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About URBAN ACTION...

URBAN ACTION is an annual collection of academic papers produced by students from the Urban Studies Program at SFSU. Students from many disciplines have contributed to the journal, and we thank them for their time and effort. The publication is now in its twelfth year. It is our intention to present articles which reflect alternative viewpoints on urban issues. The variety and scope of articles are an indication of the diversity and complexity which characterize life in the Bay Area. We have endeavored to make this edition interesting and informative, and trust we have succeeded.

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Infant Mortality in the U.S.: A Preliminary Investigation

CHRISTINA E. RATCLIFFE

Infant mortality is a basic indicator of the overall health of a population. The Infant Mortality Rate (IMR) of a community is directly linked with basic health care interventions; thus the IMR reflects not only the adequacy of the health care system, but the equity of that system.

In 1979 the Public Health Service set maternal and infant health objectives for 1990. In 1984 these objectives were reaffirmed. Last year that same agency set the objectives for the year 2000. The new overall infant mortality goal is the same as was set for 1990—7 infant deaths for every 1,000 births. That figure is greater than the 1988 IMR for Japan, Finland and Sweden and equal to that of Canada, Switzerland and Ireland. The Black IMR goal for the year 2000 is 11 deaths per 1,000 births—greater than the 1988 overall rates for 23 countries, including Israel, Singapore and the U.S. (UNICEF, 90). In 1979 these objectives seemed attainable, even modest, but after a decade of deterioration they may not even be met by the year 2000.

In 1986 the U.S. overall IMR was 10.4 (deaths per 1,000 births). That same year the IMR for Blacks was 18.0 (S.A.U.S., 85). This represents the largest Black/White infant mortality gap since 1940, when IMR was first measured for Blacks. This paper is a preliminary investigation as to the causes of the poor IMR in the U.S., the racial and socioeconomic implications, and a discussion of possible solutions.

INFANT MORTALITY

In 1987 the U.S. saw 3,809,394 infants born—34,408 of those infants died before reaching their first birthday. The overall IMR for the U.S. in 1987 was 10.1, slightly lower than the 1986 level of 10.4. IMR varies from state to state. In 1987 California ranked 14th in the nation with an overall IMR of 9.0, Massachusetts was the lowest at 7.2, and ironically, our nation's capital, the District of Columbia was highest with 19.3 (CDF, Mar. 90).

The IMR for White infants declined by 3.4%, but among Black infants there was no statistical improvement for the third year in a row (CDF, Mar. 90). In 1987 the state with the lowest Black IMR was Kentucky, at 12.8. The state with the highest White IMR was Oregon at 10.5. The highest White IMR was 20% lower than the lowest Black IMR. The nation's ten highest overall IMR was found in the southern states; however, when only White IMR is considered, the ten highest states were a mixture of southern and western.

NEONATAL AND POSTNEONATAL MORTALITY

Neonatal mortality rates (NMR) measure deaths among infants from birth to 27 days old. The overall NMR for the U.S. in 1987 was 6.5. The primary causes of neonatal mortality are prema-

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turity, low birth weight, respiratory distress syndrome, maternal complications of labor and delivery and birth hypoxia and asphyxia—these account for about 60% of NMR (CDF, Sept. 90).

The improvement in overall IMR during the last 20 years is due mainly to improved medical technology. This improved neonatal technical care has made possible the survival of very small and/or premature infants. Despite these technological advancements, NMR remains incredibly high. In all but seven states the 1987 neonatal mortality rate was higher than the overall infant mortality rate in Japan (CDF).

As with overall IMR, Black infants are at greater risk of death during the neonatal period. In 1987 the Black NMR was 11.7, more than twice the White NMR of 5.5 (CDF, Sept. 90). Following the overall IMR trends, the highest NMR was in the southern states. However, the nation's highest Black NMR was not concentrated in any one region.

Postneonatal mortality refers to death among infants aged 28 days to 1 year. The overall postneonatal mortality rate in 1987 was 3.6% (CDF, Sept. 90). The primary causes of postneonatal mortality are congenital anomalies, accidents, pneumonia and other infections, and Sudden Infant Death Syndrome. As with IMR and NMR, postneonatal mortality rates are almost twice as high for Blacks as for Whites—6.1 to 3.1 (CDF, Mar. 90).

LOW BIRTH WEIGHT

Low birth weight (LBW) is the primary cause of infant mortality. Fully two thirds of all infant deaths can be attributed to LBW. The Public Health Service estimates that 23,000 of the 40,000 infant deaths in 1988 were the result of low birth weight (CDF, Mar. 90).

A LBW infant (less than 5.5 lbs.) is 40 times

more likely to die in the first month of life than normal size infants. Very low birth weight (VLBW) infants (less than 3.5 lbs.) are 90 times more likely to die within the first year of life than normal weight infants (CDF, Mar. 90). Although many LBW and VLBW infants die, many more than ever before can be saved employing the highly sophisticated U.S. medical technology. However, reducing infant deaths through intensive care after birth is financially costly and leaves surviving infants facing perilous long term health risks. One in four LBW infants that survive will be left with moderate to severe neurological disabilities, including retardation, cerebral palsy, autism, learning disabilities, major seizure disorders and blindness (CDF).

LACK OF PRENATAL CARE

From 1970 to 1979 LBW rates declined by 13%; however, every year from 1980 to 1989 the LBW percentage has increased or remained the same. The primary cause of LBW infants is lack of prenatal care for the mother. Women without prenatal care are at least three times more likely to deliver a LBW infant (SRTFIM). The Surgeon General's early prenatal care objective for 1990 was that 90% of all women should begin prenatal care during the first three months of pregnancy. While early prenatal care use improved from 1970 to 1980 (from 69.7% to 76.3%), in the 1980's the improvement stopped. In 1988 the proportion of early care births slipped to 75.9%. The percentage of infants who received late or no prenatal care in 1988 was 20% higher than the 1979 level (CDF, Mar. 90). This increase eliminated almost half the gains made from 1971 to 1979.

In 1989 only 68.9% of all births were to women who had received adequate prenatal care (CDF, Mar. 90). As CDF states:

The high proportion of women who receive no prenatal care, or none until after the sixth month of pregnancy, represents one of the most serious health problems facing the nation. Not only do infants born to these women face a higher risk of death and disability, but the risk of maternal morbidity and disability, often from preventable causes, also increases substantially.

LOW BIRTH WEIGHT AND DRUGS

Cocaine was estimated to account for 10% of cases of LBW Black infants in Alameda county (Pettiti & Coleman, 1990). The relative risk of having a LBW infant in women who used cocaine and/or crack throughout pregnancy is elevated by a factor of about 4 to 5 (Pettiti & Coleman, 90). Risk of pre-term LBW and of intrauterine growth retardation are also elevated. Linking cocaine use to poor pregnancy outcome appears to be sufficient to warrant interventions that provide counseling and broad-based community outreach to enable early identification of women who use cocaine during their pregnancies. The tremendous increase in the poor pregnancy outcomes of cocaine users may indicate that the success of perinatal programs in high cocaine use areas depends on successfully addressing the problem of cocaine use.

PREMATURITY

Approximately 40% of all premature infants are born at LBW or VLBW, as compared with 3% of infants born at full term. Premature is defined as birth prior to 36 weeks gestation. Between 1981 and 1988 the proportion of premature births rose from 9.4% to 10.2% of all births. Between

1987 and 1988, there was no change in the proportion of White infants born prematurely, however, the proportion of premature Black infants increased.

Women who received no prenatal care, or inadequate care, were 72% more likely to have a VLBW infant (Murray, Bernfield, et al., 88). The apparent effect of prenatal care in reducing LBW confirms several previous reports, although the underlying cause of the improved outcome is unclear. Some combination of social behavioral factors leading to LBW may be characteristic of mothers who do not seek, or do not have access to, adequate prenatal care. The greatest effect of prenatal care is increasing the length of gestation.

RACIAL DISPARITY

Black infants are born at LBW and VLBW at over twice the rate of White infants. The racial disparity in birth weight is the major contributor to the Black/White infant mortality gap. In 1988, 5.6% of White infants were born at LBW, 13% of Black infants were LBW—the highest proportion since 1976 (CDF, Sept. 90). This is a continuation of an upward trend in the number of LBW Black infants that began in 1986. For the first time since 1983 the ratio of Black to White infants at LBW widened. The Black/White gap of 2.32 to 1 infants born at LBW was the greatest since the National Center for Health Statistics began reporting data for Black infants in 1969.

While the incidence of VLBW among White infants improved slightly between 1987 and 1988, the problem for Black infants worsened, widening the Black/White gap. The 1988 Black VLBW was 2.78—17% greater than the 1979 rate.

Black women remain more than twice as likely as White women to receive late or no prenatal care.

It must be noted that early and late measures of prenatal care only measure the timing of care, not the number of prenatal care visits or the continuity of care. Adequate prenatal care is defined as beginning during the first three months of pregnancy, and including at least nine visits for a full-term infant (37 weeks or more). In 1988 almost three quarters of White infants were born to women who received adequate prenatal care (73.5%). Only half of all Black infants (50.7%) born had the benefit of adequate prenatal care (CDF, Sept. 90).

The levels of LBW, VLBW and pre-term births decrease with increasing levels of prenatal care for both Black and White. When comparing mothers who received adequate care with those who received inadequate care, the relative risk of giving birth to a VLBW infant was reduced 3.6-fold for Whites and the risk of a LBW infant was reduced 3.4-fold for Blacks (Murray, 88).

There is different and conflicting evidence as to why this is the case. Shiono, et al., analyzed an HMO population and concluded that differences in LBW between Blacks and Whites persisted even when they controlled for the trimester when prenatal care began and other socioeconomic risk factors. However, Showstack, et al., reported that in two northern California counties, even with an HMO, the increase in birth weight due to improved prenatal care was greater for Blacks than for Whites. There have been some indications that even with equal access to prenatal care, Black women may use it less than White women. In a study done by Bernfield, et al., using a Kaiser-Permanente cohort, it was found that despite equal opportunities to obtain prenatal care, Black mothers used the prenatal services less extensively than White mothers. However, this difference in service utilization accounted for less than 15% of

the twofold higher incidence of LBW among Blacks. This raises some interesting questions. Why didn't the Black mothers studied seek more prenatal care? Problems with transportation? Inflexible employment schedules? Lower level of satisfaction with the level of care received? The answer is not known; however, Bernfield proposes a monetary incentive to encourage women to obtain prenatal care, reducing the incidence of LBW, thus reducing the total costs incurred in caring for LBW infants.

The studies indicate that adequate prenatal care improves birth outcome. A variety of possible barriers to receiving care could account, at least in part, for the disparity in birth outcome between Blacks and Whites. If all women had equal access to prenatal care, adequate prenatal care would be associated with a greater reduction among Blacks than among Whites in incidence of LBW, the cause of most infant mortality.

INCOME AND INSURANCE

Income is an important determinant of access to health care and therefore pregnancy outcome. In a survey conducted by the University of New Mexico, 87% of women who did not receive prenatal care stated that they did not get care because they could not afford it (Berger, 79). In a Michigan study, women on Medicaid were at greater risk than both women with and without other sources of insurance (Schwethelm, 89). The study found the proportion of Black women on Medicaid to be substantially higher (32.5%) than the proportion of Blacks in Michigan overall (12.9%), reflecting the economic disadvantage of the Black population.

Statistically, these Medicaid recipients received significantly less care than both insured and uninsured women. Risk factors not addressed

by the Medicaid program could account for this lack of quality care. For example, women on Medicaid are significantly more likely to report a lack of sufficient food during pregnancy, yet only a small percentage of these women receive any ancillary support services, such as nutritional counseling.

Medicaid recipients are less likely to start prenatal care during the first trimester and significantly more likely to wait until the third trimester to begin care. The month of first prenatal visit is strongly linked to insurance coverage, education level and income, but not to race. Despite the fact that uninsured women are not reimbursed for prenatal care, they begin prenatal care at an earlier stage than Medicaid recipients. Financial eligibility tests or the need to incur considerable medical debt before being accepted for Medicaid was largely responsible for this delay. Recent amendments to Medicaid have since permitted states to allow coverage based on presumptive eligibility. Though women on Medicaid represent a greater nutritional risk, they do not receive any more nutritional counseling than insured or uninsured women. Women on Medicaid were also least likely to enroll in expectant parent education classes, the lowest rate of participation being Black women on Medicaid. Women on Medicaid also reported more transportation and childcare problems than insured or uninsured women.

In the years since 1979, publicly funded prenatal care programs have had considerable effect in increasing the number of women who receive prenatal care, but they have not closed the gap between upper and lower income segments of the population. The Medicaid program, as it applies to pregnant women, is a prime example. Women on Medicaid tend to enter care late and

receive inadequate care for their level of risk. The maze of Medicaid bureaucracy must have a negative impact on poor women seeking care during their first months of pregnancy. Doctors are reluctant to accept patients for whom reimbursement is low and delayed until after delivery. Also, because of the increase in malpractice insurance rates, doctors have even more incentive to refuse low income, high risk patients.

It is certainly not surprising that for nearly every conventionally cited risk factor, Medicaid recipients were at greater risk for poor pregnancy outcome than either insured or uninsured women. Medicaid was developed to serve individuals with these risk factors, but to a large degree, it has failed them. It is clear that Medicaid does not compensate for lack of income in its efforts to equalize access to quality health care. Given the high risk status of Medicaid recipients, adequate access to high quality prenatal care becomes even more imperative.

It is important to consider the underlying risk factors of poverty, lack of education, and lack of employment opportunities. Poverty = low education level = lack of employable skills = poor health care. As long as adequate health care is associated with health insurance, and health insurance associated with one's employment, poverty will continue to be the main reason for inadequate care. And where there is a correlation between poverty and ethnic status, there is a case for racial discrimination.

FINANCIAL COSTS

The California Department of Health Services estimates that \$6 - 7 million in neonatal intensive care expenses for 3,700 LBW infants could have been saved if

their mothers had had prenatal care. The prenatal care would have cost only \$2.8 million, less than half of what the immediate intensive care costs were. If the long term care costs are included, the savings are even greater.—Southern Regional Task Force On Infant Mortality

Early prenatal care is an effective and cost-saving means to reduce LBW and IMR. Every dollar invested in prenatal care can save more than three dollars by improving the health of newborns and reducing hospital neonatal intensive care costs (SRTFIM, 85). The cost of nine months of quality prenatal care for one woman at Southeast Health Center in Hunters Point, San Francisco is \$2,000 (Seligman, 90). The average cost for a LBW infant in a neonatal intensive care unit for three weeks is \$21,000 (CDF, 90).

Overall lifetime custodial care for a LBW, neurologically damaged infant may cost as much as \$300,000 to \$400,000 per child (SRTFIM, 85). In addition, severely impaired children will never join the work force—will never be self-sufficient. There is another hidden financial cost for lack of prenatal care. Many families of LBW infants lack the funds to pay for neonatal intensive care. In South Carolina, for example, 43% of indigent admissions to hospitals were obstetric/gynecology, pediatric or newborn patients (SRTFIM, 85). Hospitals routinely shift this bad debt into greater hospital costs (and therefore greater insurance premiums) for all. This cost shifting adds to the already spiralling cost of medical care for everyone.

PROVEN SOLUTIONS

Perinatal programs are cost effective and work well in reducing LBW and IMR.

- The Louisiana Title V program reduced infant mortality in a parish from 24.9 to 14.9 — within 9 months of starting the program.
- The California OB access program yielded a LBW rate 50% lower for participants than non-participants.
- A Harvard study showed that pregnant women who received nutrition food supplementation through the Women, Infants & Children (WIC) program had a LBW rate of 3.4, while a comparable group had a rate of 14.6.
- A pre-term prevention program at U.C. San Francisco has reduced the pre-term birth rate among participants by 60%.

The success of these and other programs underscores the necessity of developing more programs aimed at increasing access to quality prenatal care. There is a link between high IMR and lack of prenatal care. It has been proven that prenatal care is cost effective in reducing LBW and IMR, yet we, as a nation, are not providing this vitally important care to all the population.

CONCLUSION

George Bush will see that quality health services so critical for improving maternal and infant health will be available to the pregnant women and young children in our nation. Infant mortality is unacceptably high in this country.... The costs are enormous, in human and economic terms. Every low birth weight birth, the major cause of infant mortality, that can be prevented would save \$14,000 to \$30,000 in medical costs.....George

Bush will work to ensure that families have affordable public or private insurance for their children. He will provide the leadership to focus on these needs, and will improve the reach and effectiveness of Medicaid...through mandatory Medicaid coverage for all children with family incomes below 100% of the federal poverty level...[and] pregnant women and infants up to 185% of poverty.—George Bush, 1988 (CDF,Sept.90).

On September 30, 1990 George Bush joined the leaders of the world at the U.N World Summit for Children, reaffirming his child health goals for the U.S.. This rhetoric was followed by the Bush Administration's attempts to cut funding for Federal health care, including WIC.

It is much easier, it seems, to justify the phenomenal cost of neonatal care for a small baby, than to provide prenatal care for that child's mother. But, in effect, we are throwing away millions of dollars a year along with the young lives and future of our nation. The question is not whether we can afford prenatal care, but can we afford not to provide prenatal care?

Civil rights must be extended to address economic and health issues. Improved access to health care is imperative to overcoming the Black/White disparity in infant mortality. We cannot, as a nation, continue to ignore the thousands of children dying needlessly each year. UNICEF states that "...children, like the environment, are both the vulnerable and the future...." If we are to insure this nation's future, the necessary steps must be taken now.

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A Case for Curriculum Reform and LEP Instruction

STEVE HAMAI

The need for educational reform has been a topic which has grabbed headlines across the nation and in the State of California. A major part of President Bush's 1988 campaign platform was as the "Nation's Education President." In 1988 the California Master Plan Commission, a blue-ribbon panel of experts in the education field, was formed to analyze and make policy recommendations for reforming California's schools and curriculum. More recent headlines in the news regarding education and reform have also been prominent. Just recently on December 12th, 1990, Lauro Cavazos resigned as the Secretary of Education among rumors that he was an "ineffective spokesman for education at a time that it (education) has achieved national prominence as a domestic issue." In the State of California, newly elected Governor Pete Wilson used the education reform issue as a large part of his campaign in last November's election. And in Oakland, the Board of Education's first major step towards educational reform has them currently considering to extend the school-year in an effort to help underachieving students catch up with their peers.

If resource allocation was the sole basis on which to judge California's prioritization in the area of education, California would receive a failing grade. A recent study found that California ranked 30th of 50 states in per pupil expenditures. That same study ranked California 50th for student-teacher ratio, with an average of 22.9 to 1. (Children Now, 89). For example, in 1988

Oakland Unified School District had only 36 certified bilingual teachers and 11,018 Limited English Proficient (LEP) students—a ratio of 306 to 1. The significance of these findings for students with special educational needs is important to note. Often it is these students who receive the least amount of attention and budget prioritization. In times of scarce resources, neglect is commonplace. For Limited English Proficient (LEP) students, this lack of attention can be devastating.

NEED FOR CURRICULUM REFORM

In 1988 California Tomorrow, a statewide organization examining the future of California, conducted a study entitled Immigrant Students and the Schools Project. This study investigated the current status of immigrant students in California public schools. The report *Crossing the Schoolhouse Border*, dated January 1988, found that:

- Since 1977 there had been a 250% increase in the number of LEP students in California public schools.
- In certain school districts as many as 80% of the students were either limited or non-English speakers.

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- 29% of California school children speak a language other than English at home.
- Nearly all large districts—Los Angeles, San Francisco, Santa Ana, San Diego, Long Beach, Oakland, Fresno—are at least 15% LEP.

Growth projections for LEP students in California continue to rise. School districts which previously had little or no LEP students have been forced to hastily set-up bilingual programs lacking little or no know-how and resources. Most of the research regarding demographic changes of California's school children was available years before the actual change occurred. However, many districts were slow to react to predicted changes, instead choosing to deal with more immediate problems and concerns in their schools. Some districts were outright resistant towards starting bilingual programs for LEP students."...some communities have actively resisted bilingual education. In Santa Ana, district officials a few years ago decided to turn down federal funds rather than initiate bilingual education, but they backed down when citizens sued..."(Education Week, 4/1/87).

Political opposition to bilingual education has also been prevalent. On June 30th, 1987, California's Bilingual Education Statute expired. This statute, which guaranteed rights and opportunities for LEP students unequalled in other states, was not signed by then-Governor Deukmejian. In November 1986 Californians voted to make English the "official" language of California, (known as Prop 63, the "English-Only" Movement), and similar bills have passed in other states as well. There is still currently a federal mandate to provide bilingual education, but there has been repeated attempts to water-down the law (mostly

by Conservative lawmakers). Regardless of laws protecting the rights of LEP students, bilingual instruction is "...substandard in many (bilingual programs, and eligible children frequently go unserved" (Education Week, 87).

The attributes of the problem are many and varied. California schools do not generally provide for academic growth during the years an immigrant child is grappling to learn English. There is a critical bilingual teacher shortage throughout the state, a lack of non-English textbooks, a shortage of good models, and political fear of non-English instruction.

- The dropout rate for LEP students is twice that of their native-English speaking counterparts.
- Urban schools with over 1700 students (the highest drop-out rates of all California schools) tend to have the highest concentrations of LEP students.
- The highest attrition rate was found in schools with large concentrations of Southeast Asians (48%) (California Tomorrow, 1/88)
- Only 25% of the LEP children in California elementary schools are taught by a teacher who is fluent in their native-language.
- In 1986, only 8,020 of California's 14,350 bilingual teachers were certified. (Education Week, 4/1/87)

IDENTIFYING POLICY TOOLS

The task of educators now is to find adoptable solutions which would help bridge the educational gap between LEP students and their "mainstream" counterparts. Recommendations most frequently address three key areas: 1) The need for increased

bilingual teachers and teacher training, 2) Increased funding for LEP student programs, and 3) Intensive review and reworking of the LEP curriculum to include the latest technology and research. The development of new LEP curriculum is critical. The addition of more teachers and more funding in itself would not change current conditions. More technically advanced curriculum is needed to properly educate LEP students and to keep them from becoming disinterested and dropping out.

Educators say they have had to become creative to effectively teach their minority students. The traditional strategies, they say, just do not hold up for students who do not speak the language or are not motivated to learn (Stockton Record, 7/3/89).

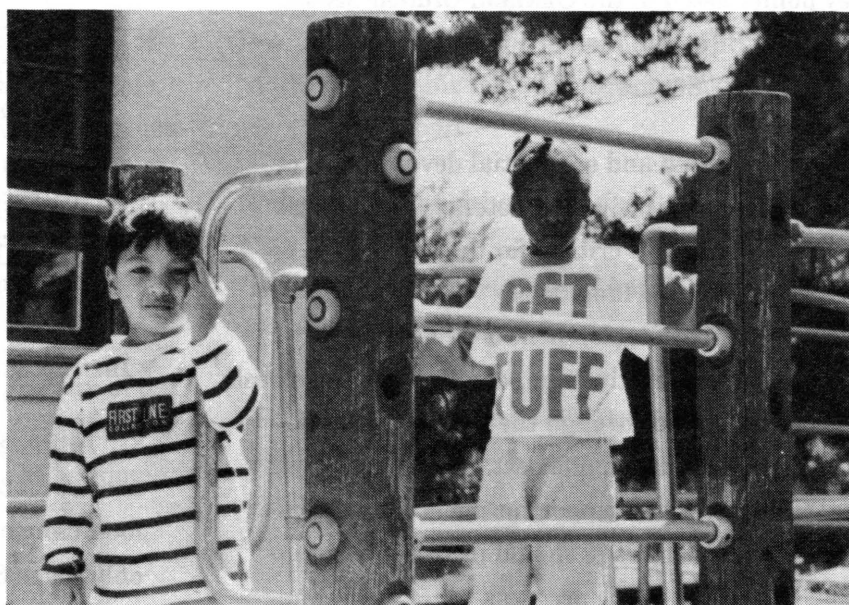
Educators are realizing that educational models, which were developed decades ago, are ineffective when used with today's LEP students. This is California Tomorrow's major argument for reform in their report *Crossing the Schoolhouse Border*. Today's LEP students are vastly different than the immigrant students of the early 1900s. Other journals concur. LEP students today come from vastly different cultural backgrounds, economic classes, educational levels, and levels of emotional stress (e.g., experiences of war in their homelands). The shift in U.S. society from a largely industrial nation, where higher levels of education were not necessary, to a highly

technical society where a college degree is considered a necessity, makes quality education imperative. The development and research of bilingual education curriculum, however, has been slower than the development of educational materials for mainstream classrooms. New research findings in the field of language acquisition have helped spur the reform movement in bilingual education.

CURRICULUM REFORM

Where a content-based, culturally sensitive program in the home language has been instituted in school districts in California, impressive gains have been registered by students (CA Dept. of Education, 90)

Adoption of a second language is made easier when a pupil is first fully competent in his or her own primary language. The term common underlying proficiency, coined by Professor James Cummins describes "...the large body of literacy skills and thinking strategies which, once mastered in the primary language, provide a sound basis for rapid acquisition of similar skills in a second, third, or any number of other languages....English



proficiency and academic ability are distinct aspects of a student's learning profile." (CA Dept. of Education, 90). Previously, the model of language-acquisition most widely accepted was that of a linear-sequential fashion. Educators felt that language was developed in a series of distinct steps, following a set pattern.

Thus educators operationalized this model in the classroom by teaching language-acquisition one part at a time. New research in this area is focused on the meaning-centered model, where curriculum must be made relevant to the life-experiences of the student. "Modern scholarship suggests that it is the intense human urge to communicate about matters of direct importance to the human individual which lies at the heart of the language-acquisition process" (CA Dept. of Education, 90). Further research also suggests that many young children are aware of very abstract concepts long before they have the ability to articulate them. While these last two research findings are relatively new, school districts in the past have at least recognized the importance of developing a student's primary language. Some key points listed in the Oakland Unified School District's Bilingual Master Plan Committee Handbook (7/83) are:

- Structured and sequential development of communicative competence in the primary language is critical for the acquisition of the second language.
- Cognitive development is dependent on communicative competency and can be best furthered through the language the student understands best.
- Instructional support in the students' primary language should be provided to maintain academic progress while simultane-

ously developing the students' English skills.

In 1988, eight years after the Oakland Plan originated, researchers of bilingual programs found that throughout the state adoption of the plan has been slow. Money is part of the problem. In many areas there are not enough LEP students to justify the expense of a bilingual program. It is common for school districts to have LEP students who speak as many as 40 differing languages. The State has issued guidelines in its publication, *Individual Learning Programs for LEP Students: A Handbook for School Personnel*. Many districts, however, have a hard time finding qualified personnel to fulfill the required languages. Development of new materials is slow, however, criteria for new curriculum has been developed. In the 1989 Adoption Recommendations of the Curriculum Development and Supplemental Materials Commission to the State Board of Education, some of the criteria used to evaluate materials call for include:

- A literature-based language arts program for LEP students receiving instruction in their primary language which gives attention to ethical, esthetic, and cultural values.
- An instructional focus on comprehension.
- The integration of all the language arts—listening, speaking, reading, and writing—in every unit of study.
- Instruction centered on practical application.

Although publishers were invited to submit materials for the many languages found among the LEP student population, only seven Spanish-language instructional

programs were submitted. This unfortunate situation limited the scope of the review process and leaves 177,000 identified LEP students without primary language materials on the list of state-adopted materials (CA Dept. of Education, 90).

Of the seven curriculum materials submitted for review, only two were recommended using the above mentioned criteria. Some common characteristics of the materials not recommended were:

- Failure to include the wide variety of Spanish language materials in their original and complete form as integral parts of the core program.
- Emphasis on isolated skill development rather than on values, ideas, concepts, and themes.
- Lack of recommendations for the use of technology.
- Inadequate attention to higher-order thinking skills.

Two additional arguments for the reform of bilingual curriculum, as noted in the California Department of Education's 1990 Bilingual Education Handbook are that 1) content-based home language instruction fostered biculturalism, and 2) where this approach to educating LEP students has been implemented, test results have dramatically improved. The State Department of Education recognizes that by raising the prestige of the primary language, students will foster a sense of pride and identity without giving in to the dominant (White) culture.

Many language-minority students labor under a deep sense of ambivalence about what it means to succeed in school....Doing well there amounts to identifying with the dominant culture and sacrificing one's own group and personal identity (CA Dept. of Education, 90).

Perhaps the most important move to reform bilingual curriculum has already been put into action. In an effort to align bilingual curriculum with mainstream curriculum, The State Department of Education has moved to fully integrate the development of bilingual curriculum (known more formally as Bilingual Language Arts) into the State's overall English-Language Arts curriculum framework. The dream of developing bilingual education which is equal to that of the mainstream may finally become a reality. For too long, California educators have conceded bilingual education merely second-class citizenship.

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Dropping Out—Schools In Crisis

KATHLEEN WASHINGTON

It is clear that the U.S. educational system is not meeting the demands of the public for well educated children. As grade point averages drop, college enrollment declines, unemployment and poverty increase, and federal spending on our educational system dwindles; the need for drastic improvements is imperative. One of the most important issues to be addressed is the rate at which secondary students are dropping out of school.

The consequences of students dropping out of school are great. It is not only the individual who is affected, but the society as a whole. Increasing numbers of service oriented jobs, that most often require at least a high school diploma or some form of technical training, are rapidly becoming the norm in today's job market. Those individuals who are not adequately equipped with the basic skills needed for these jobs will, at the very least, cost employers a substantial amount of money and time in job training; more often, however, the individual will be left out of the primary job market altogether.

The most obvious consequence of dropping out of school is how it affects the individual. Basic skills in reading, writing and arithmetic are lost with every year of school the student misses. Without such skills, individuals lose the ability to adequately judge and analyze their surroundings. Basic processes of decision making are inevitably impaired by one's lack of knowledge of these basic skills.

Dropping out of school has a staggering effect on an individual's opportunities and economic status. It has been established that students who drop out of school are more likely to face unemployment and to receive lower wages, than those who remain in school (Sherman, 87). Individuals who drop out tend to be employed in menial and lower skilled jobs, only a small percentage of dropout students are employed in higher paid, semi-skilled jobs. In a 1986 study, the number of dropouts employed in managerial and technical positions on a full time basis was 39 — 41% of the rate for graduates (Sherman, 87).

Finally, those who drop out of school pose a burden to society as a whole. A study conducted in 1972 identified seven distinct areas which are affected by dropouts. The findings showed that there was a loss in national income, a loss in tax revenues, an increase in demand for social services, an increase in health problems, an increase in crime, reduced political participation, and reduced intergenerational mobility (Sherman, 87).

Another study conducted in 1985 attempted to describe such losses in monetary figures. The dropouts from the class of 1981 cost the U.S. approximately \$68 billion in tax revenues, and cost the individuals themselves approximately \$228 billion in lost lifetime earnings (Sherman, 87).

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In urban areas especially, the number of students withdrawing from the educational system before graduating from high school has become a serious problem. As one nationwide survey conducted in 1987 demonstrates:

Between 600,000 and 700,000 youths and young adults between the ages of 14 and 24 drop out of school each year....In addition, about 4.3 million people between the ages of 16 and 24 are neither enrolled in high school, nor have they earned a high school diploma or its equivalent (Sherman, 87).

There are, in certain areas, a number of successful programs designed to keep high school students in school. Unfortunately, within our urban areas, and in some rural areas, the dropout rate remains at or above the national level. In some of the nation's largest urban areas the dropout rates are three to four times the national average (Sherman, 87). Considering that urban populations have been steadily growing, the consequences of this continued high dropout rate could be disastrous. It is important to note that when an individual drops out of school, they are also dropping out of the system as a whole.

A specific example of this failed educational system is the Oakland School District. Recent mismanagement and misdirection of funds have had severe consequences on the student population. The Oakland School District has been ranked as one of the worst and most inefficient in the nation. Given the economic disadvantages already present in Oakland, the failure of the educational system in this area serves to strengthen the barriers which keep most of the local population in a depressed economic condition.

There are a number of important problems which need to be addressed in the Oakland School District. This paper will focus on the drop out rate of secondary level students and possible methods for identifying such students, with the goal of contributing to program development to keep these students in school. Before one can address the educational problems facing these students, we must keep them within the system.

SUMMARY OF THE PROBLEM

Within the Oakland School District, the economic standing of most of the students is very poor. Many of these students come from families that are close to or below the poverty level, and issues of every day survival, not academic achievement, are uppermost in their priorities. Approximately 63% of the 1989-1990 student body enrolled in Oakland secondary schools came from families that received Aid to Families with Dependent Children (AFDC)—an increase of 13% over the previous school year (Adwere-Boamah, 90). With the recent federal and state budget cuts this situation will undoubtedly become worse.

CHARACTERISTICS OF STUDENTS AT RISK

When addressing the problem of students at risk of dropping out of school, the first question is how to identify those individuals. Without such identification, programs designated to solve this problem will miss those in need of help. Such identification will also make programs addressing at-risk students more effective.

Numerous national studies have been conducted to address this question. In studies of those individuals who have left the academic arena, certain social and personal characteristics have

been identified as the most common:

- Poor academic records and a history of retention
- Low socioeconomic level
- Low parental education levels
- Age range of 16-17 and grade level range of 9-11
- Poor reading ability
- Dislike for school
- Poor self-concept, inadequate goals, and low aspirations
- Disrupted home life
- Discipline problems
- Little or no participation in extra curricular activities

The first and most outstanding characteristic was found in students' academic achievement records. Practically every student studied displayed some form of failure or maladjustment to the academic process. In a study conducted by Hewett and Johnson in 1979, it was estimated that 60% of the high school dropouts had grade point averages of C or below (Wittenberg, 88). These students tended to be located in remedial or low academic track classes and displayed reading skills below those within their grade level.

It was found that many of these students had prior records of retention, either in their elementary school years, or in their junior high school years. Over 50% of those students who had dropped out had been retained sometime in their academic career (Wittenberg, 88). Unfortunately, while retention programs have been established in order to help students receive the skills necessary to continue their education, statistics indicate that such actions actually have negative effects on student self-esteem and motivation. As Grisson

and Shepard conclude in their examination of the effects of retention on students:

...repeating a grade might contribute to some negative set of school experiences that work to convince students that they can't succeed. Repeating a grade might contribute to a sense of alienation by making students feel too old for their classmates or feel too old to still be in high school....Or more likely it is a combination of these and other processes... (Grisson & Shepard, 89).

The second most common characteristic found among at-risk students pertains to economic disadvantages. It has been found that most of the students who are at risk come from families in which their parents are either unemployed or employed in unskilled or low-skilled labor. One study showed that 90% of those who dropped out came from middle to lower income families (Wittenberg, 88). Many of these students felt that it was necessary for them to give up their education to help support their families. Unfortunately, what these students do not realize, is that such actions actually lower their ability to make substantial economic changes and contributions to their families' economic situations.

Many of these students come from families in which both parents show low levels of academic achievement. It is estimated that 70% of the fathers and 60% of the mothers of high school dropouts did not finish high school themselves (Wittenberg, 88). For many young students, academic role models simply are not available.

Students who choose to drop out tend to be between the ages of 16-17 and grades of 9-11. The decision by most of these students is rarely spur of

the moment. As Sandra Wittenberg suggests:

not an impulsive act, but rather a long, thought out process. The decision to leave school is based on...a rational response to personal and environmental factors (Wittenberg, 88).

The decision tends to be based on a need for personal satisfaction and whether the students feel that remaining in school will be beneficial. Most often students wait until 16 or 17 simply because most states mandate school attendance until age 16.

A number of these students show a serious dislike for school. An important factor about this particular characteristic is that the students find fault with the curriculum. They feel that they are not learning what they want to learn, that the curriculum is repetitive, and that teachers and peers do not treat them fairly (Wittenberg, 88).

The students' perception of themselves and their future also appears to be a distinguishing characteristic among at-risk students. Many of these students are loners and portray a very dim view of their future and their school experience. As

Wittenberg states regarding this particular characteristic:

...poor self-concept and inadequate life goals are common characteristics of dropouts and potential dropouts. In addition to poor self-concept, at-risk youth often lack a sense of identity...and poor motivation.... Potential dropouts and dropouts also often have lower occupational aspirations than their peers. Usually, they have aspirations similar to the occupations of their parents...(Wittenberg, 88).

Three final characteristics common to at-risk students are: disrupted home life, discipline problems, and little or no participation in extracurricular activities. The most overriding is that of a lack of participation in school activities; however, these three characteristics were not as persistent as those already mentioned.

REASONS STUDENTS GIVE FOR DROPPING OUT

It is important to establish programs which address the needs that students express as being most influential in their decision to drop out. National studies have identified five primary reasons given by students for leaving school.

The first of these reasons is poor academic achievement and reading skills. A survey taken in 1985 estimated that 42% of the students who dropped out of school mentioned this as their main reason for doing so (Wittenberg). As



stated by Mayhood in 1984:

...poor reading ability leads to school failure, which in turn leads to the compelling need to remove oneself from the setting in which failure occurs (Wittenberg, 88).

Most of these students are so far behind in the basic skills necessary to finish high school, that they tend to lose hope. Our current system is often unable to rectify and bridge these gaps once a student has reached the secondary level of schooling.

The second most common reason given for dropping out is the students' inability to get along with teachers and peers. Many students expressed a dissatisfaction with interactions with their teachers. They felt that their teachers did not take the time to help them with their problems, that teachers did not care in general, and that the teachers did not like them. A study done by Peng and Takai in 1983 estimated that 20.6% of the males and 9.5% of the females stated this as being a significant factor in their decision to leave school (Wittenberg, 88).

Such comments are not surprising. As school budgets are cut because of a rising national deficit, classrooms are closed and teachers are laid off. Thus, it is not surprising to find that students are not receiving the attention necessary for them to succeed academically. Overcrowded classrooms and limited resources are turning classrooms into child care centers where individual attention is virtually impossible.

The third reason given for dropping out of school goes hand in hand with teacher dissatisfaction: students' dislike of school or lack of interest in the curriculum. In the 1983 Peng and Takai

study, 34% of the males and 31.1% of the females mentioned this as a factor. In a 1977 study by Hewitt and Johnson, "...all respondents cited their dislike for school as one of the reasons they decided to leave school." (Wittenberg, 1988)

Most often these students feel that the curriculum is repetitive and that they are not learning what they need and want to learn. As the classroom environment declines and teachers find themselves battling to retain the necessary tools to teach effectively, the enthusiasm of the students, as well as that of the teacher, deteriorates.

The fourth reason given for dropping out is most often given by female students. Many female students drop out of school because of pregnancy or because they have plans for marriage. Especially in the case of pregnancy, many females find themselves catapulted into the work force in order to support their children or because of a lack of support in our public schools for pregnant students. In one study, 30.7% of females stated marriage as their reason for leaving school, while another 23.4% cited pregnancy as the reason (Wittenberg, 1988). Unfortunately, this increasingly common phenomenon is much more complicated than one would expect. Positive solutions are still in the early stages of research.

ESTABLISHED PROGRAMS IN THE OAKLAND SCHOOL DISTRICT

The Oakland School District, like many others, has recognized that high school dropouts represent a serious problem. By establishing programs which are geared specifically towards this population, attempts are being made to alter the current situation. Within the Oakland School District, there are five programs which have been established to address the dropout problem. They are:

The Suppression of Substance Abuse in Schools, Drug Free Schools, Castlemont Corridor Substance Abuse Prevention Project, SB 65 Coordinated School-Based Pupil Motivation and Maintenance Program, and Project Success (Adwere-Boamah, 90).

The first three programs focus primarily on issues of substance abuse. The students affected by these programs range from elementary through high school. Most of the students who participate are selected because they exhibit the greatest number of characteristics of at-risk students. Within these programs, services such as counseling, self esteem and self-respect workshops, classes and workshops concerning substance abuse, workshops in conflict resolution and after school programs are provided.

The two programs which address the direct problem of school dropouts, however, are the SB 65 Program and Project Success, which is provided under the SB 65 Program. Their descriptions are as follows:

SB 65 Coordinated School-Based Program. The goals and objectives of this program are: increased student retention and reduced dropout rates, increased test scores, early identification of at-risk/high-risk students, and educational intervention activities for those identified.

Project Success. This program provides alternative education work centers at three sites for students in grades 9-12 who have been suspended or dropped out. Teachers at these sites have developed independent study programs leading to high school graduation for such students.

In addition to the academic programs, teachers provide counseling and assistance in preparing for employment.

These programs address the problems and concerns expressed as reasons for students dropping out. Perhaps the greatest objections to these programs are their goal of increasing the retention rate and their inability to reach a greater number of students. There are only 23 outreach consultants to implement SB 65 and Project Success in 14 schools in the Oakland School District (Adwere-Boamah, 90). This, unfortunately, leaves out many schools and students who could benefit from such programs.

CONCLUSION

Whatever programs are established in the future, they should be implemented as part of the core curriculum in the schools with the highest number of at-risk students. These programs should emphasize five prime areas to lessen the poor academic performance and drop out rate which continues to plague the Oakland School System. These are:

- 1) Early identification of at-risk students
- 2) Identification of academic deficiencies
- 3) Programs to raise student attitude, self-esteem, and future goals
- 4) Programs to encourage parental and community involvement
- 5) Programs to provide individual counseling, emphasizing the importance of school, and alternatives to dropping out

There is a need to correct the current situation of our public school system. New teaching methods and material must be integrated into the curricu-

lum if our youth are to stay current with the changing national and world job market. In today's economy, large sums of money are directed to programs, such as the military, which do not encourage the financial and technical growth necessary for an expanding economy. Every individual who drops out of school and does not acquire the necessary skills to contribute to the growth of our society, does so at the cost, not only of the individual, but of the society as a whole. We face a desperate need to redirect this nation's financial and moral priorities if we are to reverse the decay of our public educational system.

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Domestic Partnership: A Perspective San Francisco 1982-1990

KAREN SIKKENG

The need for recognition of gay spousal relationships requires attention on the part of citizens, researchers, and policy makers. This paper will focus on the process by which a domestic partnership ordinance passed in San Francisco, describing and analyzing the 1982, 1989 and 1990 movements. Beginning with a statement of need, the paper includes problems that could be solved through legalization of gay relationships. Next it describes what steps government has taken towards that end, including San Francisco. It finishes with recommendations for future action.

Sexual orientation was not the defining characteristic of groups or individuals until the early 20th century (Katz, 1983). World War II, despite the army's official stance against homosexuality, fostered the beginning of widespread networks of gays and lesbians. Communities which formed during the War continued to thrive in the post-War era, and the first gay rights movement formed in the 1950s. Gay communities began to resemble the heterosexual mainstream, marked by the formation of gay churches, social clubs, political groups, and long-term, committed relationships.

The growth and increasing visibility of gay communities was paralleled by an increase in homophobia. Extending beyond a want of special protections, prejudice is often codified: privacy rights, child custody, prisoners' rights, employment rights (including military and civil service), immigration policy, media images, insurance,

housing, wills and estate planning, employee benefits and violence against gays, are some areas where discriminatory laws affect gays.

Gay marriage is another such category: by law, same-sex couples are forbidden to marry. This issue is one of increasing concern. Couples who met in the post-World War II burgeoning gay communities are beginning to age. The AIDS crisis has intensified the problem as young, partnered gay men join older gays in their concern over death and illness of same-sex, de facto spouses. Custody of an incapacitated partner, hospital visitation rights, inheritance rights, housing rights, insurance benefits, and bereavement leave are not guaranteed to even the most committed partners. Gays can make wills and contracts stating their intentions and preferences, but these contracts are sometimes nullified. Even in cases where families have cut themselves off from gay relatives, the courts may decide that blood relations should inherit, be given custody of children or the incapacitated, and be allowed to make funeral arrangements.

These problems could be averted easily through legitimization of gay marriage. In 1988, only 27% of households fit the traditional definition of family (two parents and children at home) (Gutis). Procreation is no longer the primary motivator for most people to marry: straight and gay people choose partners for reasons such as love

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and companionship. Changing times have led more people to question the fairness of retaining archaic legal definitions of marriage and family.

Legal definitions can and should change with changing society (an idea as old as the Constitution). Without laws encompassing modern-day situations, citizens clog up the courts to settle individual situations one by one. Static legal systems become obsolete and irrelevant, people cease to obey laws, and needs are no longer served. Marriage was once defined as a union between a man and a woman of the same race; as the numbers of interracial couples grew, this definition no longer met society's demands. The prevalence and growing needs of gay couples makes same-sex marriage a legal necessity.

Many legal analysts believe that marriage has already evolved into a purely civil contract. "Under this kind of analysis," writes Paul Kurtz, "the state would retain a legitimate interest in regulating the entry into marriage only as it regulates the entry into other contracts." (U.S. Congressional Hearings, 1984). Yet the legal status of gay marriage has not been affected. There has been no federal legislation to protect gays or guarantee rights, including the right to marry; all federal activity has been in the form of sending decisions back to the states. On the state level, in 1971, a gay male couple petitioned the Minnesota Supreme Court to force the state to grant them a marriage license. When the court refused, the couple attempted to appeal to the U.S. Supreme Court, but their appeal was dismissed. Since that time, seven other state courts (including California) have refused to grant gay male couples marriage licenses.

Moral objections to same-sex marriage run high. Clearly, discriminatory policies exist, yet for many, the need for legal protections is not necessary, since gays can sometimes hide their identity.

Some see the issue in purely sexual terms: what one does at home is private, but visibility — and marriage would be highly visible — is wrong. Others believe that discrimination is justified because homosexuality is a perversion. In fact, fears that the Equal Rights Amendment would force states to allow marriage between same sex partners was, according in some, instrumental to the downfall of the ERA.

Basing her argument on equal protection grounds under the 14th Amendment, legal analyst Karen Lewis suggested that in the absence of legitimized marriage, some marital rights might be granted to gays:

If the (U.S. Supreme) Court granted homosexuals some . . . benefits—without compelling states to grant marriage licenses—it might eventually create in effect a "quasi-marital" status. State legislatures might explicitly grant such a status, and specify the attendant rights. For example, benefits such as tax advantages, wrongful death rights and intestate inheritance could be granted more easily to the homosexual couple than could inclusion within the complete maintenance-divorce-alimony complex of laws involving substantial state regulation. An analogy can be drawn to the line of Supreme Court decisions which has given illegitimate children certain rights, albeit less-than-equal status in comparison to their legitimate siblings. (U.S. Congressional Hearings, 1984).

Lewis' ideas on the possibility of a quasi-marital status were not new. In 1982, Harry Britt, an openly gay city supervisor in San Francisco,

labeled the same concept "domestic partnership." He defined domestic partners as "two people who have chosen to share one another's lives in an intimate and committed relationship of mutual caring, who live together and . . . have agreed to be jointly responsible for basic living expenses" (Britt, 4/29/89). He believed that domestic partners should receive some marital benefits, such as employer sponsored health care, child care leave to care for partners' children, and bereavement leave.

On the other hand, Lewis' idea that the courts, not the legislature, should be involved in granting quasi-marital status had not previously been applied to the question of gay marriages. Her analysis was presented to Congress in 1984, and six years later, only the New York Court of Appeals has granted gay couples any of the rights usually associated with marriage: they decided that a rent control ordinance should encompass unmarried partners, including gays (Lambert). Thus, if a partner whose name is on a lease dies or departs, the remaining partner may continue to legally occupy a rent controlled apartment even if his or her name never appeared on the lease.

WHAT HAS BEEN DONE SO FAR?

Most movement toward legitimizing gay partnerships has been on the level of local government. Some large cities have implemented policies or passed ordinances granting gay couples rights as a result of gay activism. In March of 1988 Los Angeles passed a law allowing unmarried partners sick leave to care for their partners and partners' close family members, and bereavement leave for the same. Seattle passed a similar ordinance a year later in 1989, and overcame a challenge to overturn that ordinance in the 1990 elections.

The most comprehensive and progressive

policies concerning domestic partnership have occurred in smaller, alternative communities, mostly in California: Berkeley, Santa Cruz, West Hollywood, and Davis, California, as well as Madison, Wisconsin. None of these ordinances are comprehensive enough to meet the real needs of the gay community: gays have pushed for these policies, not for ideological reasons, but because the passage of such ordinances was a pragmatic and realistic goal. These laws have created positive change. They have implemented a mechanism where couples may register with the city as domestic partners, and they guarantee some partnership benefits, such as employer-sponsored health care for partners of city employees, bereavement leave, and visitation rights.

SAN FRANCISCO

San Francisco was the first local government to try to guarantee domestic partnership rights. In 1982, Harry Britt proposed a domestic partnership law which would have allowed unmarried couples who had established loving, economically interdependent relationships to register their partnership at City Hall. The plan would also have given domestic partners of city employees access to group health care and child care, sick and bereavement leave. The struggle turned out to be more difficult than the original players anticipated: eight years and three proposals later, a weakened version of the original proposal was finally passed. The following is a short summary of the process by which the domestic partnership ordinance finally passed in San Francisco.

1982

Supervisor Harry Britt's proposal was brought to the Board of Supervisors with the support of

Supervisors John Molinari and Carol Ruth Silver in November of 1982. The proposal passed the Board of Supervisors by an 8-to-3 margin, and was passed to then Mayor Dianne Feinstein's office for her signature.

Opposition to the ordinance was immediately apparent, and many anti-domestic partnership arguments smacked of discrimination. Critics worried that, although the ordinance only required the city to allow partners to join group health coverage and not to pay premiums, the measure would have exorbitant administrative costs. Phyllis Lyon, Human Rights Commission chairperson, responded to this criticism: "Equality is evidently all right as long as it does not involve money." Other gainsayers, including Mayor Feinstein, were concerned because there was no mechanism for judging whether live-in relationships were stable enough to merit "domestic partner" benefits (Mendenhall, 12/82). Supervisor Britt responded "Two straight people can meet, fall in love at first sight, and get married on the same day. Why not gay people?" In fact, the ordinance required that the relationship exist for at least one year before partners became eligible for benefits (Schweikhart).

The conservative religious right mobilized immediately. Archbishop John Quinn wrote a letter to Feinstein strongly condemning the proposed ordinance. He wrote "To reduce the sacred covenant of marriage and family, by inference or analogy, to a 'domestic partnership' is offensive to reasonable persons and injurious to our legal, cultural, moral and societal heritage" (Berlandt, 12/82). His letter was published in a number of local newspapers, ranging from the San Francisco Chronicle to several small neighborhood weeklies.

This put the mayor in an uncomfortable position. Feinstein became mayor as a result of the

murders of Mayor Moscone and openly gay Supervisor Harvey Milk. She was in her first elected term, and in her campaign, she had promised to put support gay issues. As a result, she had won resoundingly in gay precincts. A veto would jeopardize that support. On the other hand, Feinstein was reluctant to alienate the Archbishop and San Francisco's religious community; some suggested that a veto would increase the chance that San Francisco would win a Catholic cardinal appointment during Feinstein's tenure as mayor (Berlandt, 12/82). Furthermore, despite her denials, many believed that Feinstein intended to enter into national politics, and a veto would strengthen her support among the centrists and conservatives within the Democratic party.

According to Harry Britt, Feinstein led him to believe that she had decided to sign the proposal into law. Thus, Britt left the city Dec. 8 for a speaking tour. On Dec. 9, she vetoed the law instead. The mayor gave as reasons for the veto; one was "unfairness to relatives" (by the proposed law, domestic partners could not be related to one another). She also said "Some see the legislation as 'cosmetic,' some as destructive to marriage, some as recognizing the needs of a large number of single citizens. But it is clear that in the construction of the legislation, there is uncertainty as to meaning, interpretation, and [financial] impact" (Feinstein).

The original 8-to-3 margin in the Board of Supervisors would have been enough to overcome the Mayor's veto. However, two of Feinstein's allies on the Board switched their votes to "No" when the ordinance came back for the second round of voting on Dec. 23.

Supporters of the ordinance believed that the mayor had bowed to political pressure in vetoing it

at the expense of civil rights. Her veto caused an immediate backlash from the gay community. Hours after she signed the veto, 400 people staged a "Dump Dianne" protest at City Hall. Other rallies targeted the Roman Catholic Church and Archbishop Quinn, dubbed "His Ass Holiness" by gay candidate for supervisor Sister Boom Boom (Berlandt, 12/82). Feinstein had been engaged to speak at the Human Rights Campaign Fund fundraiser in Houston later that week; they cancelled her engagement.

Ordinance detractors, on the other hand, applauded Feinstein's decision. Archbishop Quinn called her veto a courageous act to protect the family against the "erosion of moral values" (Frost, 1982).

Arguments between Supervisor Britt and Mayor Feinstein regarding lack of communication were highly publicized. The mayor complained that she had not been consulted; Britt claimed that Feinstein had not responded to his repeated invitations to discuss the ordinance. Some believe Feinstein's veto cemented antagonism between the two. On Dec. 23, Harry Britt told the *Sentinel*, a San Francisco gay paper, "Dianne Feinstein has had problems with the gay and lesbian community long before this veto. There is her continual failure to appoint gay/lesbian people to major commissions, her inability to deal with our problems with the police, her refusal to ride in the Gay Freedom Day Parade. Her attitude and posture has always been condescending towards us. . . . The original legislation is dead. But the issue and the anger of the gay/lesbian community is still very much alive" (Schweikhart, 12/23/82).

Loss of gay support, as her campaign coordinator anticipated, did not cost Feinstein the following election. Although the Civil Service Committee

recommended implementing some domestic partnership rights two years later, the issue did not arise again until after Feinstein had left office.

1989

As the '80s progressed, many gay men began to lose their partners to AIDS. Questions about bereavement, visitation and inheritance became more pressing. In 1989, Supervisor Harry Britt proposed an ordinance similar to its 1982 counterpart. The new measure weakened some of the 1982 provisions: instead of providing health care benefits to partners of city workers, it would have set up a mayor's task force to study the implications of doing so. However, it did allow bereavement and sick leave for domestic partners. Like the 1982 proposal, the ordinance would not allow extended family members to register as domestic partners.

The new measure was passed unanimously by the Board of Supervisors in June, 1989 and forwarded to Mayor Art Agnos for approval. Agnos, Feinstein's successor, is a visible and vocal supporter of gay rights: he is the only mayor of any major city to ride in the Gay Freedom Day parade, he has appointed many gay aides to the mayor's office, and he has spoken out repeatedly in favor of gay candidates and pro-gay ballot propositions. In fact, some observers have noted competition between Britt and Agnos over who will be the champion of gay rights in San Francisco. Mayor Agnos approved the new proposal immediately.

According to city charter, enactment of a law approved by the supervisors and the mayor may be halted, and the measure brought to the voters, if enough signatures are gathered within 30 days of ratification. Petitions were started immediately by conservative clergy, who bid entire congregations to sign anti-domestic partner petitions. Archbishop

Quinn again spoke out against the ordinance, calling it a blow to society's historic commitment to supporting marriage and family life (Keane, 5/24/89). This time, however, his plea for help from the mayor was ignored.

The law also had detractors from the black religious community. The exclusion of extended families who might be dependents failed to serve blacks' needs for an expanded definition of family. Spokespeople for the black community also questioned the morality of recognizing gay relationships. Said one black clergyman, "I was raised to believe in Adam and Eve, not Adam and Steve" (Matier, 10/8/89).

Fears about increased city taxes to cover administrative costs and increased health care premiums should large numbers of people with AIDS join the city's group insurance also eroded support for the new proposal, though budget analysts were unanimous in their contention that these fears were groundless (Massey, 5/12/89). Some within the gay community feared that registering as domestic partners under the new law would allow debtors to collect from domestic partners.

Meanwhile, the Chamber of Commerce and the Human Rights Commission both came out in support of the proposal. Large numbers of gays registered at City Hall as domestic partners, despite the measure's probable reversal, to demonstrate need and support for the new law. Despite these efforts, on July 6, within the 30 day deadline, the petition was submitted and the implementation of registration was halted. Proposition S was born.

Now the two warring factions—the gay community on the one hand and the conservative religious community on the other—were faced with

an election showdown. Gay activists viewed the election with misgivings. Several gay related issues were already scheduled for the upcoming election: No on 96/102, Roberta Achtenberg for Assembly, and Harry Britt for Congress. Leaders feared that by spreading resources so thinly, the gay community was going to lose on all counts. Even worse, consistent losses would send a message to politicians that gays could not get out the vote in their own community (Matier, 10/8/90).

The Yes on S campaign, managed by activist Dick Pabich, drafted 1,000 core volunteers and raised \$150,000. 1989 was an off-year—and thus low turn-out and more conservative—election, making Yes on S's primary focus a Get Out the Vote effort. Polls showed that the majority of eligible voters supported the Domestic Partners ordinance, but 54% of voters who had voted in the last five elections did not (Matier). Though the initial voter registration drive was successful, the Loma Prieta earthquake was damaging to the campaign. Yes on S shifted its energy to raising money for earthquake repair under the mistaken belief that "doing good" in the community would bring more votes their way than getting out the vote. In fact, only 44% voted, far fewer than predicted. Many believe the earthquake was a primary cause of the extra-low voter turn-out. Proposition S lost by 1600 votes. In addition, Roberta Achtenberg and Harry Britt lost, and Prop. 96 won. Only Proposition 102 was defeated.

The election did have one surprising outcome. Proposition S was expected to lose resoundingly in minority communities. In fact, S lost in middle-class, family-oriented neighborhoods such as the Outer Sunset, the Merced Park area, and west of Twin Peaks. Swing vote areas included the Asian and white middle-class Richmond district, the young, white North Beach, and black working class

Bayview/Hunter's Point (Appleman, 7/90).

1990

In July of 1990, only eight months after Proposition S was defeated, Harry Britt again announced plans for another Domestic Partnership ordinance. This time, the proposal was in response to recommendations from the Mayor's Task Force on Family Policy that the city should provide health benefits for domestic partners.

Proposition K was even weaker than both of the previous proposals. It offered only a symbolic recognition of gay relationships through registration at City Hall. In fact, though no benefits would be conferred upon domestic partners, the law does read that partners will be jointly responsible for basic living expenses (Conkin, 8/24/90). Basic living expenses do not include luxury purchases, such as automobile or department stores purchases, but they might include medical bills for partners of people with AIDS. Julia Lopez, head of the Department of Social Services, has promised that, despite the proposition's wording, domestic partnership will not stand in the way of receiving any type of welfare. Clint Hockenberry, attorney in charge of the AIDS Legal Referral Panel, said Proposition K is "a creditor's bill of rights. While it doesn't do anything, it creates new liabilities. Collection agencies will aggressively use any tool available to collect. They will come after domestic partners" (O'Loughlin, 10/11).

Many in the gay community felt these concerns were exaggerated, while the potential gains from the proposal significant. Jean Harris, manager of the Yes on K campaign and an aide to Harry Britt, said "This is about lesbian and gay civil rights. We're not trying to pretend it's not. We're telling people who are in power that they

can't define family anymore, they can't define our relationships any more. It will make it more difficult to deny benefits or joint memberships. It'll change the way people make decisions on regulations regarding relationships" (O'Laughlin, 10/11/90).

Many activists felt that Yes on K should focus on benefits to straight people, such as unmarried straight couples and extended families. Some gay people of color saw the Domestic Partnership proposal as an opportunity to forge links between the gay community and minority communities which define family relationships differently than the white heterosexual majority. T.J. Anthony, aid to Supervisor Hongisto, disagreed. "Any attempt to shroud our opportunity for recognition and justice for lesbians and gay men with those of other communities' is a betrayal, pandering to homophobia" (Appleman, 7/90).

The Archdiocese was not active in opposing Proposition K, and in fact Diocese head George Wesolek said that he was not confident that Prop K would be defeated: "There are more people voting and different people this time" (Conklin 9/13). Unfortunately, other domestic partnership opponents launched the most violently homophobic campaign to date. One group, the Coalition to Fight Fake Moralists, disseminated a flier which read, in part:

Homosexuals have already been allowed to go too far. They are psychological criminals and fascists . . . If we don't put our collective foot down, we will have schools, churches and city streets named after homosexuals who have died from AIDS, and San Francisco, which is already disgraced in the eyes of the world because of its homosexuality and violence,

will be the doormat to terrorist activities . . . Homosexuals must be silenced or driven out of town . . . They hold the people of San Francisco hostage as surely as Saddam Hussein holds the conscience of the entire world hostage (Conkin, 9/27/90).

Fundamentalist Christian Supervisor Jim Robinson produced a well-financed video attacking Prop K, Jean Harris, the new program for gay teenagers in public high schools, the Gay Freedom Day Parade, and Mayor Agnos and Willie Brown for their support of gay issues (Conkin, 10/4/90).

The 1990 election was important, as in 1989, in that many gay issues were again on the ballot. Three openly gay candidates were running for supervisor: Roberta Achtenberg, Carole Migden, and Harry Britt. Tom Ammiano, a gay comedian and school teacher, was running for the school board (and teaching is an area with a tradition of homophobia). This came on top of the last year's discouraging election results, leading many to fear that gay pocketbooks and energy might be depleted. The election would also test the effects of the previous year's losses. Politicians were apparently still sensitive to the gay vote, but if two successive elections found gays powerless, the blow would be severe.

Prop K raised only one third the revenues of Proposition S, largely because the last year's fundraiser, Carole Migden, was operating her own campaign for supervisor. It attracted only 300 core volunteers. Despite these setbacks, volunteers were able to register 12,000 voters from 100 districts. The measure passed by a 54 to 46 percent margin, one of only two propositions to pass in a complicated election where voters approved little on either the state or local level. Said Jean Harris:

We absolutely had to run the best get-out-the-vote effort and we did. That's why we have a progressive sweep. People felt that it would jeopardize Roberta Achtenberg's campaign and the campaigns of other (progressive) candidates . . . It was the other way around. The progressive slate won because Prop K was on the ballot. That's why Dick Hongisto is assessor, Tom Ammiano is on the school board, and Roberta (Achtenberg) and Carole (Migden) are supervisors (Conkin, 11/15/90).

At last, after eight years of struggling, domestic partnership was in place in San Francisco, making San Francisco the only major United States city systematically to recognize gay relationships.

ANALYSIS

San Francisco experienced enormous difficulty in passing any type of domestic partnership law. It took eight years for conditions to come together in such a way as to permit its passage.

Many factors contributed to the defeat of Britt's 1982 proposal. The city's system of checks and balances mimics the federal government's, with the Supervisors taking the role of Congress, and the Mayor taking the role of President. Though the proposal passed the Board of Supervisors easily, it was stopped by a mayoral veto. The relative smallness of San Francisco city government was a crucial factor in the proposal's demise, in that: (1) Archbishop John Quinn—and the interests he represented—were powerful enough to influence the mayor's decision; and (2) to prevent the Supervisors from overcoming her veto with a 2/

3 majority, the mayor only needed to change two votes. Other political factors also had impact: though she denied any ambition at the time, the mayor's interest in garnering the support of conservative democrats outside of the city seems probable in light of her 1990 bid for California governor. Clearly, many of the same forces influencing federal policy making were at play here: the power of political interest groups (the Roman Catholic Church), the influence of the Democratic party, and factionalization of government all played a role in defeating San Francisco's first domestic partnership proposal.

The 1989 proposal was weaker, guaranteeing domestic partners fewer rights than in 1982. Again this paralleled federal policy-making trends: much proposed federal legislation is watered down in attempts to reach an agreeable compromise between interest groups, Congress and the executive branch. 1989 also differed from 1982 in that the new mayor supported the proposal, not only in not vetoing it, but also in endorsing it when it became a ballot issue. The proposal also enjoyed unanimous support from the Board of Supervisors. However, in San Francisco, the system of checks and balances goes one step beyond the federal government's: citizens may overrule city government through petitions. Thus, fractionalization still played a major role in preventing an effective domestic partnership law. As in 1982, the Church in San Francisco, even without the Mayor's support, proved a formidable obstacle to the enactment of meaningful gay rights. Finally, the lack of citizen interest (in the form of low voter turn-out) was instrumental in defeating Proposition S; this problem was exacerbated by the earthquake and by tactical errors within the Yes on S campaign.

The 1990 domestic partnership proposal was still weaker, offering no partnership benefits

whatsoever. As a result, opposition to Proposition K from mainstream religious groups was not as strong as in previous years. Yes on K was a highly organized campaign. The election, which also decided California's next governor, enjoyed higher voter turn out. Passage of Proposition K was a result of a combination of favorable conditions: the new law enjoyed the support of all branches of city government; it was compromised until it aroused little opposition from mainstream conservatives; and it rode on the waves of high voter turnout. It should also be noted that eight years of gay activism and visibility may have been a hidden but crucial factor in Proposition K's passing. Though an admittedly weak ordinance, San Francisco is now the only major U.S. city to have a mechanism for registering gay domestic partners. Perhaps the city's recognition of gay relationships will facilitate the passage of more meaningful laws in the future.

RECOMMENDATIONS

The lack of spousal rights, along with many other prejudicial policies, could be solved through the eradication of marriage. In many Scandinavian countries, marriage is not the norm: most children are born out of wedlock. Eradication of marriage would eliminate many unfair practices such as the legal disadvantages of illegitimacy, "man-in-the-house" AFDC regulations, tax discrepancies for unmarried vs. married partners, the high cost and legal difficulty of divorce, family definitions that do not meet the needs of some minority communities, and more. Self-defined family groups would then establish mutual rights and relationships—such as inheritance, visitation, and custody—through civil contracts. Marital status and gender would not be a factor in settling relational disputes.

At the same time, comprehensive federal civil

rights legislation for gays is needed. Gays should be recognized as a suspect classification, and special protections should be extended. Marital rights would presumably fall in line with employment, housing, privacy, and other rights.

Neither of these recommendations seems a probable policy outcome in the near future. Failing the eradication of marriage, federal legislation or a decision by the U.S. Supreme Court, expanding the definition of marriage to include same-sex couples is imperative. Committed gay couples have the same right to care for each other, care for their children, receive employer and tax benefits, visit one another, and distribute their property as do straight couples. It is time that government recognized this fact.

The passage of any type of law guaranteeing limited rights to gay couples is difficult, even in the most progressive communities. In a time when definitions of family are evolving, not just within the gay community but in society as a whole, government has been reluctant to take a leadership role in adapting laws to meet new demands. Citizens must develop a vision for new definitions and to act toward realizing their goals. Gay families and the larger community can contribute to and benefit from movements toward positive change in this policy area.

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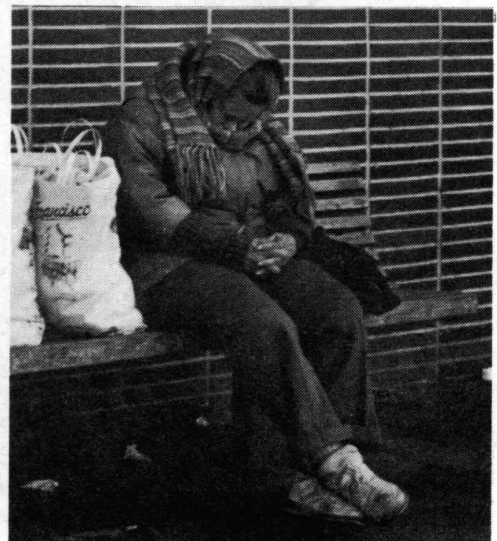
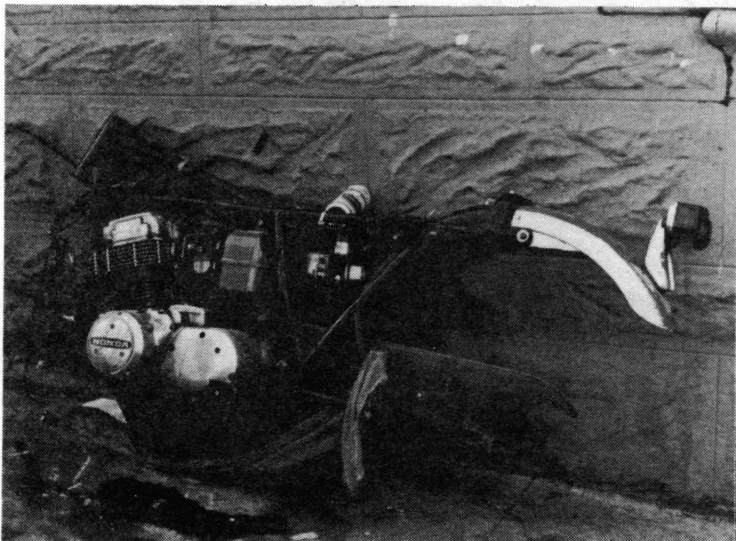
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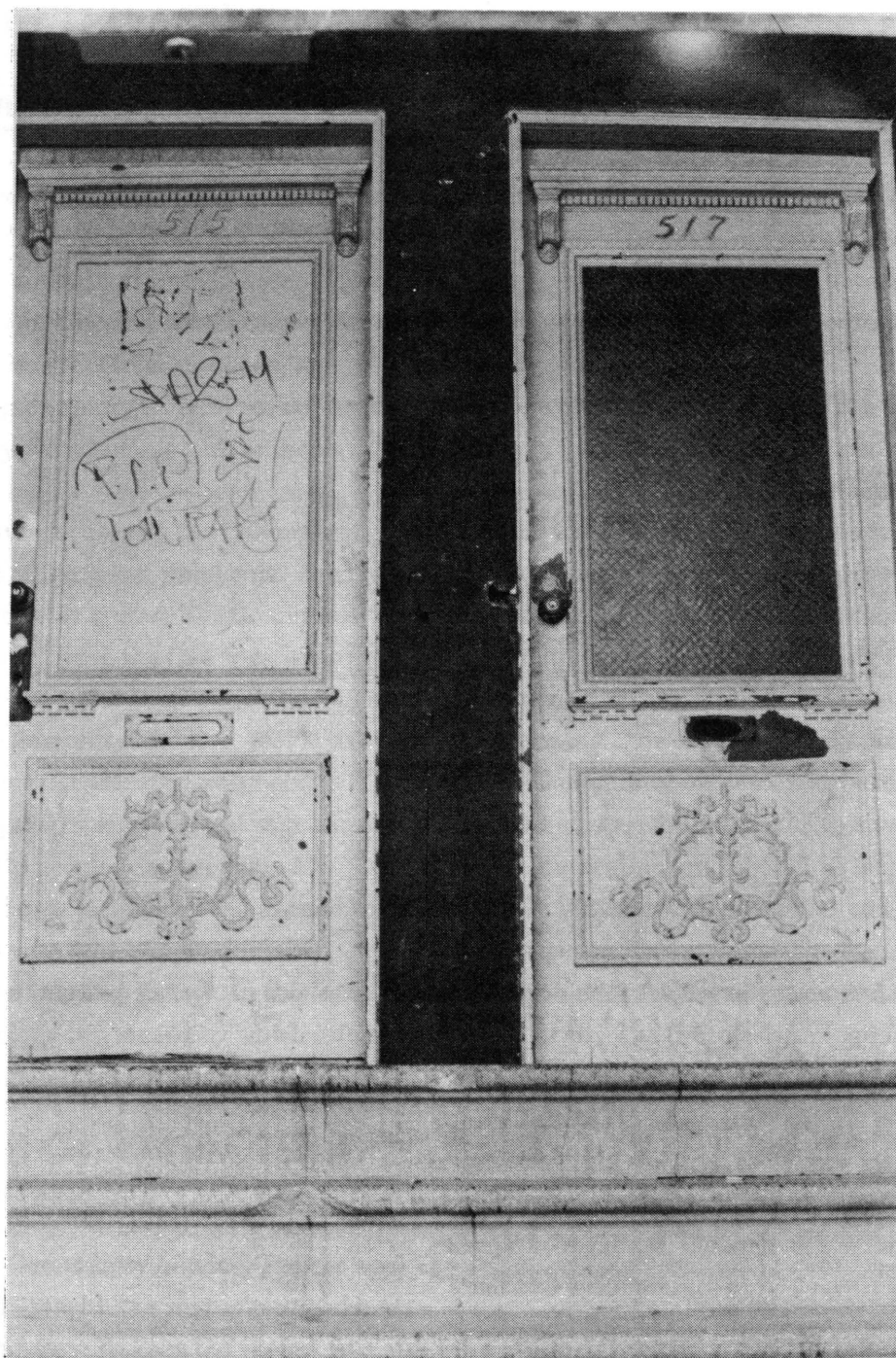


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The Use of On-Line Computer Technology in Providing Services to Targeted Groups

RICHARD B. ROTHMAN, M.P.A.

The objective of on-line technology is to transmit data to and from computers, regardless of their location. This article will examine how an on-line system can open and expand new means of communication. Increased efficiency, speed, and accuracy of computer assisted local government functions could yield economic gain to those governments.

One case study focuses on the Community Memory Project of Berkeley, California. The idea of an on-line computer system like Community Memory was born during the free speech movement in Berkeley in 1964. Lee Felsenstein (1990), the founder of Community Memory, was active in the free speech movement. He saw a need to design technological tools with greater public accessibility, to help people communicate. Mr. Felsenstein feels new technology can expand the range of options with which individuals can communicate and improve society. In this case, computer technology is a means by which information can be exchanged between people in a local area.

EXISTING SYSTEMS

The present Community Memory Project was started in July 1989 with the first of ten terminals in the City of Berkeley. To keep the project free of government control, it is not affiliated with the City of Berkeley. The organizers wanted to use computer technology as a means of bringing the Berkeley community together. Technology can

facilitate exchange information and debate. Technology should be open, not only to people who know how to use a computer, but also for people who have no knowledge of computers (Nemcik, 1990).

One of the main features of the Community Memory system is that it is an open system in that no pre-registration to use the system is required, and the user does not have to be a resident of Berkeley. A forum is a group of people talking together on a common subject. A computer forum is a group of people communicating about a common subject through the use of computer telecommunications. One of the founding principles on which Community Memory was based is the idea that the electric forum should be a two-way means of communication, and should be as open as possible. Anyone with one dollar can start a forum and become a "forum host." The forum host is responsible for the organization and maintenance of the forum. The forums can range from persons who are looking for housing, items to buy or sell, or have services to offer, and subjects ranging from literature and the arts, social services, or City-wide issues, to national issues, such as should drugs be legalized. On an average day, 150 people read and write messages.

In addition to the forum service of Community Memory, there are also community bulletin boards

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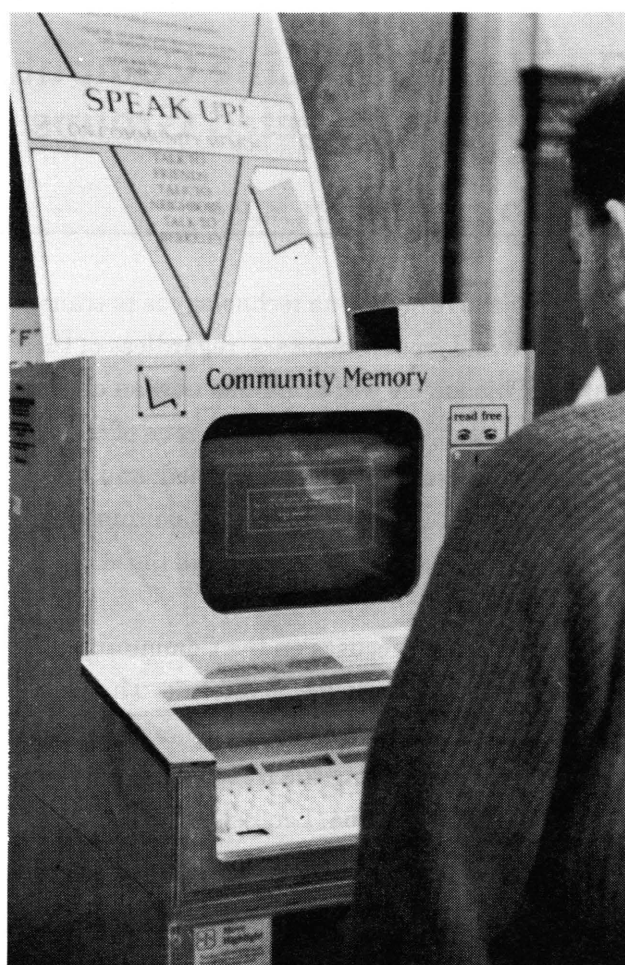
where Berkeley community activities are listed for the users of the system. An important goal of Community Memory is to have thirty terminals around the City of Berkeley, and have the system open to users, for a fee, who can access the system using their computer at home or at work (Nemcik, 1990).

Felsenstein (1990) sees the present system as open to everyone—a means by which communication can go from the bottom-up to the community leaders. He foresees a future in which the present system will expand to include non-profit organizations using the system as a means of opening the channels of communication among the residents of Berkeley. The nonprofit organizations would be charged for this service as a means of supporting the Community Memory operating system. Also, the forums and the communications that go on the Community Memory system could be the basis for future publication. Mr. Felsenstein sees computer communication technology as a tool to create new means of communication so that anyone can create his/her own channels of communication.

The Community Memory project demonstrates how, on a small scale, on-line computer technology can provide services to the residents of Berkeley. The project is an excellent example of how an on-line system can open and expand new means of communication, and that information does not have to flow from the top or the mass media. Community Memory has opened the way so that the residents of Berkeley can open up new means of communication, and the flow of information can flow from the residents of Berkeley to other residents, and to the community and government leaders of the City.

AN AREA WIDE CASE

Another case study was of the Bay Area



Information and Retrieval System (BAIRS). As a consortium of human service agencies and public libraries from five counties, BAIRS is linking the San Francisco Bay Area with an on-line database system. Its purpose will be to distribute information on health and human services, provide community feedback to government, and information to non-profit organizations.

BAIRS consortium members are: Bay Area Library and Information System (BALIS—Alameda, Contra Costa, San Francisco Counties); Contra Costa Library; Eden I&R Inc. (information & retrieval—Alameda Co.); Marin County Free Library; Peninsula Library System; United Way of the Bay Area (San Francisco); and Volunteer

Center of Marin County (Hofmann, 1990). BAIRS received a grant from the Library System of California (LSCA). On October 1, 1990, it will expand to Santa Clara County (Hofmann, 1990a).

The main services BAIRS provides are: on-line access; computer searches and printouts; mailing labels; specialized directories; regional directories; clubs and organizations directories; directories of human services; and other customized outputs. BAIRS also provides training and technical assistance to other agencies, as well as coordination, development and provision of regional products and services (Hofmann, 1990).

FOR JOB SEARCH

Job Match is operated by the California Employment Development Department (EDD), and is one of the State of California's largest service providers and information brokers. The staff at the EDD decided to establish an on-line database system with many job openings and records of persons looking for work. Residents in the State of California can access one data base from over 275 EDD service points throughout California. A database like Job Match provides a model for expanding information about job openings in San Francisco and other cities that have on-line community networks (King, 1990).

ACCESS TO CITY HALL

In February of 1989, the City of Santa Monica started Public Electronic Network (PEN) as an addition means of communication between citizens and local officials. The goal was to make government more accessible the residents. The five key objectives for the network are: 1) to provide a new means of providing public information to the

residents of Santa Monica; 2) to provide an alternative means of communication to local government and other residents of the City; 3) to facilitate the process of delivery of information and public services to the residents; 4) to set up an electronic forum so that residents can communicate about themselves regarding community issues; and 5) to open up to all residents of the community the opportunity to communicate, and have access to government information (Barrette, 1989: p.178).

In 1987, Santa Monica considered a community access computer network system. The City surveyed its residents, and found that 1/3 of them had access to a computer, either at home or at the office. The study also revealed 23% of the computers were equipped with modems, which would enable them to use existing phone lines. The respondents indicated interest in several areas: 1) seventy percent wanted more information on City services; 2) sixty-eight percent wanted access to the Library's on-line card catalog; 3) fifty-six percent wanted to communicate with City Hall; 4) fifty percent wanted to have on-line access to the City Council, and the different City Commission agendas, meeting schedules and staff reports; and 5) forty-eight percent wanted to be part of an electric community bulletin board system, so that they could share their comments with other citizens (Barrette, 1989: p.181). Santa Monica's PEN system is an excellent example of how computer technology can be used to open up new avenues of communication between the residents and government, for provision of services. In order to use PEN one has to register with the City, thus limiting its access. Santa Monica has taken the lead in showing that government can provide on-line communications technology to the residents of

a local urban area.

THE SAN FRANCISCO CASE

This author provided recommendations to the City and County of San Francisco for implementation of a plan for a City-wide on-line system. Through this system the public would have access to government information, and through public interest forums, be able to communicate with other residents and government offices. Users would also be able to communicate with elected government officials and civil service employees through an electric mail system.

The Electronic Information Processing Steering Committee (EIPSC), better known as "Icepick," is the City's central clearing house for approving and coordinating all of the City's computer related programs and computer equipment purchases. Icepick seems the logical committee to coordinate the City's implementation of an on-line computer system.

A Citizens' Advisory Committee made up of San Francisco community leaders should be set up to help advise Icepick on the types of information that should be accessible to the citizens. The Citizens' Advisory Committee would help develop strategic plans and help define the mission and goals of the on-line system. The committee could help define the criteria and priorities for the types of information that should be accessible to the public, and help in evaluating the on-line system once the system is in operation.

If it is established that there is a need for an on-line computer system in San Francisco, the question becomes: how accessible will the on-line computer information system be to the general public? Santa Monica requires all users of its system to register. While the registration is free,

the system is restricted to residents of Santa Monica. The Community Memory system is open to everyone, with one registration required. San Francisco's on-line system could be open to everyone, with no registration required to use the system. For those who use their home or office computer to gain access to the system, registration can be required in order to monitor use of the system.

Once the idea of an on-line system is accepted, the next area of concern would be to determine what information is to be on the system, and who has control over what information in each database. Each department should be responsible for its own database. For example, the Department of Public Health would be responsible for all of the information in the database that contains information in relationship to Public Health matters, and the Public Library Commission would be responsible for the library database.

San Francisco can learn from other examples of how government and nonprofit organizations have used on-line computer technology. Informational databases from outside the City could be imported into the system. The State of California's Job Match database list of job openings in the City of San Francisco would be a very useful information source for the residents of the City. The Job Match database would list only the type of job, wages, and job requirements, but not the employer. A person interested in a job listing seen in the database would either phone or visit the local Employment Development Department office. BAIRS' database of Social Service agencies in San Francisco would be a very useful informational data base that could be included in the City's on-line system.

Some of the aspects of the Community Memory system might meet the needs of San Francisco.

Non-profit organizations could describe their organization and solicit volunteers.

Extent of information about non-profit organizations would be left to the discretion of the City. Likewise, San Francisco could also consider charging for product and service advertising space, through the bulletin board section of the system.

The idea behind Community Memory was that on-line computer technology can provide needed information and a better means of community communication. The Santa Monica example could show San Francisco how effective an electronic mail system can be for increased access to government leaders and department heads.

One important question to be answered is where public terminals will be located. The public terminals could be at City Hall, the Main Library, and its branches, San Francisco General Hospital, and District Health Centers. Additional terminals they could be placed in colleges and public schools.

As the system is developed, public instruction will be required. The Citizens' Advisory Committee could be very helpful in this area. Existing Information Service Division training for City workers could be expanded to publicize the new on-line system. Printed matter and information at each terminal will have to be developed to make use of the system as easy as possible for the residents.

The Citizens' Advisory Committee will play an important part informing residents about the new on-line system. The Committee could play an on-going role in developing and expanding the on-line system, and help with any future problems which may arise. The on-line system can open up the means of communication so that information can start at the bottom, or with the average resident, as a way of communicating with large numbers of other individuals, and go to the top—to the com-

munity leaders. Local residents of a community like San Francisco would be able to communicate with each other without depending on the mass-media, a mode of communication to which they have almost no access.

Three important factors for successful implementation of such an on-line system are: (1) advocates within the municipal leadership; (2) self evaluation of the system; and (3) a creative funding plan. Santa Monica, whose computers were provided as part of a partnership agreement with Hewlett-Packard Co., is an example of this.

The on-line computer system has great potential for opening up the means of communication, and for creating a new means for providing information to the residents of the City of San Francisco, and other municipalities. It is up to the residents and the leaders of the City to provide the on-line system an opportunity to prove its value to the community.

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Source Reduction Strategies for Plastic Packaging

BARBARA BERNARDINI

The Environmental Protection Agency (EPA) estimates that Americans generate 160 million tons of municipal solid waste (MSW) more than one half ton per person per year, and the amount is rising at a rate of over one percent each year. Currently 10 percent of the MSW is recycled, 10 to 15 percent is incinerated and 80 percent or 130 million tons is disposed of in landfills. According to the EPA, more than half of our existing landfills will reach their capacity by 1995. California's landfills will reach capacity by 2000.

Declining land fill capacity is only part of the waste management crisis. Just as serious are the environmental and public health problems created by solid waste. Garbage pollutes oceans and beaches, landfills pollute the water supply and toxic emissions pollute the air.

Plastics are the fastest growing component of the solid waste stream, increasing from one percent in 1960 of all MSW to 7.2 percent in 1984. This accounted for a 720 percent increase in plastic waste. Unlike the other components, i.e., paper, metals, glass, and yard waste—which are recyclable, plastics present unique problems which have not been addressed in solid waste management planning.

Packaging represents an extraordinarily high percentage of the waste stream—at least one third of all municipal residential wastes. The average consumer uses approximately 60 pounds of plastic packaging a year. Production of packing materials creates a staggering amount of waste. In 1987 12.7

billion pounds of plastic packaging resins were used. This figure is expected to almost double to approximately 23 billion pounds by the year 2000. In addition, production of plastic resin generated over 5 million metric tons of hazardous waste, while the processing end of plastic production generated 88.7 million metric tons.

While environmental regulations have addressed the front end of plastic production such as air emissions from the plants, the back end where the product is discarded and becomes solid waste or litter may have longer lasting implications.

Plastics are problematic in the landfill. When they get wet the plastic additives leach into the soil, contaminating the ground water. Also, plastics are non-biodegradable, so while other landfilled materials eventually break down, making room for more waste, plastics remain. They also inhibit the degradation of other materials in contact with them.

POLICY OBJECTIVES

Policy solutions and programs should be aimed at preventing or minimizing the amount of plastic packaging waste at each stage of production. The stages include pre and post production of the plastics used in packaging, production of the packaging and post consumer waste. Prevention refers to the manufacture of goods to reduce

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toxicity and to consumers buying products that are less toxic and more durable.

CONSTRAINTS

As well as being the fastest growing segment of the waste stream, plastics are also the newest component and undoubtedly the least understood in terms of impact on the landfill. Typically solid waste is measured by weight. However, because plastics are so lightweight, it is argued that a more realistic measurement would be by volume. In general the current method of waste stream analysis is being questioned because now waste is estimated by what is likely to be discarded based on what is manufactured. Critics argue that it is impossible to come up with a waste management solution if we don't have an accurate measure of what is in the landfill.

In addition, little analysis of the packaging materials has been conducted, but most of the materials used in packaging such as paper, plastic and glass may be sources of toxic substances. In particular, plastic contains 2 percent lead and 28 percent cadmium, plus many other additives.

It will be difficult to estimate whether and when prevention, particularly in terms of quantity, might have significant effect on MSW. As there is no standard way of defining and measuring prevention, it can be difficult to know when it occurs.

State and local officials can do little to influence manufacturers of products from out of state. In addition legislation aimed at manufacturers will be hotly contended. For example, the bottling industry fought the bottle bill legislation for years before it passed in 1986. Legislators in general have shied away from legislation that would appear to raise production cost and thus threaten

competitiveness and jobs.

Finally, there is an incredible number of products on the market; consequently, it will be difficult to target products and to avoid discrimination in selection of the target population.

CAUSAL FACTORS OF INCREASED WASTE GENERATION

Single use, non-recyclable packaging made entirely or partially from plastic, such as the squeezable plastic ketchup bottle, in many cases replaced recyclable packaging, e.g., the glass ketchup bottle. In the 1940s and 1950s there was a wide variety of reusable products made from a variety of materials including glass, rubber, paper, cloth and metals. Technological development and development of new products including synthetics contributed to the decline of recyclable packaging. The "petrochemical revolution," according to Blumberg and Gottlieb in *War on Waste*, "...fundamentally restructured the consumer product industry, displacing a wide variety of reusable, recyclable products."

The industry favors plastics as they are cheap, durable and lightweight. Manufacturers as well as wanting to protect their product from spoilage, damage and theft are also concerned about transportation costs, and marketability.

Whether convenience items were created in response to consumer demand or manufacturers created the demand is debatable. Either way, convenience packaging (microwave foods, fast food) or convenience products (disposable diapers) have proliferated.

These products are generally not recyclable, as plastics degrade when heated, rendering them unusable, particularly for food, drugs or cosmetics. So while recycling is becoming a popular method

for dealing with paper, glass, metals and yard waste it is not an option for most plastics.

STRATEGIES FOR REDUCTION

1. Set goals to reduce the amount of MSW. Since MSW generation is increasing by one percent a year, an initial goal could be one percent per year reduction. There will be difficulties as outlined earlier in measuring reduction, especially for small percentages.

2. Identify and eliminate toxic substances from packaging materials that become MSW. While toxic substances can serve important functions in products there has been some success in using benign substitutes, e.g., replacing metal based inks and lead based paints. Ideally this would be handled by the EPA. To date they have not been involved in the MSW issues, confining their efforts to hazardous waste.

3. Establish an information clearing house with technical and economic data on labeling, MSW generation, sources of toxic substances in MSW, trends in products and packaging, actions that both consumers and manufacturers can take to reduce MSW. Smaller companies with limited technical resources could benefit by and make use of the techniques developed by others—product design changes and chemical substitutions, for example.

4. Both manufactures and consumers need to know how their decisions about products affect MSW generation, especially the plastic component. They also need to know what options exist for making changes that lead to MSW prevention. There is ample research to suggest that Americans are environmentally concerned are willing to change their purchasing habits. A survey conducted by the National Solid Waste Management Association in 1988 found that, "Americans ranked garbage disposal second only to improving education as the most serious problem facing local officials." A 1987 survey conducted in Massachusetts found that 97 percent of the respondents wanted manufacturers to develop substitute non hazardous products. A 1988 survey by Gallop found that 50 percent of Americans would change their buying habits and purchase beverages sold in recycled or recyclable containers.

5. Develop standards for an "environmentally safe" logo or symbol to be used on product labels. Manufacturers could use these labels or symbols only if their product conforms to the standards. Germany, France, Canada and Japan have labelling programs. In each case the manufacturer pays an independent testing facility to test their product.

6. Require manufacturers to list packaging material contents on the label in addition to the contents of the product.

This will help the consumer to make an informed choice regarding both the product and the packaging.

7. Impose tax on packaging and containers and vary the tax, depending on whether the product is recyclable or made from recyclable materials. The tax could also be levied on products that are more toxic. The fees might influence decisions regarding product design and manufacturing. The revenues generated could be used to offset costs of MSW prevention programs.

8. User end fees could be levied on all MSW sent to management waste facilities. Consumers would be billed by the waste hauler to recover fees. This could influence consumers purchasing decisions. For example, they might avoid single use packaging. The consumers decisions in turn could impact the manufacturers choice on packaging materials. Again, these fees could be used to fund prevention programs. A potential risk is that the fees could lead to illegal dumping by consumer and hauler.

PREDICTED OUTCOMES

Reducing the amount and types of organic chemicals in landfills would mean less air pollution from volatile organic chemicals and less toxic leachate in the landfills. Quantity reduction would mean that the life of existing and future waste management facilities would be lengthened.

EVALUATION CRITERIA:

In the resource manual, Achieving Optimal Waste Recycling and Source Reduction, the authors cited criteria to evaluate policy alternatives for recycling programs. These criteria could be adapted for assessing source reduction policies.

The authors state that until recently the cost of waste disposal has been "...artificially low because not all environmental maintenance and post closure control measures were included in long term management of disposal sites...the environmental costs of traffic, noise and aesthetic deterioration have also generally remained externalities not paid for by users of waste disposal facilities." Consequently, much of the true costs of disposal were hidden and the total real costs vastly understated.

The costs of source reduction programs then will be partially offset by the benefits of waste reduction. The following factors should be considered:

- Source reduction may reduce costs for waste collection, transportation, and landfill disposal.
- Source reduction will reduce size and capacity requirements for disposal facilities resulting in lower construction costs.
- Source reduction and recycling may also delay the need for new or expanded MSW facilities. These delays result in savings in addition to those resulting from smaller facilities.
- Environmental savings, while difficult to quantify should be considered in the economic analysis of source reduction.

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Photo courtesy City of Brisbane

The Saga of San Bruno Mountain

LORNA GROUNDWATER

When apprised of the fact that San Bruno Mountain in San Mateo County is the largest chunk of protected open space left next to a major metropolitan area in the continental United States, many people ask, why is it still there at all? How is it possible that it exists, virtually untouched, "rising like an enormous island above a sea of urbanization" (Brisbane, 56)? In an attempt to answer these questions, this paper is intended to address the following issue: To what extent can the public, individually and through their public agencies, influence development on private land? The ongoing controversy surrounding development on San Bruno Mountain is used as a case study. By focusing on several key turning points in the saga of San Bruno Mountain, this paper traces the evolution of one development—the Northeast Ridge—from the inception of the Westbay Plan in 1967 to the plan approved by the Brisbane City Council in 1989.

1967—EMPOWERING THE PEOPLE: THE GARBAGE WARS AND THE WESTBAY PLAN

Against the bland backdrop of a homogeneous America of the 1950s, the inaugural address of John F. Kennedy in 1961 presented a vivid contrast to the complacent conformity of the Eisenhower years. The charismatic young President spoke in vibrant tones of new hopes, new ideals, and a new society. He challenged a generation of American youth to question current values and to put the needs of the nation before their own

desires, and a generation of youth, inspired by this enthusiastic idealism, answered the call. But if the President was the most visible of those questioning the status quo, there were other voices who were challenging authority in every segment of society: the voices of Rachel Carson, Edward Abbey, David Brower, and others who were beginning to believe that America's way of life was destroying the very quality of life. Nowhere were people more ready to hear the message than in the San Francisco Bay Area.

In the early 1960s, a map published by the U.S. Army Corps of Engineers came to be the battle standard beneath which growing numbers of Bay Area environmentalists would rally (See Figure 1). The map showed San Francisco Bay in the year 2020 if all landfills went forward as proposed. The bleak new outline for San Francisco Bay would scarcely be more than a river; hardly the "harbor of harbors" described by Gaspar de Portola two centuries before. Faced with the reality of a Bay already 40% filled in and horrified by the prospect of a Bay reduced to a rivulet in less than 60 years, environmentalists around the region mobilized and waged a successful campaign to create a regional body with regulatory authority over all developments impacting San Francisco

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Bay, with particular emphasis on the environmental consequences of landfill. The result was the creation of the San Francisco Bay Conservation and Development Commission (BCDC).

Anti-landfill sentiment was also growing in the newly incorporated City of Brisbane located at the foot of San Bruno Mountain. Ever since 1906 when San Francisco's debris from the quake and fire had been dumped in Brisbane as an emergency measure, Brisbane had been both unofficial and official dump for the City and County of San Francisco. In September of 1965, the same month as BCDC's formation, Brisbane voters decided that they'd had enough of being "dumped on," and they passed and quickly enforced an anti-dumping ordinance. San Francisco's scavenger company promptly filed a lawsuit against Brisbane. On December 28, 1965, the Brisbane City Council met in a special session for the purpose of interviewing a candidate for the job of special counsel to the City in the upcoming litigation.

It was a dark and stormy night when the attorney was interviewed. The Harvard-educated vice-president of Heller, Ehrman, White & McAuliffe was introduced to the City Council of Brisbane. His name: Caspar Weinberger. And so it was that the future Secretary of Defense had come to Brisbane for a job interview, and was hired to become Brisbane's top gun in the garbage wars (Duro, 1988).

Against this backdrop of growing environmental concerns and anti-landfill sentiment, the Crocker Land Company, owner of San Bruno Mountain, had been quietly coming up with a plan to develop the mountain. For nearly one hundred years, Crocker had left the mountain virtually untouched because of the prohibitive costs of building on its steep slopes. Crocker therefore resolved that if the topography of the Mountain

was preventing development, Crocker would change the topography of the Mountain.

In 1962, Crocker formed Westbay Community Associates with Ideal Cement Company of Denver and David Rockefeller, president of the Chase Manhattan Bank of New York City. Their plan was simply this: to cut off the east ridge of San Bruno Mountain—located directly behind Brisbane—and reduce its elevation by 200 feet. The resulting flat top would become the site for an enormous housing development for an estimated population of 60,000-70,000 people. The 250 million cubic yards of earth thus removed would be carried by conveyor belt over Brisbane to waiting barges in the Bay, which would then dump the earth into the nearly 10,000 acres of tidelands owned by Ideal Cement, creating yet another enormous site for development. Thus, Ideal Cement would provide the site, Crocker would supply the landfill, and David Rockefeller would supply the financing.

As Westbay prepared to make its formal proposal in 1967, Brisbane won a stunning victory in the garbage wars. In April, the judge ruled that "a city has the power to pass police regulations on the subject of rubbish in order to guard the public health" (Brisbane, 35). The judge's decision had the effect of empowering a small municipality to write its own destiny. David had taken on Goliath and won.

Flushed with its success, one month later, in May, Brisbane joined with the Sierra Club and the Save the Bay Committee in opposition to the Westbay plan. Remembering the success of its anti-dumping ordinance, Brisbane immediately passed another ordinance, this time prohibiting earthmoving by conveyor belt over the city limits. In the face of such strong local and regional opposition to the project, BCDC refused to sanction

it. The strong regional coalitions that were formed to save both the Mountain and the Bay would prove crucial in the battles to come over development on San Bruno Mountain.

1976—THE PEOPLE TALK AND THE POLITICIANS LISTEN: THE SADDLE IN OPEN SPACE AMENDMENT

In the years since the Westbay Plan's defeat, the proposed development on San Bruno Mountain had changed locations, names, and developers. By early 1961, it was located in the relatively flat Saddle area. It consisted of 14,120 units which would house 49,420 people in a high-density, highly urbanized development named Visitacion Rancho. The development included a shopping center, an office campus, and a world-class golf course, and would also entail rezoning of San Mateo County's General Plan, as it conflicted with the Parks and Open Space Element. So the stage was set for a long process of public hearings, which would give the public ample opportunity to scrutinize the project at every step—and also give opposition ample time to mobilize. Opposition was not long in coming forward. This should have come as no surprise, the project coming, as it did, after the first Earth Day, passage of the National Environmental Policy and Clean Air acts, and following hard on the heels of the turbulent sixties, the motto of which was "don't trust anyone over thirty." With the growing disenchantment of America's involvement in Vietnam, public distrust of the "Establishment"—primarily meaning big business and big government—was at an all-time high, as was support for any environmental cause.

Crocker's initial project had offered parks and open space totalling 1,480 acres, most of which were located on windy, steep, and almost inacces-

sible ridges. With slopes more than twice as steep as many of San Francisco's hills, this proposal was immediately and contemptuously dubbed "Goat Park," since only mountain goats could use it. Opponents took to wearing mountain-climbing gear and even bringing a goat to public hearings (Brisbane, 71). By October of 1971, the population density of the development had been reduced to 37,000 with a single regional park of 1,040 acres. As the County and Crocker continued discussions, the Committee to Save San Bruno Mountain was organized in September of 1971. Starting with three members, by January, it had handed a petition containing 12,000 signatures to the County Board of Supervisors, requesting that the County not make any decision on the development until money could be found to purchase park land in the Saddle.

In July 1972, the development dropped to 12,662 units housing 28,000 people with 1,465 acres in parks and open space. Regional support for a regional park in the Saddle increased when the North San Mateo County Council of Cities voted to ask the County to include more land, and for the first time, the San Francisco Board of Supervisors was heard from when it passed a resolution—co-authored by then-Supervisors Dianne Feinstein and Quentin Kopp—calling for restricted development on the Mountain and the preservation of more park lands. In February of 1974, the Brisbane City Council passed a resolution asking that a congressional committee study the idea of including San Bruno Mountain in the Golden Gate National Recreation Area.

By June of 1975, the proposed project consisted of 7,655 units housing 18,500 people. After analyzing the plans, however, the San Mateo County Planning Department concluded that it would not recommend that any development be allowed in

the Saddle. Their report stated: "It must be noted that in amending the General Plan, the burden of proof rests with the applicant." The report continued: "Staff is of the opinion that the applicant has not demonstrated conclusively that the economic and social benefits outweigh the public costs and adverse environmental impact of this proposed development" (Brisbane, 75). The department's preferred alternative would allow development on the Northeast Ridge and South Slope but leave the Saddle in open space.

Regional opposition to the project—now called Crocker Hills—continued to grow, and in July of 1975, San Francisco Supervisor John Molinari joined his colleagues Quentin Kopp and Dianne Feinstein (for perhaps the first and only time) in opposing the development, primarily because of concerns about traffic congestion impacting San Francisco. The project which had started off being an issue of local concern had now turned into a regional battle, which was soon to reach the State when the Legislature allocated \$4 million to help purchase park lands on the mountain.

After intensive lobbying by both sides, on March 16, 1976, the Board of Supervisors adopted the Saddle in Open Space Amendment which allowed development on the Northeast Ridge, South Slope, and Western Ridges, but left the Saddle as open space to be included within the regional park. It was a sweet victory for members of the Committee to Save San Bruno Mountain, which had started in 1971 with three members and had grown to nearly 8,000 members by 1976. It seemed as though the decision was final, but the battle continued in the Legislature as Lou Papan, a pro-development assemblyman from Daly City, tried to block the allocation of the \$4 million which had been set aside for purchase of the Saddle. A compromise was reached, but supporters of open

space on the Mountain would not soon forget Papan's attempted roadblock.

During the course of the hearings involving development on San Bruno Mountain, many issues were raised and discussed: no growth vs. pro-growth; open space vs. development; parks vs. housing; conservation vs. construction jobs; recreation vs. preservation; traffic congestion, air quality, seismic safety, and public services. However, one issue seemed to be as important as it was difficult to articulate, and that was the public's fundamental sense of betrayal at the thought of private development on the Mountain at all.

For well over a century, the communities surrounding the Mountain had looked to it as their own private public park, as a wilderness area, and as a refuge—in effect, as public open space. In the minds of the public, the Mountain was much more than a site for future development or "leftover land" (Friedman, 1979). The Mountain had always been public open space and should always be public open space, as though public use constituted public ownership. By delaying development on the Mountain for so long, therefore, Crocker was now faced with a public which increasingly viewed Crocker's attempts to develop San Bruno Mountain as a privatization of public lands—with all the sense of betrayal and public outrage such an act would create. This engaging of the public's passion combined with the extensive public process guaranteed that the politicization of private development would continue, a trend which would intensify after passage of Proposition 13.

1980—THE LINES ARE DRAWN: LAFCO'S DECISION

Another blow was dealt to Crocker and the developer, Visitacion Associates, by San Mateo

County's LAFCO. Brisbane had been granted a tentative sphere of influence by the County in 1972 for both the Northeast Ridge and Crocker Industrial Park, a lucrative source of sales tax revenue. At that time, Crocker had supported annexation to Brisbane. When hearings were held in 1979, however, that situation had changed. Because of Brisbane's strong leadership role in opposing development in the Saddle, Crocker now wanted the sphere of influence to be granted to Daly City, a city noted for its friendly disposition toward developers. Such a decision would give Daly City all of the benefits of Crocker Industrial Park's tax base with virtually none of the negative impacts of the proposed development; namely, increased traffic congestion, dust, noise, air pollution, and visual pollution, plus all of the necessary and expensive infrastructure improvements that Brisbane would need to make to its sewer system and streets to serve the populace of another city located only a few blocks away. Brisbane, on the other hand, not only wanted the tax base provided by Crocker Industrial Park, but it also wanted control over the development which was going to be an highly visible part of Brisbane's landscape.

In the eyes of many, Brisbane's concern about the makeup and appearance of any project which might be developed by Crocker and Daly City was well-founded. Both developer and city had well-deserved reputations for environmentally insensitive developments, stretching back to the early 1960s when the Serramonte development was the inspiration for Malvina Reynolds' hit song "Little Boxes." The "ticky-tacky" nature of their joint development was also profiled in an unflattering article in *Life* magazine on poorly designed urban developments. The title of the article was "The Villains Are Greed, Indifference—and You," and it was accompanied by a picture of the Daly City

string-of-pearls housing development on San Bruno Mountain, the caption reading: "Marching in Indian file on the flanks of the San Bruno Mountains in California, tract houses reveal the dreary tastelessness that despoils more and more of America's natural beauty" (*Life*, 1965). The development even inspired the coining of a term for such "dreary" developments: Daly Cityzation.

Clearly, if the County wished to show some sensitivity toward the environmental concerns expressed by many of its citizens over the past two decades, allowing Daly City to have any further control over development on San Bruno Mountain was not the way to prove it. Accordingly, on April 3, 1980, the San Mateo County LAFCO voted to give Brisbane sphere of influence over the Northeast Ridge and Crocker Industrial Park. It would seem at this point that the, by now, 1250-unit Northeast Ridge project could go ahead, but on April 8, 1980, the U.S. Fish and Wildlife Service (USFWS) announced that that the Callippe Silver-spot butterfly had been proposed for listing as an endangered species. Its habitat included three areas of San Bruno Mountain: the South Slope, the eastern ridge, and the Northeast Ridge. The project came to a dead halt.

1982—THE FEDS ENTER THE PICTURE: THE HABITAT CONSERVATION PLAN

With the entrance of the USFWS into the picture, any development or lack of development on the Mountain would now take on national implications. As it turned out, the Mountain had already been listed in 1976 as habitat for two other endangered butterflies: the Mission Blue and the San Bruno Elfin. Under Section 9 of the Endangered Species Act (ESA), the "taking" of any endangered species is prohibited—meaning that

it's against the law to either kill the creature or destroy its habitat. However, the Act did not provide any specific guidelines as to the presence of endangered species found on private land, and a 1978 amendment to the Act included provisions that allowed exemptions to the Act "in cases of irreconcilable conflict." With the election of Ronald Reagan as President in 1980 and his appointment of James Watt as Secretary of the Interior, support for environmental causes appeared to be waning, at least on the national front. As a result, there was a very real concern that the Endangered Species Act would be gutted by Congress, the President, or the Department of the Interior.

Environmentalists who had worked to preserve open space on the Mountain were presented with two alternatives: one, take a hard-line approach and interpret the ESA to apply to private land, thus risking the entire Act being neutralized by an increasingly conservative, anti-environmentalist Congress and President; or, two, find some way of accommodating both the butterflies and development on the property. The environmentalists, being represented by the Committee to Save San Bruno Mountain, took the latter course. The compromise which was worked out by counsel for the Committee and the president of Visitation Associates (Crocker) laid the groundwork for what would eventually become known as the San Bruno Mountain Habitat Conservation Plan (HCP).

The consultant which prepared the HCP proposed a carefully phased construction of the development which would initially kill some of the butterflies and destroy part of their habitat, while at the same time reinvigorating and restoring undeveloped habitat areas to ensure an adequate habitat and ongoing food source for the butterflies. Another chief component of the HCP was a method of financing the restoration and conservation of the

butterfly habitat. Annually, \$60,000 would be set aside through developer fees and a tax in perpetuity on homes and retail space on the mountain. This plan was historic for several reasons: one, it was the first time developers and conservationists had worked together on a plan to restore and preserve habitat; and, two, it was the first environmental protection plan to be financed in perpetuity from private sources.

On September 14, 1982, the San Mateo County Board of Supervisors voted unanimously to approve that HCP, and on October 13, 1982, the U.S. Congress passed an amendment to the Endangered Species Act which dealt specifically with the issue of endangered species on private land. Section 10(a) allowed for limited "taking" of such species only with the intent of enhancing survival of the entire species. Signatories to the HCP included the city councils of Brisbane, Daly City, South San Francisco, the San Mateo County Board of Supervisors, the USFWS, and the U.S. Department of the Interior. With the battle over the Mountain seemingly over, approval for the annexation of Crocker Industrial Park and the Northeast Ridge was not long in coming. On June 15, 1983, LAFCO voted to allow Brisbane to annex both.

1985—THE PRIVATE RIGHT TO DEVELOP VS. THE PUBLIC'S RIGHT TO SELF-DETERMINATION: THE NORTHEAST RIDGE LAWSUIT

By April of 1985, the development on the Mountain had undergone one change of jurisdiction, three changes in location, four developers, four name changes, seven landowners, an amendment to the County's General Plan, and an amendment to the U.S. Endangered Species Act. During the process, it had been scaled down from a highly

urbanized city of 60,000-70,000 people to a housing development of 1250 units. It would seem that nothing could now stand in the way of the development, nor could anything happen to alter the face of the project. However, a vote taken by the Brisbane City Council in May of 1985 radically changed that perception. At issue was its approval of the new Housing Element to the General Plan, and a specific provision which would seem, on its face, to limit new construction in the city to 32 units per year.

On May 13, 1985, the Brisbane City Council voted to approve the new Housing Element. On May 14, 1985, Southwest Diversified, the developer, filed suit against the City and the three city council members individually who had voted for the new Housing Element. On June 21, 1985, Visitation Associates, owner of the Northeast Ridge, also filed suit against Brisbane. On August 9, 1985, the County entered the picture when the Board of Supervisors voted unanimously to file as an intervenor in the developer's suit against the City. By the summer of 1986, the State legislature had become involved in the lawsuit against Brisbane in the person of Assemblyman Dominic Cortese. After months of intensive lobbying by developer, landowner, and, once again, pro-development Assemblyman Lou Papan, on August 11, 1986, Cortese added an amendment to an Assembly bill that would allow a county LAFCO to deannex property from a city. The amendment was obviously an attempt to intimidate Brisbane and was quickly dubbed the Brisbane Amendment.

In addition to being denounced by the Brisbane City Council, the League of California Cities, the state association of LAFCOs, and environmental groups, the attempt to coerce Brisbane through State legislative action was strongly criticized in Sacramento and San Francisco editorials. The

San Francisco Chronicle stated, "This kind of political blackmail is unacceptable. Brisbane's land use policies should be determined in Brisbane, not in Sacramento" (*San Francisco Chronicle*, 1986). Cortese withdrew the amendment on August 21, 1986. On August 25, 1986, the Federal District Court threw the suit out of federal court, ruling that "the dispute remains primarily a conflict between a developer and a local government over the application of California land use law." The developer was not the only loser in this battle, however. In November of 1986, Independent candidate Quentin Kopp won an upset victory over his Democratic opponent in the race for a State Senate seat which had never been out of Democratic control. The Democratic loser was pro-development Assemblyman Lou Papan.

Having won only a reputation for attempting to leverage a small community, and having lost at every level—city, county, state, and federal—the developer, Southwest Diversified, adopted a different strategy. On the same day that the lawsuit was thrown out of federal court, Southwest Diversified met with the Brisbane City Council to enter into mediation. On November 6, 1989, the City Council approved a plan for development of the Northeast Ridge which included 589 units of mixed single-family, townhouses, and stacked flats on 84.3 acres, together with a 7.7 acre park-school site, and a total of 135 acres to be restored and managed by the HCP manager. In December of 1989, environmentalists were handed a nice Christmas present by the California Wildlife Conservation Board, which voted to acquire the 91 acres comprising Owl and Buckeye Canyons on San Bruno Mountain in what was the most expensive per-acre expenditure of funds in the Board's history. Joining together in lobbying for the acquisition were some strange bedfellows: the City

of Brisbane, the developer which had sued the City of Brisbane, and a radical group of environmentalists which was threatening to sue both of them. All in all, it was a rare show of unity for the very issue which had been pitting these groups against each other for 25 years.

The saga of San Bruno Mountain has largely been the saga of land use and all the conflicts that implies: conservation vs. construction jobs; no growth vs. pro-growth, open space vs. development; parks vs. housing; and, finally, the right of a private property owner to develop vs. the right of a community to determine its own destiny. The controversies surrounding these issues which are local to San Bruno Mountain have had regional impact, and, in the case of the Habitat Conservation Plan, have resulted in landmark federal legislation, but the story of San Bruno Mountain is far from over.

In January of 1990, Bay Area Mountain Watch, a dissident offshoot of the Committee to Save San Bruno Mountain, filed a lawsuit against both the developer and the City of Brisbane. Having lost in the lower courts, the plaintiffs appealed to the State Court of Appeals where a decision is expected to be issued in the late spring of 1991. Upon certification of the Northeast Ridge project's final EIR, the same plaintiffs filed an additional lawsuit against the City of Brisbane, alleging noncompliance with the California Environmental Quality Act (CEQA) and due process.

Mark Buell, vice president of the developer, Southwest Diversified, characterized this latest suit as "clearly a delaying tactic—nothing more," and stated, "We are confident that the plaintiffs' causes of action have no merit; we are confident that the City complied with all the requirements of CEQA and due process. We have put eleven years into this project and we intend to complete it."

Clearly, the saga of San Bruno Mountain is a story to be continued.

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Economic Forces in the Creation of a Modern Cluster City: The Case of San Ramon, 1980-1990

DAVID M. POZERYCKI

During the decade of the 1980s, a remarkable transformation overtook the sleepy San Ramon Valley, located just southeast of Walnut Creek in Contra Costa County. Beginning the decade as a mostly rural 'bedroom' area for the Concord—Walnut Creek juggernaut, the San Ramon Valley grew faster during the 1980s, in both population and employment, than any other area in the county. By 1990, the city of San Ramon had incorporated and boasted a population of 35,700, an increase of 176% over the 1980 figure for that area (ABAG, 89). This brought San Ramon to par with established Contra Costa cities such as Danville and Martinez. Even more startling was the increase in the number of jobs in San Ramon. The valley started the decade with some 5,329 jobs in 1980. Ten years later, that figure stood at 24,110—an increase of 452% (ABAG, 89). Certainly, the whole county was experiencing growth during this period, yet even compared to the average employment increases for comparably sized cities in Contra Costa (134%), this growth was prodigious.

This paper addresses the factors in San Ramon's development during the eighties. This growth can be characterized as an example of the multinucleation of suburbs described by Anas and Moses—a process by which suburbia is transformed from residential use to nodes of employment activity (Anas and Moses, 90). As the distinguishing factor of San Ramon's development was the presence of advanced service industries, this

paper will discuss the elements in San Ramon that stimulated advanced services growth. The business location function is represented by these variables: space rental costs; transportation; relative real wages; the local government's tax-service package; private business services; and agglomerative factors.

THE BUSINESS LOCATION DECISION: FACTORS IN SAN RAMON

Anas and Moses cited high space and construction costs as disincentives for the expanding advanced service industries to fulfill their growth needs in the central cities, while improved communication and transportation capabilities facilitated the expansion of services in the suburbs (Anas and Moses, 90). These latter two conditions were the strongest forces in the growth of San Ramon. The nearby central city, San Francisco, was becoming expensive for service industries to operate in during the 1980s, while San Ramon offered inexpensive developable space readily accessible via interstate highway. The other factors of the business location decision—relative real wages, the tax-service package, private support services and agglomeration—had their effect as well, and a discussion of their roles will follow.

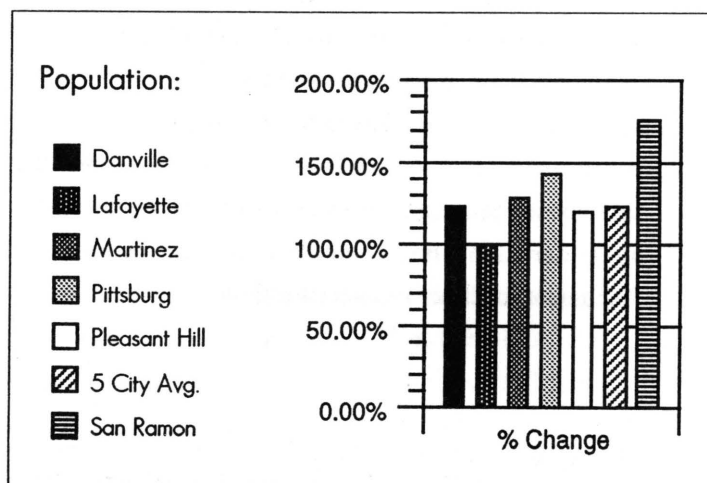
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SPACE RENTAL COSTS

The variable primarily associated with the attraction of industrial development to suburban cluster cities is low cost office space, due to plentiful land for development. The impact of this variable was strong in the case of San Ramon's growth. Expansion southward from the Concord area is hindered by Las Trampas Ridge, but south of the ridge the San Ramon valley opens, encompassing an area of 122 square miles (CCCPD, 77). This area is wide and flat, and thus provides an ideal surface for industrial development. Furthermore, as 1980 approached, it was still mostly open. The figures given in the San Ramon Valley General Plan (1977) cited 65,000 units of open space in the valley, versus 7000 units of residential (mostly single-family homes) and a mere 700 units of business usage (CCCPD, 77).

Space alone does not insure growth; open space must be developed before a city can attract large service employers. Industrial development of the San Ramon valley was concentrated by the establishment of the Bishop Ranch Industrial Park by Sunset Development Corporation. Located on 585 acres of flat, formerly agricultural land along I680,

Bishop Ranch was purchased by Sunset in 1978. The CEO of Sunset, Alexander Mehran, originally intended to develop the parcel as residential, but the post-Proposition 13 real estate climate was more amenable to commercial development (Temko, 1/9/84). Sunset's analysis of building costs told them that they could provide large square footage rentals at a cost of \$15/square foot (Temko, 1/12/84). This was a tremendous comparative advantage to San Francisco's rental costs at the time, which were averaging \$30/square foot (*SF Chronicle*, 6/1/82). Furthermore, service industries in San Francisco were finding it increasingly difficult to rent the large square footage areas necessary for efficient service production. Rental floor space of 50,000 square feet was expressed as "impossible" to acquire in San Francisco by 1984 (Temko, 1/9/84). This was precisely when Bishop Ranch, half completed, was offering large rental spaces for half the cost of comparable locations in San Francisco. Mehran's investment was proving to be a boon to businesses located in San Francisco that were seeking expansion space, and Bishop Ranch became the industrial center of San Ramon: the park has the capacity to support 23,000 jobs and has parking for thousands of autos—4,300 at the Chevron complex alone (Temko, 1/12/84).



Percent change in population, 1980-1990.

TRANSPORTATION

San Ramon's open space would have been useless to service industries if not for the easy access by automobile and truck to the valley. (Rail service was abandoned in 1981.) Located along I680, the Valley did not share the expansion of Contra Costa following the initial widening of that artery in 1975 (CCCPD, 77). Yet the nearby interchanges with Highway 24 (to the north,

connecting with Oakland) and Interstate 580 (to the south, connecting with the Central Valley), with the 680 route connecting from Concord to Silicon Valley, placed San Ramon at a strategic position in the transportation network.

Transportation had to be addressed vis-à-vis worker access as well, for San Ramon was not planned to offer enough housing to accommodate the forecasted population of 80,000 supported by the park's employment (CCCPD, 77). It was thought at the time that the freeway system would be able to handle the intra-county commuters generated by Bishop Ranch. With easy highway access to other residential areas, Mehran's vision of a dream development from which workers could be home by 5:30 (Nolte, 1/9/84) coincided with the belief of Anas and Moses that workers would "choose homesites and job locations that reduce the average length of the work trip." (Anas and Moses, 90) Mehran had foreseen this desire and saw Bishop Ranch as an opportunity to fulfill the supply variables for the workers he envisioned using his park. This brings us to the next variable in the equation.

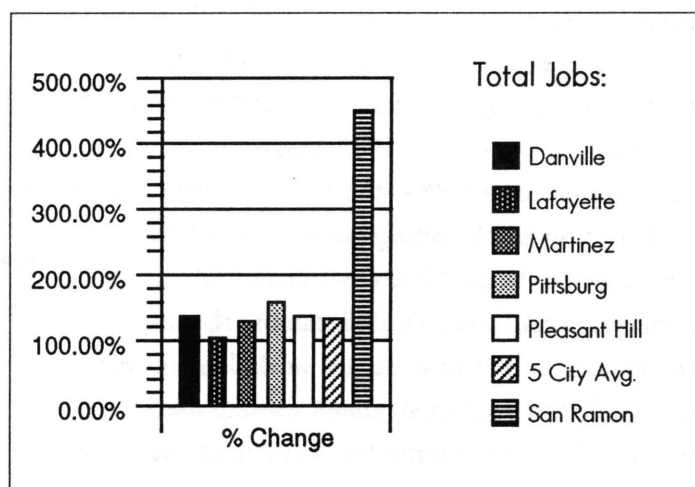
WAGES

Literally, the wage variable represents the average real wage paid to workers at a specific location. However, this variable must—as any price—carry a complex amount of information. In this case, I will use the wage factor to include the factors relating to the supply of advanced service workers in the area, including amenities and demographics.

For example, if a location is attractive enough to highly skilled advanced service workers that they would accept relatively

lower pay to locate there versus somewhere else, the relative wage of these workers will be lower than in the less desirable location. In fact, this does seem to be the case in Contra Costa County, as the number of Contra Costa residents commuting to San Francisco decreased from 1975 to 1980, even though lower salaries were offered by firms located in Contra Costa (Carroll, 84).

The attraction of Contra Costa, and San Ramon particularly, for advanced service workers is the fulfillment of "the enduring preference of households for lower-density living." (Phillips and Vidal, 90). The prime objective outlined in the San Ramon Valley General Plan, prepared by the San Ramon Valley General Plan Citizen's Committee in the mid-seventies, was to "Develop property with adequate public services while retaining the natural beauty of the region" (CCCPD, 77). The valley at the start of the eighties was "predominantly single-family homes, large lots interspersed with orchard remnants and pasture" (CCCPD, 77). This flavor would be supported by the plan, which restricted medium density housing and prohibited high density housing. Furthermore, this housing was, at the start of the decade, quite affordable—in contrast to any comparable housing in San Fran-



Percent change in total jobs, 1980-1990.

cisco. The availability and affordability of housing was, at this time, a critical factor for Bay Area corporations seeking to attract and retain executives and middle managers (*SF Chronicle*, 6/1/82).

Demographically, San Ramon promised to provide the kind of highly educated workforce typified by the suburbs. San Ramon originally was a residential magnet for upper-middle class families, as its location, central to San Francisco, Sacramento and Santa Clara attracted executives (Polk, 90). These businessmen tend to have college-educated wives; adding them to the middle-class wives and daughters in the area resulted in a plentiful supply of potential white-collar workers, many holding college degrees (Temko, 1/9/84). This is a workforce which fulfills the clerical and secretarial needs of the advanced services Mehran hoped to draw to his Bishop Ranch, and size of this supply was great enough to assure that relatively lower wages could be paid there than in San Francisco.

THE TAX-SERVICES PACKAGE

The effect of local government's tax-service package on the location decision of business has been overshadowed by the market variables of space and labor supply. Beyond the fact that taxes in Contra Costa are well below those of San Francisco—employee taxes, for example, were \$47 per person in Concord in 1982, versus \$305 in San Francisco (Demorro, 82)—the effect of local government services in attracting business was further overshadowed by Mehran's own contributions to services in Bishop Ranch. Besides the obvious landscaping and infrastructure work done in the park itself, Sunset Development contributed millions of dollars to build freeway interchanges to service his property (Nolte, 1/11/84). Also, Sunset

organized its own bus line from Bishop Ranch to BART stations in the area, at a cost to Sunset of over \$100,000 per year (Nolte, 1/11/84).

PRIVATE BUSINESS SERVICES: FACTORS OF AGGLOMERATION

The advanced service industries of the type that characterize cluster cities are not dependent on traditional factors of agglomeration. For the most part, such growth has been centered on outlocation and expansion of back-office operations, not relocation of client-oriented services. This is due to the advances in computer and telecommunications capabilities that allow data manipulation to be done remotely.

Richard Clark of Grubb and Ellis, a commercial real estate firm which handled the marketing for Bishop Ranch, stated in 1984: "We don't want headquarters, but backyard and basement, lower and middle management and *any* business expansion" (Nolte, 1/9/84). This was exactly the type of operations which located at Bishop Ranch, where Chevron described its operations there as "expanded" (*Chronicle*, 2/1/81). Likewise, the other large presences there, Pacific Telesis's huge data handling facility and Toyota's parts warehouse, are operations which rely little on traditional agglomerative factors. In this way, the expansion of San Ramon was able to proceed independent of a variable which would have given an edge to the central city.

THE FINAL ANALYSIS: WHAT PART GOVERNMENT?

Industrial growth in San Ramon was facilitated by pro-development stance in both the San Ramon Valley and Contra Costa County governments (Burress, 84). Bishop Ranch, for example,

was accepted "without a murmur" from the Contra Costa planners and supervisors—even though the area was originally intended for high-density housing (Temko, 1/12/84). This type of unquestioning acquiescence to developers' proposals was characteristic of the Contra Costa review processes during the period, leading to their characterization by Don Marks (from People for Open Space) as the "worst in the region" (Temko, 1/9/84). Indeed, this enthusiasm for development was deeply seated in San Ramon's Supervisor, Robert Shroder, who supported growth to the last: he was the only dissenting vote when the Board of Supervisors adopted new growth curbs in April of 1986 (*SF Chronicle*, 4/30/86).

Although not an overwhelming advantage for Contra Costa County over San Francisco, its nearby rival for business expansion, the political climate had its effect. The slow-growth atmosphere in San Francisco was having at least a negative psychological effect on growth there. Businessmen forecasted increasingly higher operating and expansion costs in San Francisco, especially after the passing of Proposition M and the ascendancy of John Jacobs (who was seen as hostile to growth) to the San Francisco Chamber of Commerce in 1982 (Demorro, 82).

However, it is doubtful that a favorable business climate in the central city could have captured the advanced services expansion. The space needs of the advanced service industry's backoffice operations and its employees proved to be the determinant in the decision to locate in San Ramon. For example, Pacific Telesis's building in Bishop Ranch covers four acres. Including parking for its employees, the space doubles. It is politically and physically inconceivable that a mature city such as San Francisco would gut whole tracts to

facilitate such construction, and inconceivable that the workers for an operation could find housing attractive and affordable in the confines of the central city. The development of San Ramon was a private sector decision, for better or worse—and the nineties will tell.

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Development of Advanced Services in Downtown Oakland

FRANK MCPARTLAND

Throughout the 1970s and early 1980s, the bulk of the public investment in Oakland's Central Business District (CBD) sought office space development through the implementation of such projects as the Oakland City Center. "In its public investment policy in the City Center, the City of Oakland is motivated by a vision of Oakland as a vital urban center where office, government and residential uses are enlivened by retail, entertainment, visitor trade and tourist facilities."

(ABAG, 91)

The City Center is a world class planned business center covering sixteen city blocks in downtown Oakland. When complete, City Center will provide nearly 4,250,000 square feet of first class office space for 29,000 workers and visitors in a carefully planned business environment. The City Center provides convenience retail shops and services, hotel facilities and meeting rooms, ample parking and easy access to BART and other mass transit. At this time, more than 1,000,000 square feet of office space is in place. This space presently serves as world headquarters for the Clorox Company and provides major regional facilities for IBM, Wells Fargo, and a number of major business service and promotional firms.

By promoting projects such as the City Center, the City of Oakland is attempting to project an image of a city receptive to growth from development of advanced services. This paper will examine how successful the City of Oakland has been in attracting advanced services to the CBD, as well as

the Oakland Urban Renewal Plan of 1985. This plan emphasized the development of projects such as the City Center as a way to draw business services to Oakland, and thereby increase growth and employment. In conclusion, there will be an analysis of the problems the City of Oakland faces as it attempts to grow in the Bay Area market. This is a market characterized by intense competition among various cities for advanced service industries.

URBAN RENEWAL PLAN

The City Center project is part of a Central District Urban Renewal Plan implemented by the Redevelopment Agency of the City of Oakland. One of the objectives of the plan includes reinforcing that area of the City Center as an important center for financial, business, and government activity.

Since the early 1980s the Oakland Office of Economic Development (OEDE) has worked to increase the awareness of Oakland's amenity to advanced services growth. The City has based its strategy on the premise that once businesses become familiar with Oakland they will recognize its potential as a base for their operations, and more advanced service industries will be attracted to the City.

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Oakland stressed a number of competitive advantages in the plan. Among these advantages beginning of 1987 the downtown market had nearly 9.4 million square feet of office space, an increase of 2.5 million from 1983. Leasing activity also increased—to 900,000 square feet in 1985 and to 750,000 square feet in 1986. It was stated in the report that "Oakland's office market appears to have reached critical mass and thus entered a new level of activity. Office market conditions throughout the Bay Area have become increasingly competitive since the mid-1980s, as a result of over building in many markets. However, despite the increased regional competition, leasing activity in downtown Oakland has increased rapidly." (Keyser Martson, 87)

DEVELOPMENT OF ADVANCED SERVICES

The Central District Urban Renewal Plan has brought mixed results for the City of Oakland. While many critics have praised the plan, welcoming the surge of commercial real estate development, others still remain skeptical. Critics of the plan say there is not enough housing included in

the project, that the designs do not encourage pedestrian traffic, and that there will be vacant lots in the complex for nearly 20 years.

Oakland faces various other problems associated with Urban Development by advanced services. One of the most prominent problems is the intense competition in the Bay Area for advanced service businesses. Although a number of businesses have chosen to locate in Oakland, it is still losing out to other Bay Area cities. A special report on the San Francisco Bay Area economy, by the Association of Bay Area Governments (ABAG), ranked the Bay Area counties' total percentage of job growth attributed to their primary sector. Of the nine Bay Area counties, seven showed business services as their primary sector. Alameda County (Oakland) ranked seventh out of the seven counties. Oakland's primary competition in the Bay Area—San Francisco, Contra Costa (Walnut Creek and Concord), Marin and Santa Clara County—all ranked above Alameda County.

There are many reasons for Oakland's inability to keep pace with other cities. For example, Oakland lacks the diversification of San Francisco. The economy of San Francisco is anchored by

numerous corporate headquarters, financial centers, design firms and professional services. The Pacific Stock Exchange, West Coast Offices of the Federal Reserve System and Federal Home Loan Bank Services are all located in San Francisco.

Contra Costa County is driven by business services in cluster cities such as Walnut Creek and Concord. The easy access to these cities by freeway and public transportation has made Contra Costa County the relocation site of numerous corporate operations, such as communications and data processing. This has helped to make this area one of the region's



most important economic centers.

Santa Clara County has powered the growth of employment in advance services in the Bay Area for over two decades. This is a direct result of the growth of the computer industry in Silicon Valley. In recent years, San Jose, the largest city in that county, has seen an increase in legal, accounting and other professional businesses servicing the Silicon Valley. San Jose's downtown is being reshaped with new office towers as well as retail and convention centers, all in an effort to lure advanced services to San Jose.

Thierry Noyelle, in his article "The Rise of Advanced Services," discussed the growing significance of development of cities by advanced services. The problems encountered by the City of Oakland in development parallel many of the problems discussed by Noyelle. Noyelle conceptualized that the rise of advanced services, which have provided important sources of new employment in recent years, has affected cities unevenly. The result is the emergence of a four-tier urban system comprised of: 1) diversified advanced service centers; 2) specialized advanced service centers; 3) production centers; and 4) consumer oriented centers. Noyelle believed that the lower ranking centers (3 & 4) would be weak in advanced services and face enormous urban development problems (Noyelle, 83).

The first group, diversified advanced service centers, is characterized by a large employment share in distributive services, corporate activity and public sector services. In the Bay Area, San Francisco would be included in this group. The second group, specialized advanced service centers, is characterized by a large number of central offices of large corporations in a highly specialized industry. San Jose and Santa Clara, driven by the computer industry, would fit into this category.

Noyelle believed that cities falling into either of these two categories would be successful in transforming into advanced service centers or in attracting advanced service industries.

The Oakland Central District Urban Renewal plan was, in effect, an attempt to propel the City of Oakland into one of the first two categories, particularly the diversified advanced service centers category. The City of Oakland, however, lacks many of the amenities needed to become a national or regional advanced service center. Individuals looking for potential employment in advanced services will locate in areas catering to their lifestyles. They will be drawn to areas such as San Francisco, which offers education and information services suited to their interests. In addition, San Francisco offers cultural amenities (restaurants, museums and theaters) which appeal to advanced service employees. In many areas, the City of Oakland is unable to compete with San Francisco's culturally attractive lifestyle.

Those who choose to locate in Santa Clara are attracted to the large amount of open space and educational opportunities for their children. The inability of Oakland to match these amenities causes it to lose many potential employees. The lack of revitalized housing, which appeals to the advanced services employee, makes Oakland a city where many such workers are employed, but do not reside. As a result, the tax base suffers, as does the ability of Oakland to finance public projects. A significant portion of the benefits the City should receive from businesses locating in Downtown Oakland are lost because employees earn wages there, but reside in a different city.

CONCLUSION

The success or failure of the City Center

Project and the Urban Renewal Plan cannot be attributed to one specific condition. It is a result of intense competition, the City of Oakland's image, and other integral aspects of urban development. In order for Oakland to reach its urban development goals, development of advanced services would be appropriate. Now that a significant amount of space is available for advanced services, Oakland must turn its attention to other means of attracting businesses. Incentives such as lower land values and leasing rates alone are not enough to compete in the Bay Area. The City must concentrate on improving housing conditions and providing the amenities advanced services employees desire. Once a balance is achieved between employment opportunities, available quality housing, and cultural amenities, the City of Oakland will be able to develop as an advanced service center.

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