unpersuaded"

Appellants' contention that Section 1007 prohibits the election from mailing a ballot to a qualified voter at an address other than his residence is plainly meritless. Nothing in Section 1007 indicates such a requirement. In fact, related sections of the absentee ballot provisions specifically allow the voter to name a mailing

address different from his residence....

Also unpersuasive is appellants' argument that a third party whose address the voter has specified for delivery of his ballot may not deliver the absentee ballot to the voter. Appellants can point to no specific provision prohibiting third-party delivery when the voter has directed the election official to deliver his ballot to an address other than his residence. They refer us to an opinion of the Attorney General...(but) we remain unpersuaded.... We find this interpretation of legislative intent inconsistent with the Legislature's caveat that the absentee-voter provisions be interpreted liberally in favor of the absent voter.... As the trial court found, each of these voters actually received their absentee ballots and there was no tampering with them. We recognize that there is some potential for abuse if campaign workers and candidates gain undue control of the distribution of absentee ballots, but elimination of this risk is a legislative task.

II. Did 3 East Palo Altans Break the Law When They Assisted Voters?

Appellants contend that the secret voting provision of the California Constitution was violated in the case of 45 absentee ballots voted in the presence of or with the assistance of 3 incorporation proponents. Appellants further allege that the conduct of the three incorporation proponents constituted criminal interference with the secrecy of voting in violation of section 29645.

Joseph Goodwill

Joseph Goodwill distributed approximately 79 absentee ballot applications. He later visited many of these people and asked whether the ballot had been received, and whether the voter had completed and returned the ballot to the county clerk. In most cases the voter was either a member of Mr. Goodwill's family or a friend of long standing.

The trial court adopted the following findings with respect to the voters assisted by Mr. Goodwill: "In some instances the voter asked Mr. Goodwill for instructions about the absentee ballot procedure. In some instances, because of age, physical disability or lack of familiarity with the computer card, the voter asked Mr. Goodwill for help completing the absentee ballot. In yet other instances, the voter had completed the ballot and gave it to Mr. Goodwill to return to the County Clerk.... In those instances where Mr. Goodwill helped complete the absentee, he did so in privacy, in the presence of the voter, with the voter's understanding and consent. Occasionally, one or more of the voter's family were present, with the voter's consent. All the ballots were punched to reflect the voter's decision on the candidates and on (the incorporation measure). After the ballot was completed, each voter signed the ballot envelope."

Camaleit Oakes

Mrs. Camaleit Oakes is a 77-year-old retired school teacher who was active in EPACCI. She visited five voters, some of whom apparently had requested assistance from EPACCI in completing their absentee ballots.

The trial court adopted the following findings with respect to the voters assisted by Mrs. Oakes: "(Mrs. Oakes) was invited into their homes. She offered to help them with their absentee ballots. They all accepted her offer. All five people discussed their votes with her and voluntarily showed their ballot materials to her. At her request, because of lack of familiarity with the computer card, she helped four voters complete their absentee ballots in the privacy of their own homes. She helped complete all four ballots with the voters' understanding

and consent and in accordance with the voters' wishes. Each ballot correctly reflected each voter's choice of candidates and each voter's decision on (the incorporation measure).... No one tampered with any of these ballots."

Omwale Satterwhite

Mr. Frank Omwale Satterwhite is a former chairman of the San Mateo County Planning Commission, a member of the East Palo Alto City Council and the owner of a consulting firm. He was an active member of EPACCI, and his name appeared on the ballot as a candidate for city council. Mr. Satterwhite assisted several voters residing at Runnymede Gardens, a federally subsidized senior citizens residential facility. Following a request by several residents for help with their absentee ballots, Brad Davis, the resident manager of Runnymede Gardens, asked that a representative of EPACCI come to the facility to explain the absentee voting process.

The trial court adopted the following findings with respect to the voters assisted by Mr. Satterwhite: "Mr. Frank Omwale Satterwhite came to Runnymede Gardens for the meeting and helped six voters with their absentee ballots. All who showed their ballots to Mr. Satterwhite did so voluntarily. Four of these people asked Mr. Satterwhite to complete their absentee ballots. Because of age or disability, they could not punch out the holes in the absentee ballot computer cards themselves...."

The trial court found...the assistance had been provided at the voter's request. The court also found that the assistance had been provided without fraud or coercion... that no ballot had been tampered with, and that in all cases the vote cast reflected the decision of the voter.

"no coercion occurred here"

These factual findings are supported by substantial evidence and will not be disturbed on appeal. Appellants argue that even accepting the trial court's findings as true, the intrusion by campaign workers on the secrecy of voting requires that the ballots be invalidated even where disclosures are voluntary and in the absence of tampering. We disagree....

The statutory provisions regulating absentee voting do not prohibit the voter from permitting third parties to be present while the voter marks his ballot. Neither do these provisions specify what class of absentee voter may use third parties to actually mark the ballot. The trial court found that each voter had voluntarily allowed the campaign workers to be present while the voter marked the ballot, and had requested whatever assistance was provided in marking the ballots. The trial court found that each ballot was marked as the voter had requested and that there was no coercion or tampering. Appellants' request that we nonetheless invalidate each of the votes cast because it was not cast in secret is inconsistent with our obligation in reviewing a contested election to protect the (voter) in the absence of manifest illegality.

We realize that the integrity of an election is impaired when partisan campaign workers coerce absentee voters to give up their right to vote in secret. But the trial court determined upon the basis of substantial evidence that no such coercion occurred here.... If it is perceived that there are defects or ambiguities in the legislative scheme for absentee voting which leave a potential for abuse, the Legislature must respond.

III. Did O. Bashir Invalidate Votes by Delivering Them Wrongly?

Several EPACCI members accepted completed absentee ballots from various voters and delivered them to

EPACCI campaign headquarters. Onyango Bashir, Chair of EPACCI's voter registration committee, personally delivered 46 ballots to the ballot box on the counter in the county clerk's office between May 9, 1983 and May 24, 1983. The ballots were not tampered with. The deputy county clerks in charge of the room allowed voted absentee ballots to be deposited in the ballot box by anyone. On May 24, 1983, the assistant county clerk informed the deputy clerks that absentee ballots could only be delivered by the voter. He had been aware of this rule on May 9 but had not had time to tell the clerks before. On the same day the deputy clerks told Mr. Bashir that he could not place the voted absentee ballots in the ballot box, but would have to mail them. He took them outside the building, put stamps on them and put them in the mailbox. Mr. Bashir was during this time a deputy county clerk deputized to assist in the conduct of elections; the county clerk administered an oath of office but did not instruct him how to handle absentee ballots or that he could not personally deliver them to the ballot box.

Appellants contend that the 46 absentee ballots which Mr. Bashir personally delivered to the ballot box must be invalidated because they were delivered in violation of section 1013.... We do not agree, however, that the voters' and deputy county clerks' inadvertent violation of this provision requires that we disenfranchise the voter in the face of a trial court finding that there was no fraud or tampering with the challenged ballots....

"perfect illustration of injustice"

We do not agree with the Court of Appeal... that the bar to third-party delivery of absentee ballots is so fundamental to the preservation of the integrity of elections that we must invalidate an absentee ballot delivered by a third party in the face of a trial court determination that there has been no fraud or tampering. We note that third parties are permitted to mail absentee ballots for the voter or deliver ballots to the polling places on election, and that this is not considered to undermine the integrity of elections....

This is a perfect illustration of the injustice in nullifying votes because of noncompliance with technical and sometimes ambiguous rules governing the absentee balloting process. When Mr. Bashir was informed at the clerk's office that the office would no longer accept ballots delivered by third parties, he simply walked outside and deposited the ballots in a mailbox. According to the appellants, had Mr. Bashir handed these ballots to the clerk instead of putting them in the mailbox, the integrity of the election process would have been compromised to a degree requiring the invalidation of the ballots. We do not think the expression of popular will should be nullified in such an arbitrary manner....

Summary

The trial court determined that there had been no fraud, coercion, or tampering in connection with any of the challenged ballots. The court determined that every voter who had disclosed his ballot to a third party had done so voluntarily. Most voters who disclosed their ballots did so because they needed help in view of their age, infirmity or illiteracy. There was substantial compliance with the essential provisions of the absentee voter provisions of the Elections Code. Under these circumstances we will not deprive the individuals who cast the challenged ballots of the exercise of their fundamental right to vote.

The decision is affirmed.

Your Legal Rights

This is one in a series of articles by *Eric Cohen*, a law student working at the EPA Community Law Project.

Scene: Sheri and Fernando are tired of living with a leaky roof, a toilet that overflows, and cockroaches. They learned that their neighbors in the surrounding apartment buildings have the same problems, so they call a meeting. They knock on people's doors and pass out flyers announcing the meeting, which takes place on a Tuesday evening at Fernando's apartment. There are eight people in the living room of Fernando's one-bedroom apartment.

Sheri: As you all know, we're here to talk about the condition of our apartments. We want to try and figure out what to do about all this. Do any of you have problems like this?

Donnie: Yeah. My roof leaks too and my ceiling has paint chips falling from it.

Abe: The sewer's backed up in my driveway.

Eleanor: My heat hasn't worked for a while. It's summer now but come winter it's going to be cold.

Fernando: Let's think of what we can do to deal with this situation. Well first, we can go to our landlord and explain the situation. If we do this it may be best to go as a group or at least have a couple of us go together.

Eleanor: Wait, before we do this we should figure out our best arguments to show that we're right just in case our landlord disagrees with us. It may help to practice our arguments on each other before approaching our landlord. For proof, we can take photos, get witnesses to look at our apartments, and get the county health inspector to write a report.

Fernando: You know, we could also write our landlord a letter explaining the situation. It's always good to have things down in writing in case we have to explain the situation in court.

Sheri: If it doesn't help to speak to our landlord, maybe the San Mateo Health Department could help. If we call them (363-4305) they can inspect the apartments and order the landlord to fix the leaky roofs, broken toilets, cockroaches and all that. And The City is supposed to make the landlord fix up all the Health Code violations.

Abe: Let's think twice about complaining to the landlord. He might try to evict us or give us a hard time.

Sheri: Well, we can't predict what the landlord will do. But, I checked with a friend who just went through all this and her lawyer said we can't be evicted for complaining to the Health Department. Sometimes it's hard to prove, though, so it may be a little risky. Nevertheless, we can only be evicted for the "Good Cause reasons" listed in the EPA rent law, which makes it harder for landlords to evict tenants.

Fernando: Besides, he's been giving us a hard time for a long time now by taking our money and not fixing our apartments.

Abe: You know, I heard some renters called the newspapers about some Health Code violations. The newspapers and the T.V. came and covered the story.

Sheri: How did they do that?

Abe: They got help from some city officials and a renters group, and they called and wrote the local newspaper. We could do this, too. EPA has a renters group called EPACT (321-3984) and they could help us.

Donnie: We could also take some sort of legal action against our landlord. These health code violations are illegal.

Abe: What kind of legal action are you talking about?

Donnie: Well, we could "repair and deduct", go to the EPA Rent Board, sue in small claims court, or even withhold our rent.

Abe: What is "repair and deduct"?

Donnie: "Repair and deduct" allows us to repair the problem and deduct the cost from our rent. We must first give our landlord 30 days notice and an opportunity to fix the problem after the 30 days. We can "repair and deduct" only for violations of the health and safety code and the cost may not be more than 1 month of our rent, and we can do this only twice a year.

Abe: What else can we do?

Donnie: The EPA rent law says we can petition the Rent Board. Although the Rent Board can't make the landlord fix things, it can reduce the rent we're paying until the landlord complies. We can try the same thing in small claims court.

Abe: What about this rent withholding stuff?

Donnie: We can try withholding our rent; you know, refuse to pay rent until the landlord fixes the problems.

Abe: Wait! Won't we be evicted for not paying the rent?

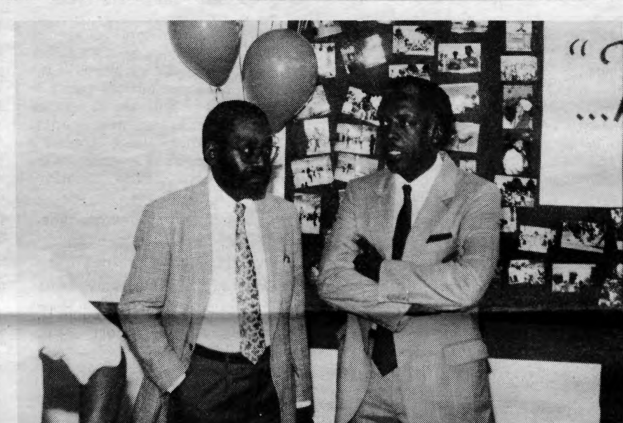
Donnie: They can try. But if a court finds that the condition of the apartment is really bad, then a landlord will not be able to evict us for withholding rent. Withholding rent is usually the most risky of these options but can be the most powerful. But before trying it we should call a lawyer. (The East Palo Alto Community Law Project provides free legal help. Call 853-1600.)

Donnie: Also, if we withhold the rent, it's best to keep the rent money in a separate account to show a court we intend to pay rent once the apartment is fixed.

Eleanor: Well, what should we do now? We definitely want to keep our apartments. We don't have much money, and we want to win. Why don't we think about our choices and decide what to do.

Sheri: Whatever we do we must do it as a group. We'll be more powerful that way and we can share the work so everything takes less time. We must keep good records of everything we do and keep all correspondence with our landlords; good records always come in handy. If we keep on trying we should be able to make some kind of changes around this place; I've heard other renters have been successful and we can too.

Note: Other Health and Safety Code violations include failing to provide: A working toilet, bath and shower; proper kitchen sink; hot and cold running water; adequate heat; natural light and ventilation; working lights; rooms that are not damp. The apartment must not be infested with insects, rats, or mice and it must be connected to a sewer and have garbage storage and removal. The apartment must have good wiring and must be weather proof so there are no leaks and no loose plaster on the ceilings or walls.



City Manager Fred Howell (left) and Police Chief Dan Nelson at the City Hall reception.

Myth and Facts About Alcohol

by **Jacqueline Skillern Jackson**

There are many myths about alcohol, alcohol use and abuse, and alcoholism. With factual information about alcohol and its effects, we are in a better position to make informed decisions about drinking and consequently are more likely to avoid alcohol abuse and alcoholism.

Myth: Most alcoholics are 'skid row bums'.

Fact: Only 3 to 5 percent are 'skid row bums'. Contrary to popular belief, most alcoholics (about 70 percent) are married and employed, and participate in social, civic and religious activities. They are not easily identified and are found in all social, cultural, ethnic and economic groups.

Myth: Most alcoholics are middle aged or older.

Fact: The highest incidence of drinking problems is among men in their early 20s. The second highest is among men in their 40s and 50s. Among Black people the highest incidence is among males 14 to 29 years with the greatest increases among working women under the age of 35.

Myth: You will not get drunk drinking beer only.

Fact: The amount of alcohol (ethanol) in one can of beer, one glass of wine,

or the average 'high ball' is approximately the same. It may take a little longer with beer or wine than with hard liquor, but you will get just as drunk.

Myth: You are not an alcoholic unless you drink a certain amount of alcohol a day.

Fact: How much you drink and how often is less important than **how** you drink and **why**. Many alcoholics only drink in the evenings, on weekends, or at celebrations that occur only once or twice a year. What makes people alcoholic is that when they do drink, they do not stop, even in the face of negative consequences. Their relationship with alcohol becomes primary at the expense of job, family, friends, health, or finances.

Myth: Alcohol is a stimulant.

Fact: Alcohol is **not** a stimulant. Alcohol is an anesthetic that depresses the central nervous system. The first area of the brain affected by alcohol is the part which controls inhibitions and judgment. This may make a person seem more free, but it is temporary and is actually the first evidence of the depressant action of alcohol on the brain.

Jackson, who holds a Ph.D. in psychology, is president of the National Black Association Against Alcoholism (NBAC).

Oil Companies Threaten Native American Lands

by Beth Cohen

Big Mountain, in northeast Arizona, is formed from dusty desert skeletons of rock and sand stripped of the camouflage of shade trees and pastures. On a first look this desert-land seems dead, but with time it becomes alive with ancient energy.

Beneath this land's cacti, juniper, sagebrush, and seemingly dead husks of driftwood, five generations of ancestors of Roberta Blackgoat, 69, an elder of the Dineh (Navaho) tribe, have buried the umbilical cords of their newborn in a ritual symbolic of the people's link to their land. Beneath this land also are rich seams of coal and uranium.

Today, the U.S. government is uprooting Native Americans from their land in the largest program of forced relocation since the internment of 110,000 Japanese Americans during World War II.

In 1974, Congress passed the Navaho-Hopi Land Settlement Act, PL 93-531, which divided equally between the tribal councils the 1.8 million acres of grazing and farm land that since 1962 has been a Dineh and Hopi 'Joint-Use Area'. The Dineh settlement of Big Mountain where Roberta Blackgoat lives with about 1,000 or so others is in the center of this land, but on the 'Hopi side' of a 300-mile barbed wire fence.

The act passed by Congress required that about 10,000 Dineh living on the Hopi side, and some 100 Hopis living on the Dineh side, relocate by July 7 of this year to another area in northeast Arizona called the 'New Lands'. The Act included such incentives for 'voluntary' relocation as a forced 90 percent reduction of livestock herds (the primary means of subsistence and the center of the traditional Dineh life and religion) and a ban on any further building or property improvement. The purpose of the act, as proclaimed by Congress, was to put an end to a dispute between the two tribes.

The Hopi have lived on the Arizona mesa since the year 1140, while the Navaho migrated to the area about 1400. The two tribes have lived peacefully together for centuries. Both cultures are matrilineal, and the women are also in charge of the land, the main reason they have become major forces in the current resistance to relocation.

Both groups' traditional beliefs hold that the Great Spirit brought them to this land and that their destinies are intricately linked to one another and to the land. The Navajo are pastoral shepherders, and the Hopi are agricultural village dwellers. Navaho and Hopi lives revolve around a strong oral tradition and the spiritual practice of prayer, fasting, and ceremonies. Trading and intermarrying between the Dineh and Hopi are common.

The traditional Hopi have always supported the right of the traditional Dineh to remain on this land as its caretakers.

"What is happening at Big Mountain today is a warning," said Thomas Bayacya, spokesperson for the traditional Hopi. "If these sacred lands are disturbed and the Navajos driven off the land, this will signal the 'longest walk to death' for the Navajo and Hopi peoples....It will also signal the 'longest walk to death' for the peoples of the earth."

Any real dispute is not between the traditional Dineh and Hopi peoples, but between the traditional peoples of both groups and the Bureau of Indian Affairs (BIA) endorsed pro-development

tribal councils. Only 10-15 percent of the Hopi people participate in tribal council elections; the rest refuse to grant the BIA-sponsored tribal council any legitimacy and show this through their traditional means of protest, the boycott.

When the Standard Oil Company discovered oil on the Dineh reservation in 1921, all 75 Dineh elders, the traditional tribal leaders, decided against leasing the oil-rich land to Standard. In order to circumvent this, the BIA hand-picked its own Dineh tribal council which in turn leased the land to the oil company. Since that time, this tribal council, as well as other tribal councils created by the BIA, have been persuaded to open Native American lands to other energy companies.

A virtual energy development boom began in the 1950s and 1960s with the discovery that the reservation lands hold about 33 percent of the nation's coal reserves, 55 percent of its uranium, and eight percent of its oil. In 1964 and 1966, after a long and bitter struggle between the tribal councils and the traditional peoples, the councils signed leases with Peabody Coal Company, giving Peabody rights to strip-mine two billion tons of coal from the Black Mesa area of the Hopi-Dineh reservation.

Other energy companies, however, were unable to get minerals from the joint-use area because approval by both tribal councils was required. To overcome this, in the 1950s, John Boyden, author of PL 93-531 and main driving force behind its passage, approached the Navaho tribal council with his idea of gaining complete control of the joint-use area for the tribe. When they refused, he became attorney for the Hopi tribal council. The sole purpose of the effort was to make mineral leasing much easier.

In the early 1970s, to convince Congress of a Dineh-Hopi land dispute, and thus ensure passage of PL 93-531, the public relations firm of Evans and Associates staged a range war in the joint-use area. A 1974 Washington Post investigation found that the firm had "virtually stage-managed a range war... (and) at the same time... represented a trade association of 23 utilities and companies engaged in

building power plants and strip mines in the Four Corners." The Post concluded that the so-called Navajo-Hopi land dispute was about coal, particularly about Peabody Coal.

Since the start of the trumped-up land dispute, the BIA has set itself up, paternalistically, to resolve the 'dispute' by claiming that relocation is the only way to end it.

Traditional Dineh and Hopi peoples, however, have long declared that such a massive relocation would amount to genocide and would result in the destruction of their traditional culture and lifestyle. Severed from the land, Dineh and Hopis who have already moved have suffered early deaths and increased suicide rates. In addition, the 'New Lands' were the sight of a uranium spill in 1979. The Environmental Protection Agency says will take another two years to determine if the area is safe to live in.

"To move away is to disappear," says Pauline Whitesinger, Dineh elder. "In our traditional tongue, there is no word for relocation."

The federal Relocation Commission, designed as a shot-term agency that would operate on an annual budget of \$500,000 now spends some \$4 million a year just on administration costs. The estimate for the total cost of the relocation 'assistance' program has risen from \$28 million to more than \$500 million. Our tax money is paying for this.



Four years ago, relocation commissioners Roger Lewis and Sandra Massetto called for land exchanges between the two tribes as a means of reducing the number of those who live on the 'wrong side' of the fence. Lewis then resigned after admitting-- in an extraordinarily candid moment-- that in relocating elderly Navajos he sometimes felt "as bad as the people who ran the concentrations camps in World War Two." At the request of Arizona Senator Barry Goldwater, the Reagan administration replaced Lewis with a man who had run the 'Democrats for Goldwater' campaign in the 1980 election.

Proclaiming unity, the traditional Dineh-Hopi peoples has continuously reaffirmed their refusal to be moved from the lands of their ancestors. There are between 3,000 to 6,000 people who have refused to relocate and who will resist any attempt to forcefully remove them. As the July 7th deadline for voluntary relocation approached, traditional Dineh and Hopi peoples were still resisting the 12-year-old order.

The fourth annual four-day-long Big Mountain Sun Dance, at which dancers fast and dance for the entire four days to understand suffering more clearly, and to atone for the sins of people of all four colors, took place in spite of the impending deadline. This ceremony, a gift to the threatened people by the Lakota (Sioux) tribe, was in spiritual resistance to the government's threat.

Such non violence has been the key of this resistance.

"We are standing with our Elders in the Dineh way, not with guns but with the sacredness of our people," said one Dineh man, a Vietnam veteran.

Non-indigenous support workers and groups continue to struggle with them through massive letter-writing campaigns, advocacy, acting as relocation witnesses and Survival/Sun Dance Camp workers, and through prayer.

When the July 7th deadline arrived, hundreds of Dineh people and their supporters lined up in a 'Hands Across the Fence' action. While several strong elder Dineh women pulled up part of the fence and wept, their supporters clipped off bits of the fence.

Although federal agents did not remove all those who would not leave the land, the BIA has since escalated its physical presence and actions in the area which have the clear effect and purpose of finalizing the removal. But the BIA may have underestimated the determination of the Dineh and Hopi to continue living on their land. Their struggle against relocation is far from over.

Despite growing Congressional support for reconsideration of the Relocation Act, PL 93-531, and for hearings involving the traditional Dineh and Hopi people, the BIA continues its daily imposition of new fences on sacred land, livestock confiscations, diversion of water from those still on the land, surveillance and overflights, and other provocative activities which enact PL 93-531.

Here is a list of ways in which you can support the Dineh-Hopi resistance:

- Phone or write to the Bureau of Indian Affairs and ask them to stop this harassment. National office: c/o Ross Swimmer, Room 4627, Main Interior Building, 1961 Constitution Ave., NW, Washington DC 20245, phone (202)343-7163; Western office: c/o James H. Stevens, P.O. Box 7007, Phoenix, AZ 85011, phone (602)241-2305.
- Write letters to Congress asking them to cut off all funding for the BIA and for the Relocation Commission. Locally write to Congressman Tom Lantos, 11th District, 520 So. El Camino Real, San Mateo, CA 94001, phone 342-0300.
- Contact all senators and representatives in your area to encourage repeal of PL 93-531. Locally contact U.S. Senator Alan Cranston, 45 Polk St., San Francisco, CA 94102, phone 556-8440.
- Send copies of your correspondence to the Big Mountain Legal Defense/Offense Committee, 2501 North Fourth Street, Flagstaff, AZ 86001. They are coordinating the congressional strategy.
- To keep updated, write for the Big Mountain News from the Big Mountain Support Group, 3126 Shattuck Ave., Berkeley, CA 94705, phone 644-3031.
- If you are interested in doing support work, or would like a slide show presentation for your group, contact Pat O'Connell at the San Jose Peace Center, (408)297-2299.

Vote for Clean Water Yes on Proposition 65

City Council Beat

compiled by Tom Auer and Jane Maxwell

July 21
Resolutions were presented to Omwale Satterwhite and Gertrude Wilks by Richard Silver, Administrative Assistant for the San Mateo County Board of Supervisors. Mr. Satterwhite and Ms. Wilks were honored for service to the City and County.

Post certificates were presented to the following members of the East Palo Alto Police Department: R. Brown, J. Davis, S. Mustafa, R. Rhodes, and C. Samuels.

Proclaimed September 12, 1986 as National Civil Rights Day in the City of East Palo Alto.

Appointed the following members to boards and commissions: Lorraine Higuera, Rent Stabilization Board;

Henderson Ford III, Parks and Recreation Commission. **Unanimous** (4-0, Abrica absent).

Passed resolution authorizing the City manager to extend the lease agreement with the Sequoia Union High School District for the Ravenswood High School site. **Unanimous** (4-0, Abrica absent).

Passed resolution authorizing the Public Works Director to advertise for architectural consultants for restoration of the Civic Center. **Unanimous** (4-0, Abrica absent).

City Council was in recess for the month of August.

September 2
Incorporation congratulations were presented by Supervisor Tom Nolan.

Presented award to Officer Larnour.

Proclaimed September 7-13, 1986 as East Palo Alto Week of the Reader.

Adopted an ordinance allowing the erection of stop signs at the intersection of Addison Avenue and Donohoe Street. **Unanimous** (5-0).

Adopted urgency ordinance establishing bicycle lanes and designating as a No Parking zone from Monday through Saturday the north side of Bay Road between University and Ralmar Avenues. **Unanimous** (5-0).

Passed resolution authorizing the Public Works Director to execute a contract with Fong and Chang Architects, Inc. for architectural services associated with Civic Center improvements. **Unanimous** (5-0).

Authorized staff to purchase an AB-Dick Model 998-E photocopy machine. **Unanimous** (5-0).

September 15
Appointed Jessica Clements to full participation in the Personnel Commission, and appointed Ralph Shaffer to

the Economic Development Task Force. **Unanimous** (4-0, Abrica absent).

Authorized Robert S. Hoover, the Community Services Director, to hire two consultants, Faye McNair-Knox and Jean Wirth, to complete the Youth Development Center Proposal. (Salaries for the two consultants will be paid by the Packard and Hewlett foundations.) **Unanimous** (4-0, Abrica absent).

Voted to increase the City's Self Insured Retention (SIR) limit from \$50,000 to \$100,000. **Unanimous** (4-0, Abrica absent).

Amended Resolution No. 00329 to authorize a contract award to the Center for Environmental Change, Inc., a Berkeley-based, non-profit corporation, for architectural services to design the proposed Civic Center improvements. At the city council meeting of September 2, 1986, the council approved contract award to Fong and Chan Architects, who have since declined to pursue the work. **Unanimous** (4-0, Abrica absent).

Employment Survey Conducted

by Dyanne Ladine

At its September 15th meeting, the East Palo Alto City Council expressed its appreciation to the East Palo Alto youth who participated in a recently conducted employment survey in the City.

On July 1, the thirteen surveyors began gathering information on the employment status of East Palo Alto residents. For six weeks, the youth gathered information on the sex, age, origin, and working status of each person sixteen years or older living in households randomly drawn from within the City.

The goal of the survey is to compile accurate information on unemployment, underemployment, skills within the community, and relation-

ships between unemployment and age, sex, and origin. Information presently available on unemployment in the City is based on state-wide sampling. Experts in the area of unemployment statistics generally concede that small communities like East Palo Alto do not get accurately portrayed by the figures, according to Bureau of Labor Statistics employees. Official unemployment rates for East Palo Alto have hovered around 7.6% in 1986.

Results from the survey are expected in early October. The following youth participated in the survey: Lee White, Becky Lee, Leona Cherry, Robert Howell, Jeffrey Williams, Demetrius Woods, Susie Shafer, Losivale Tulisue, Lin McDonald, Leticia Lopez, Gabriel Lopez, Silvia Pereda, and Irma Pereda.

Proposition 63

Continued from page 1

our society.

A recent Rand Corporation study noted that while roughly half of Mexican immigrants in California speak English, over 95 percent of first generation Mexican Americans born in the U.S. are English proficient. According to the 1980 Census, nearly 90 percent of Latinos ages five or older speak English in their households.

Private Sector also Targeted

U.S. English also opposes the use of any language other than English within the private sector.

"We object to companies who are advertising in languages other than English," Diamond has stated. "What they are doing tends to separate our citizens and people by language."

The organization has already organized protests against such corporations as Pacific Bell, Phillip Morris, and McDonald's for implementing foreign language telephone directories, billboards and menus.

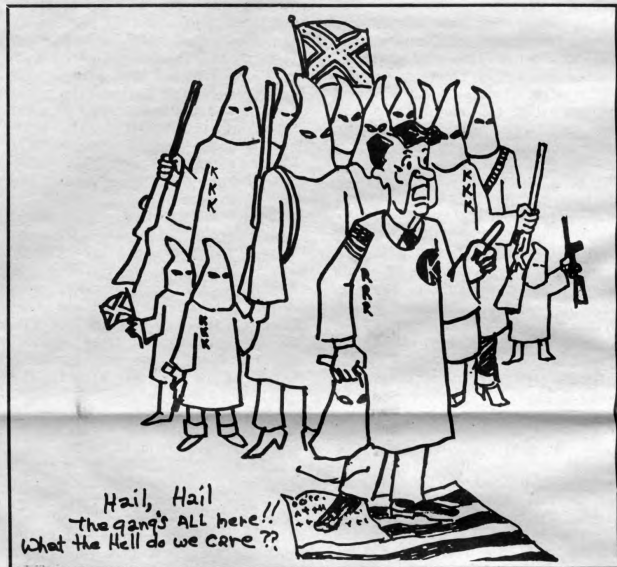
In Florida, U.S. English spokes-

person Terry Robbins has stated that the organization plans on targeting corporations after they obtain a law restricting governmental language assistance. The group's national leadership is focusing on legislation to have Congress recognize English as the nation's official language.

According to an aide to Senator Torres, the anti-Prop 63 forces are up against difficult odds.

"California voters cast their ballots overwhelmingly against bilingual voting materials in the last election and a recent poll showed the initiative winning three to two," the aide said.

Despite an impressive array of opponents to the proposition, ranging from California Attorney General John Van de Kamp to the outspoken Reverend Cecil Williams of San Francisco's Glide Memorial Church, the prospects do not look good for defeat of the proposition. To date, U.S. English had amassed nearly \$2 million for its California campaign while the opposition has less than one-fortieth that amount.



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For an appointment phone: **853-1600.**

Hablamos Español

Crossword Answers

C	A	T	O	L	P	G	A	S	S	T	A	B		
A	T	O	M	A	H	E	S	E	I	R	E			
P	A	I	N	T	T	R	E	A	T	H	E	N	T	S
E	N	L	I	S	T	E	R	O	H	Y	E	S		
				A	E	N	D	E	M					
U	D	D	E	R	S	C	A	N	E	W	A	R	E	
S	I	O	N	A	A	R	O	N	S	I	D			
H	O	L	D	I	W	R	E	S	T	L	I	N	G	
E	D	T	I	G	E	R	E	A	S	E				
R	E	S	E	A	L	E	D	B	R	I	N	E	S	
				A	L	E	E	T	E					
A	T	A	R	I	F	O	R	G	I	V	E	S		
F	R	E	N	C	H	F	D	R	A	S	H	E	E	P
T	I	R	E	G	R	A	T	A	G	R	A			
A	P	O	D	T	O	T	H	E	D	A	Y	S		



Graduates from Ravenswood High School at their 10th and 11th year reunion, celebrated recently at the Red Lion Inn in San Jose. Those attending were from the last two classes to graduate from Ravenswood.

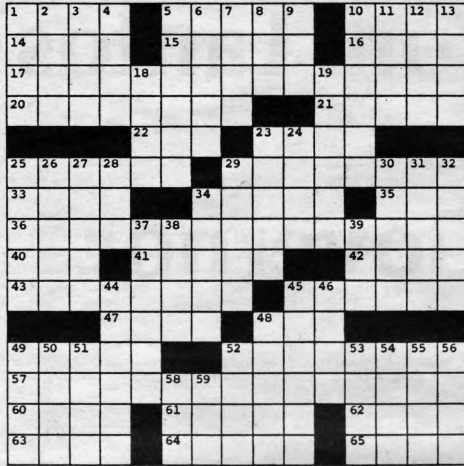
**Re-Elect
Congressman Tom Lantos
Elect
Tom Bradley Governor**



Two Great Leaders:
*–They share our values–
–They fight our battles–
–They protect our interests–*

Crossword Puzzle

By Michael Blake



ACROSS

- 1 Bruce Lee role on TV's "Green Hornet"
- 5 Fuel used in mobile homes
- 10 Pierce
- 14 Molecule part
- 15 Throat-clearing noises
- 16 Emerald Isle
- 17 COATS (not Councilperson Warnell); 2 wds.
- 20 Recruitment officer
- 21 "...almost touch the ground, ____ Lord..."
- 22 Mad Magazine initials
- 23 Used floor model
- 25 Milk-cow's money assets
- 29 Yellowish stoneware
- 33 Common noun ending

- 34 King of the home run
- 35 Tom Sawyer's brother
- 36 NELSON (not Police Chief Danny); 3 wds.
- 40 Summertime in NYC
- 41 Type of balm or lily
- 42 Rhymes with 'trapeze', in song
- 43 Closed again
- 45 Treats with salted water
- 47 Direction on board a boat
- 48 Golfer's need
- 49 Computer-game giant
- 52 Shows mercy
- 57 'L'UN MOUTON' (not Mayor Barbara); 4 wds.
- 60 Get fatigued
- 61 Pittsburgh Pirate great Dick
- 62 Taj Mahal site
- 63 Place for two peas

- 64 "Let's go ____ hop"
 - 65 Dennis and Doris
- DOWN**
- 1 Part of Batman's uniform
 - 2 Goal for a sunbather; 2 wds.
 - 3 Winston Churchill word
 - 4 Futuristic magazine
 - 5 Italian **caffes**, with milk
 - 6 The mind: Pref.
 - 7 Actor Will
 - 8 M.D.'s org.
 - 9 Concorde, for one
 - 10 "____ they run..."; 2 wds.
 - 11 Minuscule
 - 12 Laugh-in's Johnson
 - 13 Harry's First Lady
 - 18 Russian despot
 - 19 Brief interval of time
 - 23 Challenger
 - 24 Baseball's Slaughter or Cabell
 - 25 Wedding party member
 - 26 The 'D' in LED

- 27 Idiots
- 28 Justifies the means?
- 29 Gave a darn
- 30 Kind of flu
- 31 Washing-machine cycle
- 32 Narrowly defeats
- 34 "____, it was nothin'!"; 2 wds.
- 37 Slanted letter
- 38 Kharoum's river
- 39 Hawaiian garland
- 44 Merited
- 45 Scold severely
- 46 Rules: Abbr.
- 48 Hebrew holy book
- 49 Brand of after-shave
- 50 Stumble
- 51 Air: Comb. form
- 52 Part of a yard
- 53 "If ____ a Hammer..."
- 54 Chevy subcompact
- 55 Weird: Var.
- 56 Resorts with mineral springs
- 58 Alt.
- 59 To's partner



Children's anti drug work displayed at the Bell Street Park during the Street Faire held August 23.

**Assembly
California Legislature**
Byron D. Sher
Assemblyman

Dear Friend,
To do a good job as your Assemblyman I must do more than vote on legislation. One of my most important jobs is to make sure you have access to information about state government and how it works.
An equally important responsibility to me is to help you when you have a problem with government.
Please call if I can ever help.

Sincerely,
Byron D. Sher
Byron D. Sher

If you have any problems in any of these areas, please contact my office for assistance:

- Assistance with state government forms
- California property tax postponement
- Child care referral assistance
- Consumer complaints
- Department of Motor Vehicles
- Discrimination
- Food Stamps
- Homeowners' tax assistance
- Landlord-tenant relations
- Mental health services
- Nursing home care standards
- Public health services
- Renters' tax assistance and renters' credit
- Medi-Cal
- Small Claims Court information
- Unemployment and Disability Insurance
- Veterans' affairs
- Voter registration affidavits
- Franchise Tax Board assistance

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Byron D. Sher**
21st Assembly District

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Re-elect BYRON SHER to the Assembly

Paid for by Byron Sher for Assembly, P.O. Box 50368, Palo Alto, CA 94303 ID#800864

Births

Compiled by Lon Otterby

- June 21, 1986**
A son to Michelle Hogan.
- June 28, 1986**
A daughter to Mark Hart and Sherice Russell.
A daughter to Leslie Nestle.
- June 30, 1986**
A son to Shelly and Michael Barnes.
- July 6, 1986**
A son to Lisa and Donald Coats.
- July 7, 1986**
A daughter to Nelida Miquedo.
A son to Annie and Phillip Mikell.
- July 8, 1986**
A daughter to Juanita and Charles Jones.
- July 10, 1986**
A daughter to Finau Umufuke.
- July 11, 1986**
A daughter to Ernest Echols and Valetta Kay Robinson.
A son to Iris Walker.
A daughter to Rosa Maria Ayala.
- July 15, 1986**
A son to Guadalupe Betancourt.
A son to Michelle Doage.
A daughter to Gail and Lloyd Noble.
- July 16, 1986**
A daughter to Rosalba Lopez.
- July 18, 1986**
A daughter to Luis Prado and Edelmira Vega.
- July 20, 1986**
A daughter to Guy Patterson and Linda Hall.
- July 25, 1986**
A son to Jocelyn and Christopher Bradford.
- July 27, 1986**
A daughter to Diane Milligan.
- Aug. 5, 1986**
A daughter to Patrick Sheard and Lisa Marie Whatley.
- Aug. 8, 1986**
A daughter to Maricella Lopez.
A son to Angela Nicholson.
- Aug. 11, 1986**
A son to Dawn and Lautulo Teo.
- Aug. 12, 1986**
A son to Tracy Crockett.
- Aug. 13, 1986**
A daughter to Carolyn and Floyd Bizer.
A son to Montee McElvans
- Aug. 14, 1986**
A son to Sokopeti and Tuilaped Vihami.
- Aug. 17, 1986**
A son to Maria and Rogelio Estrada.
- Aug. 19, 1986**
A son to Quintila and Mario Pulido.
- Aug. 20, 1986**
A daughter to Jesse Grant and Nanette Lemons.
- Aug. 22, 1986**
A son to Dellory Crooks and Estella Thompson.
A son to Ella and Emiliano Morfin.
- Aug. 23, 1986**
A daughter to Mark Wardenburg and Terry Hunter.
A daughter to Robert Fountain and Cheryl Mems.
- Aug. 24, 1986**
A daughter to Mary and Peter Uhatafe.
A daughter to Seilose Fineau.
A son to Alanda and Eric Crooks.
A son to Brian Armstrong and Jenell Augmon.
- Aug. 25, 1986**
A son to Donald Hayner and Brenda Strickland.
A daughter to Hermila Ceballos.
- Aug. 26, 1986**
A daughter to GERALINE Guillory.
- Aug. 28, 1986**
A daughter to Sara Garcia.
A daughter to Donald Holland and Juanita Lancaster.
A daughter to Debra Lemmons.
A daughter to Irish and Al Mathis.
- Aug. 30, 1986**
A daughter to Joyce Isaac.
- Sep. 1, 1986**
A son to Mary and Bruce Zelmer.
- Sep. 2, 1986**
A son to Sisia and Alamoti Taufa.
- Sep. 3, 1986**
A daughter to Roderick Watts and Proscilla Crooks.
A daughter to Amelia and Eduardo Gutierrez.
- Sep. 4, 1986**
A son to Theresa and Herbert Pasana.
A son to Daria Plantillas.
A daughter to Coralía Aguilar.
- Sep. 7, 1986**
A daughter to Maria and Luis Estrada.
A son to Harry Smith and Lenora Hamilton.



Tom Nolan, San Mateo County Supervisor, presents Mayor Barbara A. Mouton with a commemorative plaque welcoming East Palo Alto as San Mateo County's newest city. Below, Mayor Mouton congratulates attorneys Ann Broadwell and Tom Adams who represented the city before the California Supreme Court.



OCTOBER PEÑA MOAI

FRIDAYS • BRAZIL

- 3** **CHALO EDUARDO & BRASILIAN BEAT** Featuring Claudia Gomez on vocals, Brazilian Beat brings us samba, batucada and other rhythms, with lots of drums and plenty of dancing. 9 pm - 1 am. \$5.
- 10** **MARCOS SANTOS & BLACK ORPHEUS** When the legendary Orpheus played his magic lyre, the animals, plants and even the rocks all danced to his irresistible music. This contemporary namesake, with eight musicians specializing in Afro-Brazilian dance music, is an exciting and new sensation in the Bay Area music scene. 9 pm - 1 am. \$5.
- 17** **VOZ DO SAMBA** has just returned from an exciting tour of Brazil. This group on the road a lot, so now's the time to dance to their internationally-renowned music. 9 pm - 1 am. \$5.
- 24** **VIVA BRASIL** PEÑA MOAI welcomes the Bay Area pioneers of contemporary Brazilian music. This 4-person group has traveled internationally, has recorded 3 albums, and promises an evening of music that will keep you dancing all night long. 9 pm - 1 am. \$5.
- 31** **CELIA MALHEIROS & BRASIL JA** Brasil Ja brings us all the rhythms of Brazil, from folkloric to modern, spiced with jazz overtones. **HALLOWEEN PARTY!!!** Wear a costume if you like. 9 pm - 1 am. \$5.

SPECIAL EVENT ■ SUNDAY, OCT. 19

GABINO PALOMARES — Mexican singer and songwriter, foremost living voice of the Nueva Cancion. As the people's singer, Gabino gives concerts at universities, shantytowns and for committees in solidarity with the peoples of Latin America. He is currently the Secretary General for the International Committee of the New Song. Gabino will be accompanied by Carmina Canadino, a Peruvian singer, and Cachó DuVance, an Argentinian guitarist. This evening promises to be an experience you'll never forget. 7 pm. \$5.

SATURDAYS

- 4** **DREAM OF A FREE COUNTRY.** Film. Presents an intimate portrait of Sardinio's daughters mobilizing to eradicate illiteracy and child-hood disease, abolish exploitation and prostitution and building popular power and women's leadership in Nicaragua. Followed by a reportback from the recently returned Woman to Woman delegation to Nicaragua on the debate over abortion, the effects of the war on women and other issues. Benefit for the Women's Associations of Nicaragua (AMNIAE) and El Salvador (AMES) 7:30 pm. \$3-\$5 sliding scale.
- 11** **CASANARE.** Concert. An evening of Venezuelan folk music featuring the master of the Venezuelan harp **JAVIER MONTOYA** and **JACKELINE RAGO** on mandolin and cuatro. With authentic tropicos, gobos and other rhythms from the plains and coast of Venezuela, this music is captivating in its melodic beauty, poetic richness and rhythmic intensity. Join us for a special nocturne venezolana. 9 pm. \$5.
- 18** **Canto por Chile.** An evening of song and poetry featuring Chilean folk singers, songwriter and accomplished guitarist **EMAEI DURAN** and poet-graphic artist **TONO CADIMA**. On tour in the U.S. and Canada, bringing alive the song, poetry and art of the grass-roots resistance to the dictatorship in Chile. Benefit for Taller Sol, a grass-roots cultural center in Santiago, Chile. 9 pm. \$5.
- 25** **San Jose Minority Arts Guild presents** **MAIKO Poetry and Drum Ensemble**, and **TABIA**. MAIKO is the creative explosion of the merger of African, Asian, Caribbean and Latin rhythmic beats as well as the stark, poetic words of those cultural worlds. TABIA will present An Anthology of Black Drama. Through the words of Ntozake Shange, Maya Angelou, Lorraine Hansberry and others, TABIA explores the human struggle for recognition and dignity. 7:30 pm. \$5.

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In Defence of Rose Bird

by Leah Halper

With its taunts of "Bye-bye Birdie" and its roasted turkeys named Rosie, the drive to unseat California State Supreme Court Justice Rose Bird may seem to be a personalized campaign against a powerful, controversial woman.

Offensive as these personal attacks may be, however, the campaign against Bird is more than an effort to suppress a progressive, competent Chief Justice and her court. Bird's opponents are aiming for nothing less than an end to the traditional independence enjoyed by the California judiciary, guaranteed by the constitution.

Rose Bird's opponents are arguing that the November election to retain or dismiss her -- and her counterparts, Justices Reynoso and Grodin, all appointees of former Governor Jerry Brown -- should be like any other election for state office. They say that court justices must be "accountable" to the peoples' wishes and values, and that Bird's rulings, especially in overturning the death penalty, have been unpopular. They also say it is elitist to suggest that judicial elections must be treated differently if we are to have a fair judicial system.

Under California law, however, judicial elections differ from other elections. Judges run uncontested, without party affiliation, for 12-year terms.

Long ago, when judges maneuvered and campaigned for election like politicians, they continued to act like politicians once they were on the bench, putting their fingers to the wind of public opinion and casting away ethics and law so they could maintain their popularity. This system was abolished in 1934 when policy makers agreed that although voters' wishes may change with the season, the constitution remains the constitution, and must be upheld.

The only valid issues in a retention election like the one coming up in November is whether a judge is competent and upholds the constitution. If judges' personal views and interpretations were subject to voter approval, survival in the judiciary would require exhausting, highly political efforts by judges to win and to please voters -- and the independence that is the cornerstone of fair courts would be seriously undermined.

Who is Rose Bird?

Rose Bird was born in Arizona in 1936, and was raised by her widowed mother under difficult economic circumstances. She studied law on a scholarship at U.C. Berkeley, and can boast of several 'firsts' in her career: first woman to clerk for the Nevada Supreme Court's Chief Justice, first woman Deputy Public Defender in Santa Clara county, first woman law professor at Stanford University, first woman Cabinet-level secretary in California, and first woman to sit on the California Supreme Court, as well as being its first woman Chief Justice.

During Jerry Brown's administration, Bird shook up the Department of Agriculture and Services, which she headed, by vigorously defending consumers' and veterans' rights. She stepped up regulation of hazardous chemicals in the workplace, and banned the back-breaking, short-handed hoe used by farm workers. She also drafted and pushed through the state legislature an important farm labor bill that guaranteed farm workers the right to secret-ballot union elections. Conservative and

agri-business interests were hardly pleased by her hard work for change.

In February, 1977, Jerry Brown nominated Bird for the post of Chief Justice. Brown was disturbed by the old boys' network in control of the courts.

"He felt Rose was a person who would not back down and would make the reforms that were necessary," said a former Brown aide.

The campaign against Bird started before she was even on the bench, and it has never stopped. Conservatives lined up against her. Among them was then-mayor of San Diego

Proposition 13 and other tax-cutting legislation that have throttled the state's ability to provide social services. And big interests in real estate, oil, agriculture and industry have donated more than \$170,000 to the campaign to unseat Bird.

As November draws near, Bird has received a number of death threats and has been forced to cancel more than one personal appearance. If she and Justices Reynoso and Grodin are unseated, Governor Deukmejian will be able to appoint his own conservative favorites to replace them.

penalty.

"(Bird) hasn't said a thing which does not have some clear legal basis," said Robert Weisberg, a Stanford law professor. "It is a disputed area, and she is at one end of the dispute."

California is far from the capital punishment state Bird critics would have the voter believe. Since 1977, when the death penalty was reinstated by the U.S. Supreme Court, 38 states have adopted capital punishment laws. Of these, only 13 have actually executed anyone in the past 10 years, and in the remaining 25 states, of the 500 people sentenced to death, nobody has been executed. And these states, which include Arkansas, Missouri, Tennessee, Kentucky and Oklahoma, are not known for their liberal views.

In addition, recent findings show that Bird has been wrongly blamed for rulings that made 15 condemned killers eligible for parole. The 15 were among 65 sentences that were overturned in 1976 as part of the unanimous Supreme Court decision written by Chief Justice Wright, Bird's predecessor.

Even though Bird's opponents grudgingly acknowledge this, they waited two weeks before retracting their accusations.

The opinion authored by Chief Justice Wright in 1972 striking down California's death penalty stated that it was "cruel and unusual punishment." Bird's court, on the other hand, has often held the death penalty to be constitutional, but has also, as have other death-penalty states, taken the position that the severity of a death sentence demands that it be subjected to far greater scrutiny than cases where the punishment is not as final.

Taking a position is hardly an abuse of judicial discretion -- every ruling takes a position. But when the position taken offends powerful conservatives, then Bird's use of discretion is suddenly threatening.

Political ethics laws and Chief Justice Bird's own style and decorum prevent her from stooping to argue at the level of specifics used by her opponents, so most voters seem prepared to vote against her because of distorted information they have about her death penalty rulings.

Bird's campaign deserves support. For nine years the Chief Justice has guided California's Supreme Court to advance free speech, civil liberties, environmental protection, and the rights of tenants, seniors, Blacks, Latinos, women, farm workers and labor unions. California has traditionally led the nation in legal reforms, and Rose Bird's defeat may well result in a national flood of witch hunts for independent-minded judges.

All the more reason, then, to support Rose Bird. Her opponents have said repeatedly that the anti-Bird campaign is the beginning of a national wave of efforts to force independent-minded judges and courts to toe a partisan (conservative) line. Reagan leads the effort with his numerous appointments of conservative judges to federal courts, and his most recent appointment of William Rehnquist as Chief Justice of the U.S. Supreme Court, despite Rehnquist's openly racist attitudes and activities and his incompetence.

The only obstacle to a conservative housecleaning of the nation's courts will be well-informed voters. Chief Justice Rose Bird's court is a tribute to the people of California and their traditions. **VOTE ON NOVEMBER 4TH FOR BIRD, REYNOSO AND GRODIN.**



Pete Wilson, now a U.S. Senator.

Despite sexist accusations that she was too inexperienced, emotional, and unstable, Bird was sworn in as Chief Justice in March, 1977. The following year she survived an unsuccessful drive by conservative interest groups to convince voters to block her confirmation.

Many Bird Court rulings--protecting consumers, renters, the environment, or the right of East Palo Alto to be a city -- have provoked ire from conservative and business interests. Bird has won praise, however, from Black, Latino and women's groups, as well as the man and woman on the street, for her defense of equal rights and her commitment to affirmative action.

Who Are Bird's Attackers?

One important group opposing Bird calls itself 'Crime Victims for Court Reform'. It is run by a political professional named Bill Roberts, who headed George Deukmejian's gubernatorial bid until he was fired for his racist remarks about LA Mayor Tom Bradley. Before that, Roberts had been campaign manager for Ronald Reagan.

According to the San Diego Union of April 29, 1984, Roberts admits that the crime victims are a front for politicians who really run the campaign, and said that it would be much harder for Bird to come out and "campaign against crime victims."

Another group, 'Californians to Defeat Rose Bird', is the brainchild of Howard Jarvis and Paul Gann, the same friends of the rich who brought

Competence -- No Issue

The judicial system implemented in 1934 was intended to protect the courts from political pressure so that judges would not be afraid to enforce the law. Clearly, as the campaign against Bird shows, judges are still vulnerable to pressure campaigns.

The real issue, though, must be put before California's voters. The real issue -- the only issue -- is Bird's competence in upholding the constitution.

How can competence be measured? By analyzing how Bird and her fellow court justices exercise "judicial discretion." This means their selection and application of factual and legal precedents to back up their rulings in cases. The test of a judge's discretion is not whether the person on the street agrees with the resulting decision. The test of discretion lies in analyzing if a judge rules arbitrarily, whimsically, capriciously, or maliciously. Rose Bird has done none of this.

The issue most commonly used to argue that Bird abuses discretion involves criminal cases with death penalty sentences (which are given disproportionately to non-white peoples). Bird's attackers say her personal opposition to the death penalty blinds her to the need for it in many cases, and that her rulings reversing death penalties have run counter to popular opinion in California.

Polls on the death penalty in California show shifting support, however, and can be used by both opponents and proponents of the death

Vote November 4 for Bird, Reynoso and Grodin