

STEVEN P. DINKIN A Path Forward

# A supreme idea: More female justices for the high court

As Supreme Court Justice Ruth Bader Ginsburg was lying in state at the U.S. Capitol last month, so that our country could bid her farewell, institutionalized sexism was on full display.

Ginsburg, the second woman to serve on the Supreme Court, became the first woman, ever, to be honored in this way.

At total of 33 men have lain in state at the Capitol throughout U.S. history. It is a rare posthumous tribute, dating back to 1852 and usually reserved for government officials. Honoring a woman in this way seems a tad overdue.

The irony is unmistakable: In Ginsburg's view, men and women deserved equal treatment under the law and equal opportunities in society. The fight against sexism — in our most fundamental matters, such as education, workplace discrimination and reproduc-

tive rights — was Ginsburg's life's work.

President Donald Trump's selection of Amy Coney Barrett to succeed Ginsburg on the court will preserve the 33 percent ratio of female justices (three women, six men). This assumes that Barrett is confirmed by the Republican-controlled Senate, of course, which seems like a sure bet.

Should we all cheer the decision? After all, it would seem to ensure that three women will continue to sit on the Supreme Court.

I don't feel like cheering. It strikes me that the high court has an arbitrary glass ceiling of sorts: three seats reserved for women, but no more. Why not more?

Ginsburg herself was often asked when there will be enough women on the Supreme Court. She would respond matter-of-factly: "When there are nine."

People were invariably shocked, Ginsburg said.

Yet, for decades, no one ever raised a question about a court that was comprised of nine men. That was always considered normal.

For all the progress we have made as a country, we still expect men to hold positions of power. They're the Supreme Court justices, the religious leaders, the corporate CEOs and the board chairs.

According to the American Bar Association, women now make up more than half of the enrollment at our nation's law schools, a trend that began in 2015. As these women gain experience, we would expect them to ascend to more leadership positions — in the judiciary, at law schools and in private law firms.

Yet, an increase in the number of women attending law schools doesn't necessarily translate to women

having more power in the legal field.

According to a 2017 McKinsey survey, fewer than one in five partners at law firms are women (even though they comprise 45 percent of the associates), and women are 29 percent less likely to reach the first level of partnership compared with men. Women earn 80 percent of what their male counterparts earn, even though the professional expectations are the same — or greater.

The obstacles are even bigger for women of color. Irma Gonzalez succeeded despite the odds she faced as a female, Mexican American law school graduate in the 1970s.

She is a retired federal judge, appointed to the U.S. District Court for the Southern District of California in 1992 — and proudly, the first Mexican American woman to be

named to the role. Gonzalez agrees: The courts need more women, she says, and more people of color to better reflect the constituency they serve.

Gonzalez credits her father, in part, for her drive to succeed.

Expectations were high for all seven Gonzalez siblings — and no different for the girls than for her brother.

Throughout her career, Gonzalez was mentored by men. So, too, was Ginsburg. Her collection of letters in the Columbia Law School archives includes correspondence with valued colleagues, mentors and friends — mostly male. Barrett was mentored by the late Supreme Court Justice Antonin Scalia.

It seems "men's work" is to champion women: to buoy their growth and development, and offer wisdom and support. It's one

way to dismantle institutionalized sexism and allow more women to succeed and lead.

After all, more than half the U.S. population (50.8 percent) is female. By my calculation then, the Supreme Court is short two women.

Maybe we should limit the number of male justices, until women catch up. Men who are unhappy with this remedy — or feel unfairly sidelined — can turn to women for guidance. Because there's no doubt: Women have had plenty of experience being overlooked.

Dinkin is president of the National Conflict Resolution Center, a San Diego-based group working to create solutions to challenging issues, including intolerance and incivility. To learn about NCRC's programming, visit ncrconline.com

## VISITS

FROM B1 has required hospitalization) to memory loss and emotional decline.

"We've heard that in some cases dementia has grown more severe, with increased confusion and agitation," Grant said.

On Sept. 17, the Centers for Medicare & Medicaid Services sent a letter to nursing centers stating that "facilities should accommodate and support indoor visitation, including visits for reasons beyond compassionate care situations." Per this letter, nursing homes must have no new COVID-19 cases for two weeks, and the length of visitations and total number of visitors in the facility at any given time should reflect the size of the building and space.

This week, the California Department of Public Health listed 62 nursing homes of San Diego County's 86 total facilities that can resume indoor visits.

But caregivers throughout the county are still waiting to find out when they can once again see their parents, partners, children, friends and other relatives.

These months-long separations can be challenging for any family, but for Shannon Svensen and her 81-year-old mother, Modena Svensen, the time apart has been particularly difficult. The two women lived together in Chula Vista until Modena fell and broke her hip in late August.

After a partial hip replacement, Modena was transferred to Carmel Mountain Rehabilitation & Healthcare Center to recover. Once there, Shannon said her mother tested positive for COVID-19 and experienced a cardiovascular event on Sept. 4, the symptoms of which Modena told her daughter about the next day.

"She called me and said that she had a band of pain across her chest, difficulty breathing, low blood pressure and just nauseous, dizzy, queasy—all the classic heart attack signs," Shannon said.

Shannon alleges that she called the facility to find out what was going on with her mom, who previously had heart issues, but ended up calling 911 to have her brought to the hospital. Medical bills reviewed by The San Diego Union-Tribune confirm that Modena

## COVID-19 at county skilled nursing facilities

Top 10 facilities by cumulative coronavirus cases among residents as of Sept. 30.

Facility	Beds	Residents		Health care workers	
		Cases	Deaths	Cases	Deaths
Reo Vista Healthcare Center	162	118	18	41	0
Avocado Post Acute	256	104	16	53	0
Country Hills Post Acute	305	87	<11	31	0
The Springs at Pacific Regent	59	70	<11	<11	0
Windsor Gardens Convalescent Center of San Diego	98	68	17	26	<11
Magnolia Post Acute Care	99	58	11	30	0
Brighton Place San Diego	99	56	<11	12	0
Community Care Center	119	54	<11	25	0
Country Manor La Mesa Healthcare Center	99	53	<11	16	0
Villa Rancho Bernardo Care Center	299	49	<11	35	0

The state does not disclose case numbers if they are under 11.

Source: California Department of Public Health

MICHELLE GILCHRIST U-T

was transported via ambulance on Sept. 5 and 6.

Carmel Mountain Rehabilitation has had 26 residents and 18 healthcare workers test positive for the novel coronavirus as of Sept. 30, according to the state database. Administrator Matt Rutter declined to comment on Svensen's allegations via email, citing HIPAA and California confidentiality of medical information laws.

Shannon, who is a middle school teacher, said that not being able to be with or comfort her mother in recent months has been painful.

"It has been emotionally and physically draining because it's like another full-time job," Shannon said. "It's like two full-time jobs trying to be her advocate and get her the medical care that she needs. Plus not being able to see her in person and be reassured in person — we know this from school that the digital just doesn't cut it emotionally."

Having family members in facilities helping with their loved ones' care has been a positive contribution to the nursing care industry, which has long been plagued by staffing shortages, according to Michael Connors, a senior health advocate for the California Advocates for Nursing Home Reform.

"Being with those we care about us is a fundamental human need," Connors said, via email. "Visitors give much needed companionship, comfort, emotional support and love to people who live in nursing homes."

Of the nursing homes on the state's list of facilities

that can resume indoor visitations, some are currently working on plans to do so safely in the near future.

### Policy and procedures

This includes Poway Healthcare Center, which is developing an operational policy and procedures to expand visitation, Administrator Thomas Daynes said via email.

"In the meantime, we will continue to assist family members wanting to connect with their loved ones by scheduling window and virtual visits," Daynes wrote. "We know doing so is important to our residents as well as those who care for them. We will make every possible accommodation, but not waver from our commitment to keep everyone in our facility safe."

Meanwhile other facilities on the list are not yet taking steps toward resuming indoor visits.

Salma Moore, chief executive officer of Arroyo Vista Nursing Center in City Heights, said that the facility, which has had zero COVID cases so far according to the state data, has not moved forward with a broad-based return to indoor visits.

She said that the center has continued to accommodate window visits and outdoor visits in a covered space set aside for that purpose. There does not seem to be, Moore added, much demand for bringing visitors back into residents' rooms.

"So far, nobody has requested indoor visits," Moore said.

Although there are clear benefits of family members

visiting residents' home environments, Moore said she believes it is important not to forget the risks.

"There is still a lot of risk involved with our fragile patients," Moore said. "We are doing our best to create a balance that keeps them safe and happy." San Diego County reported Wednesday there have been 1,103 cases among skilled nursing residents, and 717 cases among healthcare workers, up from 1,037 and 671, respectively, on Sept. 23. No new deaths were reported among nursing home residents or staff for the second week in a row, so the total remains at 168.

Three new outbreaks in skilled nursing homes were reported by the county this week, bringing the total to 83, but there are only 21 active outbreaks this week compared with 22 reported the week before.

Those looking for information about a specific skilled nursing facility can visit the online version of this story at <https://bit.ly/3cRgu8K> to search the full dataset.

The San Diego Union-Tribune is interested in speaking to family caregivers enduring the months-long separations from their loved ones living in senior nursing facilities. If you'd like to share your story, please email [lauren.mapp@sduniontribune.com](mailto:lauren.mapp@sduniontribune.com).

Staff writers Paul Sisson, Gary Warth, Lindsay Winkley and Jonathan Wosen contributed to this report.

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## U-T SEEKING SAN DIEGANS PARTICIPATING IN ANY COUNTY COVID-19 VACCINE TRIALS

The U-T is looking for San Diegans of all walks of life who are participating in any of the county's COVID-19 vaccine trials. We'd like to know why you signed up for the trials, as well as any hopes and concerns you have about the push for a vaccine.

Please contact U-T biotech reporter Jonathan Wosen at [jonathan.wosen@sduniontribune.com](mailto:jonathan.wosen@sduniontribune.com) by no later than Thursday, Oct. 8.

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## MEDICAL

FROM B1 day transition period, according to ICE and CoreCivic.

CoreCivic received medical summaries from ICE and has a way to request additional records on an as-needed basis, Gilchrist said.

But detainees tell a different story.

"They didn't know none of our doses, none of our medications, what we actually needed, what was prescribed to us," Alvarez Mendoza said. "They would ask us, 'What are you supposed to take right now?'"

After several days of not receiving any of the medications he was supposed to get, Alvarez Mendoza said, medical staff showed up with some of his meds. Others, particularly his prescribed pain medications, were missing. In protest, he refused to take what had been brought.

ICE maintained that Alvarez Mendoza had access to his medications throughout the transition and said that he had refused his medications eight times.

Alvarez Mendoza, who had a green card, was transferred to ICE custody from state prison after serving a couple of decades for a carjacking conviction, according to ICE. He's waiting on an appeal of his immigration case.

"The time that I've spent in ICE custody is weighing a lot more than the time I did in prison," Alvarez Mendoza said. "I'd rather be back in state. That's how sorry and pitiful they treat you."

Several detainees in another housing unit had similar complaints.

Hever Mendoza said that he'd been diagnosed with a tumor in his testicle about a month ago. He was then supposed to see another specialist to address the issue.

But when the changeover happened, the medical staff no longer had records of this, he said. And now he's being given the same diagnostic tests that he already had, es-

entially starting the process over again.

"Now I have to wait more time," Mendoza said in Spanish. "I tell them I have a tumor, and it doesn't seem important to them."

Jose Hernandez had a similar experience. He'd been injured while being transferred on a bus between ICE facilities, he said, because he was handcuffed and in the bathroom when the bus stopped suddenly.

He'd been seeing a specialist in orthopedics at an ICE facility in Alabama for the shoulder injury, but when he was sent to Otay Mesa, he had to push for a year before he was taken to a specialist. Now that CoreCivic is in charge of medical care, he's had to start the process over a second time, he said.

He had hoped medical care might get better with the change, he said.

"But it's not," Hernandez said. "It's worse."

Jose Antonio Espinoza said that it took the facility five days to see him after he signed up for sick call because he had pus coming out of his ear.

He's also on a blood-pressure medication, which he's supposed to take right before dinner, he said. Sometimes medical staff bring the medication at 3 a.m., other times at 9 p.m.

"They said it's because there's no staff," Espinoza said.

Jose Manzo Alvarez said he stopped receiving his blood-pressure medication after the transition happened. Staff told him they had ordered more by mail but that it hadn't arrived yet, he said.

"I'm a very patient person, but I figured it's time to let somebody know," Manzo Alvarez said.

ICE said it could not comment on these additional individual allegations without having identification numbers for each detainee. CoreCivic deferred to ICE on individual cases.

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# SMOLENS • Whatever progress, there's a sense of living on brink

FROM B1 Baseball's postseason — in front of the typical small crowd of cardboard cutouts at Petco Park.

Efforts to bring back normal activities have included necessary precautions that remind us how different the world is. Some city libraries at last are reopening, but will operate very differently than before and at limited capacity, not unlike commercial enterprises that reopened weeks and months ago.

Local political campaigns are off and running, and if you only paid attention to political mailers, television ads and social media activity, it seems like nothing has changed. But virtual debates and fundraisers, along with mask-wearing, social-distancing precinct walkers, are clear reminders that they have.

The presidential campaign almost seemed to be returning to a familiar pace,

with Trump rallies and a live, in-person debate before an actual (small) audience. But all that has become problematic, and not just because of the unhinged nature of the debate — a tone set by Trump's fulminations.

Two days after the debate it was revealed that Trump, the first lady and presidential aide Hope Hicks had tested positive for COVID-19. The rallies were staged with a lack of social distancing and mask wearing.

So far, major outbreaks have not been definitively traced to the events, though health officials in Tulsa, Okla., noted a surge in cases occurred three weeks after an indoor Trump rally there in June. However, aspects of the local economy had been reopening in the previous weeks.

Six members of the Trump campaign advance team for the event tested

positive for the virus. Other White House aides have tested positive before Hicks.

Trump's diagnosis was certainly a bombshell, but in retrospect, it may not be so surprising that Trump became infected, given what has surrounded him.

Well wishes and hopes for a speedy recovery have poured in, including from adversaries such as House Speaker Nancy Pelosi and former Vice President Joe Biden, Trump's November opponent who announced on Friday that he and his wife, Jill, had tested negative for coronavirus.

Trump's diagnosis did not keep critics from pointing out that he has flouted coronavirus safeguards.

"Let's hope Trump gets better. But let's also note that he seldom wore a mask and mocked those who did. How many people did he personally infect? How much damage did his bad example do?" said Jack

Pitney, a political scientist at Claremont McKenna College and a former Republican who once worked as a research director for the National Republican Party.

All levels of governments are struggling to stop the spread of coronavirus among the public at large and within their own ranks. The San Diego City Council has established strict social-distancing protocols, yet a staff member tested positive for COVID-19 after attending Tuesday's meeting where some council members were present.

As society moves ahead in the COVID era, it does so uneasily amid an ongoing debate about whether economies are reopening too quickly or not fast enough. Trump's predicament is unlikely to change that.

Whatever progress may be realized, there's also a sense of living on the brink. San Diego County for weeks has teetered on the verge of

having to roll back some openings because the number of infections has hovered near a threshold set by the state.

The U.S. economy also appears to be on the edge of an abyss, and stark consequences loom.

"Millions of Americans risk losing water and power as massive, unpaid bills pile up," said a Washington Post headline on Friday.

"A President's Positive Test and the Year That Won't Let Up," read a headline in The New York Times the same day.

On a lighter note, but in keeping with the theme, the Times linked to a video by comedian Weird Al Yankovic, a send-up of the debate titled "America Is Doomed, the Musical."

A good laugh can help in times like these.

So can taking the long view that things may not always be so grim. Yet another Times story reflected

on an era when the world seemed lurching toward a disaster of a very different kind — a global military conflict triggered by the Cold War between the U.S. and the former Soviet Union.

There was perhaps no greater symbol of those tensions than the Berlin Wall, separating what was then East and West Germany. The Cold War has long since ended, and 30 years after reunification, the 870-mile stretch of that once-heavily militarized zone will become a nature preserve.

### Tweet of the Week

Goes to Jason Gay (@jasongay), sports columnist at The Wall Street Journal while watching Tuesday's presidential debate.

"My drink just asked for a drink"

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