

A PATH FORWARD: Steven P. Dinkin

Cheering for national unity with launch of COVID-19 vaccine

I don't think of myself as a cheerleader. But when it comes to Operation Warp Speed, I'm enthusiastically rooting for our government. The goal of the initiative is to produce and deliver 300 million doses of COVID-19 vaccines next year, with initial doses available as early as January.

As long as science prevails — and standards for safety and efficacy are strictly adhered to — our country can only benefit as vaccines become widely available. And who among us isn't champing at the bit for a return to pre-COVID normal? I know I am.

Now for the reality check. Dr. Anthony Fauci, the director of the National Institute of Allergy and Infectious Diseases, said recently that it's going to be well into 2021 — maybe even toward the end of the year — before our cherished "old normal" makes a comeback.

Dr. Fauci's prognosis calls into question the timeline for nationwide vaccine distribution. He prescribes this dose of reality: "People are not always doing what they should do to control the spread of the virus, even now. It was stunning to me ... that in some states and cities and counties, you would see television clips of people crowded indoors at bars, which is a super-spreading event if you ever saw it."

He's right. Maybe the people who care about the well-being of others should go to the head of the vaccination queue. And the selfish ones could go to the back of the line.

Vaccines bring controversy. Emotions and deep-rooted beliefs — philosophical, religious and political — underlie vaccine opposition, a phenomenon that dates back to the first smallpox inoculations in

the 1800s. A group of Americans actually formed their very own Anti Vaccination Society in 1879.

Last September, in a New York Times article, Jan Hoffman described anti-vaccine sentiment as "a byproduct of an internet humming with rumor and misinformation; the backlash against Big Pharma; and an infatuation with celebrities that gives special credence to their anti-immunization statements."

Many so-called "anti-vaxxers" have acted in response to a 1998 study by Dr. Andrew Wakefield that linked the MMR (measles, mumps and rubella) vaccine with autism. While the study was later discredited, it set off a decline in MMR vaccination rates among kindergartners — to a point that's below the threshold required for herd immunity.

Science has lost its authoritative voice. Public

confidence in government agencies like the Centers for Disease Control and Prevention and the Food and Drug Administration is declining because they're viewed as too political.

Today, according to a recent Harris poll, 78 percent of Americans worry that the eventual approval of a coronavirus vaccine will be driven by politics. Skepticism is bipartisan. The left-leaning Children's Health Defense, led by Robert F. Kennedy Jr., attacks Dr. Fauci for rushing risky and uncertain COVID-19 vaccines into development as part of a "sweetheart deal" with drug companies. Meanwhile, at the other end of the political spectrum, many anti-vaccine conservatives oppose immunization requirements because they distrust big government, advocating instead for medical freedom.

What a stark contrast to the collective good will of the 1950s, when our country came together to fight polio. The disease struck in the warm summer months, with epidemics popping up every few years. Most of the victims were children under the age of 5 who recovered quickly. However, some suffered temporary or permanent paralysis or even death. In 1954, 1.3 million U.S. children participated in a polio vaccine trial — an unimaginable number today. By August 1955, 4 million polio shots had been given.

President Franklin D. Roosevelt contracted polio at the late age of 39, requiring the use of a wheelchair. That chair became a powerful symbol of patriotism for American parents, who sought to vaccinate their children to help eradicate polio here and around the world.

In 1979, the United States was declared polio-free.

You see, as Americans, we've come together before. We've linked arms to fight a public health crisis and find a cure for diseases that once seemed insurmountable.

Division is not in our national DNA. Quite the opposite. We've shown our ability to cast aside politics and achieve single-mindedness for the benefit of our country.

Now, in the simultaneous battles against COVID-19 and societal polarization, we can do it again. It's certainly worth a shot. And something to cheer for.

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 ncrcnline.com

SCHOOLS Some deliver paper packets

FROM B1 allotted \$2 million to the county education office to pay for Internet access for low-income families. The San Diego Foundation also donated \$1 million.

Internet hotspots alone, though, won't solve connectivity problems for all of rural East County, where data coverage is insufficient in areas containing valleys, mountains and deserts.

So the county education office is working with two providers to provide satellite Internet access to students in those areas. One of the providers, Viasat, could be deployed within the next month or two; the other, Starlink by SpaceX, won't be available until 2021, Loftus said.

"We're trying to find solutions that meet the need as quickly as possible," Loftus said.

In the meantime, for students who don't have Internet access, districts have been distributing paper packets and materials at school meal distribution sites and delivering them to students' homes.

Alpine Union, where roughly 10 percent of students lacked Internet, has offered free Wi-Fi at all of its schools and offered "learning pods" on campus for students to learn together.

Alpine and Mountain Empire also offer a home school option for families where live online classes are not needed.



K.C. ALFRED U-T FILE PHOTO

Austin Correia hands a Chromebook to a parent waiting in a car at Morse High School in San Diego in April. Due to high demand, some San Diego County school districts are still waiting for deliveries of Chromebooks.

"Zoom meetings are important, obviously, but we've got to work with each student where they're at individually," Keeley said. "It's certainly not perfect, and we're certainly looking forward to going back to some in-person instruction very soon."

Mountain Empire Unified committed to distance learning through Oct. 9. It can't open sooner, partly because, as a small district of 1,700 students, it has taken a while for supplies to arrive.

For example, the district ordered touchless hand sanitizers in early May and just

received them this week, Keeley said.

The district has been working to provide Internet for about 150 families, or roughly 10 percent of Mountain Empire Unified's students, who lack Internet access. That's not including families who may have insufficient Internet speed or data.

The district bought 170 hotspots using money from the federal CARES Act but is still waiting for 20 of them. The hotspots won't help all of the district's families, though; for some families, the only way they could get

Internet is by satellite.

"We have to do our exploring of this problem person by person, student by student, and family by family," Keeley said.

At Jamul-Dulzura Union School District in East County, 131 families asked for hotspots. But another 17 families live in outer valleys where hotspots won't work, said Superintendent Liz Bystedt. The district has 559 students.

"Through the entire pandemic, it's been difficult," Bystedt said. "If you've ever been out to Jamul, we're very rural. ... High-speed In-

ternet is either not available or it's super expensive for people.

"I had my IT guys literally driving through our community, trying to figure out where those hotspots would work and where they wouldn't."

The district ordered 90 hotspots at the start of the pandemic, and it took months for them to be delivered, Bystedt said.

In the meantime, the district opened its learning center and allows families to use the guest Wi-Fi there.

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APPEALS Fines could be reinstated

FROM B1 been told their client's cases are being appealed, Goldstein stayed about two-thirds of the total fines assessed in misdemeanor DUI cases. The fine is usually \$2,133, but in these cases Goldstein stayed \$1,599.

Staying the fine does not mean it was wiped out. It remains in effect for the term of probation, usually three years, that is imposed as part of the sentence. The fine could be reinstated if the person commits another crime.

Bradley Patton, a veter-

an defense lawyer, said that Goldstein was up front about what he was doing. "The judge made it clear at the beginning of the proceedings he would be doing this," said Patton. "No one objected."

Complicating matters is that in misdemeanor cases a court reporter is not used; instead, the proceedings are recorded. All the hearings were being done using Microsoft Teams remote video because of the pandemic, but for some reason the audio recordings of the proceedings that week malfunctioned, so there is no exact record.

Bradley Corbett, a lawyer who had two clients whose cases are now targeted for appeal, said Goldstein was making a good faith effort to both get at the looming

backlog of cases and be attuned to the effect the fines could have on individuals in a time of unemployment and economic distress.

"He's as good a judge as there is in the entire county," Corbett said. "He's not prosecution or pro-defense. He's just fair. He gave people a little bit of a break, because a lot of people are out of jobs or out of work."

Another lawyer said that at the start of the hearings Goldstein said on the video feed what he would do, and told lawyers to note that there would be a benefit to other defendants who try to resolve their case early on in the process.

But a couple of weeks after Goldstein's work, lawyers who had represented people began getting contacted by the San Diego City

Attorney's Office that what Goldstein had done was not allowed under the law and the cases would be appealed.

Patton said the notice he got saying the case was to be appealed cited a section of state law that says the grounds for appeal would be the imposition of an unlawful sentence — specifically Goldstein's staying portion of fines that under the law are mandatory and can't be modified.

Goldstein declined to comment on the controversy because the cases are still active and judicial rules prohibit judges from commenting on ongoing cases. Hillary Nemchik, director of communications for the San Diego City Attorney Mara Elliott, said in a statement that the fines are necessary.

"Our Office takes these crimes seriously," she wrote. "Victims of drunk and drug-impaired driving are also living under COVID, and these penalties help them recover from the financial, emotional, and physical harm done to them and their families. That's why the Legislature made the penalties mandatory and not subject to judicial discretion."

Goldstein did not waive any restitution — payment to a victim — that may have been called for.

Appeals of misdemeanor cases are heard by a panel of Superior Court judges. It is possible some of the cases that prosecutors may settle short of an appeal, with defendants simply agreeing to pay the whole fine.

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SMOLENS A lot more court days

FROM B1 increase is uncertain and complicated.

The San Diego City Attorney's Office is analyzing the Supreme Court ruling and how it may apply to Measure C. The City Council could decide to declare the measure had passed, or leave it be.

Regardless of what happens, litigation is expected to follow. When all this would be resolved is anybody's guess. It could come down to another state Supreme Court ruling.

If the city decides, yes, in light of the recent Supreme Court ruling, Measure C passed, the tax plan could be challenged in court on a number of fronts. One of them may be regarding the

bonds authorized by the initiative, which would be paid off by the hotel tax.

Voter approval of bonds generally requires two-thirds votes, which is spelled out in the San Diego City Charter. There are exceptions for lower approval threshold, such as for school district bonds.

Attorneys providing counsel for the coalition of business interests, labor and homeless advocates that backed Measure C said the two-thirds doesn't apply here, according to Keith Maddox, executive-treasurer of the San Diego & Imperial Counties Labor Council.

Maddox, one of the leaders of the coalition, said the initiative "authorizes the use of bonds, but it does not require it," and emphasized that's an important distinction. He maintained a two-thirds vote would apply to a straight-up bond proposal, not a tax like Measure C.

But the city could dip

into the general fund if the hotel tax falls short, which may mean a two-thirds vote is required regardless of any changes in the law governing citizens initiatives.

Andrea Guerrero, executive director of Alliance San Diego, said the more important issue is that city voters were told, including in official ballot pamphlets, that a supermajority was needed. She added that the San Francisco measure that triggered the Supreme Court action stated from the start a simple majority was required.

"What were voters told the threshold would be? Two-thirds. That's what voters relied on," said Guerrero, who opposed Measure C.

If the city leaves Measure C in default, Maddox said the coalition would consider filing a lawsuit to reverse that. That would also draw opponents into the legal fray, resulting in an expensive, years-long legal battle.

The Measure C campaign was largely financed by San Diego's tourism industry, which has fallen on hard times during the coronavirus pandemic.

In a sense, this all started decades ago with state Propositions 13 and 218, which require, among other things, special taxes to be approved by a two-thirds vote. The state Supreme Court in the so-called Upland case regarding marijuana dispensaries a few years ago ruled that Proposition 218 applied to government, not citizens initiatives.

That opened the door for the lower approval threshold.

The more recent court action on this pertained to a 2018 San Francisco initiative, Proposition C. The measure, which sought to raise taxes on large companies for homeless services, received a simple majority and was deemed approved by local authorities.

The Howard Jarvis Taxpayers Association challenged that decision in court, but lost, and the state Supreme Court declined to hear an appeal.

While the high court let the appellate ruling stand, a debate ensued about whether an affirmative ruling from the Supreme Court would be needed to finally settle the matter. Other cases on the tax vote threshold are still pending, including one out of Fresno where the judge ruled against simple-majority approval.

Should the simple-majority threshold become the unquestioned law of the state, a lot of things could happen. Citizens initiatives could be launched for taxes desired by a local government to avoid the more difficult two-thirds vote, which essentially was the strategy behind Measure C.

Jon Coupal, president of the Howard Jarvis Taxpayers Association, suggested

that elected officials acting as private citizens might be able to put forth such initiatives. He further noted that when initiatives qualify for the ballot, local governing bodies have the choice of calling an election or simply enacting the measure — bypassing a public vote entirely.

Such a move would seem open to a referendum repealing the action, however.

That's a lot of speculation. One thing that seems certain is a lot more days in court are ahead.

Tweet of the Week
Goes to Rachel Laing (@RachelLaing), San Diego communications consultant.

"God I love it when someone thinks they're muted on a Zoom and we get to hear them yelling at their kids."

"God I hate being that person."

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TODAY IN HISTORY

Today is Sunday, Sept. 20, the 264th day of 2020. There are 102 days left in the year.

Today's highlight

On Sept. 20, 2017, Hurricane Maria, the strongest hurricane to hit Puerto Rico in more than 80 years, struck the island, wiping out as much as 75 percent of the power distribution lines and causing an island-wide blackout.

On this date

In 1519, Portuguese explorer Ferdinand Magellan and his crew set out from Spain on five ships to find a western passage to the Spice Islands. (Magellan was killed en route, but one of his ships eventually circled the world.)

In 1873, panic swept the floor of the New York Stock Exchange in the wake of railroad bond defaults and bank failures.

In 1881, Chester A. Arthur was sworn in as the 21st president of the United States, succeeding the assassinated James A. Garfield.

In 1958, Martin Luther King Jr. was seriously wounded during a book signing at a New York City department store when he was stabbed in the chest by Izola Curry. (Curry was later found mentally incompetent; she died at a Queens, N.Y., nursing home in 2015 at age 98.)

In 1962, James Meredith, a Black student, was blocked from enrolling at the University of Mississippi by Democratic Gov. Ross R. Barnett. (Meredith was later admitted.)

In 1973, singer-songwriter Jim Croce died in a plane crash near Natchitoches, La.; he was 30.

In 1995, AT&T Corporation announced it was splitting into three companies.

Today's birthdays

Sophia Loren is 86. Hockey Hall of Famer Guy Lafleur is 69. Actor Debbi Morgan is 69. Actor Gary Cole is 64. TV news correspondent Deborah Roberts is 60. Country-rock musician Joseph Shreve (Flynnville Train) is 59. Rock singers Gunnar and Matthew Nelson are 53.

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