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DIANE BELL

Columnist

Ukraine exodus stirs family's memories of 1920s escape

The current upheaval in Ukraine echoes stories told to Ruth Weber by her grandmother, who escaped as a child from a small Russian village in what is now Ukraine.

As an 8-year-old, Betty Karon Hertz used to venture into the forest to gather mushrooms to help feed her family who farmed a small plot of land.

They lived through a constant state of unrest after the czar was overthrown in 1917. The Bolshevik revolution plunged Russia into a period of turmoil and civil war. Soldiers paraded through their village scavenging for food and sometimes temporarily occupying their modest one-room home.

Betty and her siblings often took refuge in nearby trenches until the invaders left. In 1921, when she was 13, her father fled in hope of finding a better life in America then sending for the rest of his family to join him.

One-by-one her siblings ventured on the treacherous journey to reach the port of Cherbourg, France, where they could board a ship to the United States. One of her sisters was strapped under a hay wagon. Another hid in an oven, at one point, to avoid detection.

Betty and her mother left three years later, when Betty was 16. They were the final family members to make the daring escape and voyage to Ellis Island.

As Weber was growing up, her grandmother, who passed away in 2003, shared stories and poems she had written about her tumultuous childhood and fight for a better life.

Now Weber, a music instructor at Palomar and San Diego Miramar colleges, has turned her grandmother's poems into songs. She recently co-released an album with her daughter, Emilia Lopez-Yañez, also a classically trained musician. Lopez-Yañez, a professional oboe player, instructs at Palomar and MiraCosta colleges and gives private oboe lessons in her San Marcos home.

Weber had no way of knowing the Russians were going to invade Ukraine last week, but their album, "I Had a Dream — Songs of an Immigrant," captures the will to survive of those whose lives were uprooted by earlier conflict in that same region.

One of the songs, "I Am a Tree," was taken from a poem written by Betty who imagined herself to be a tree when hiding in the trenches as soldiers passed through. Another, "Mushrooms," refers to her gathering mushrooms in the woods to help her family survive.

The CD version of the album includes a booklet, "About Grandma's Story," that includes photos, poems and a translation of one song in Yiddish, "Meyn Heym" ("My Home"), referring to the 1967 Six-Day War in Israel.

The mother-daughter team is performing the album's songs today during Palomar College Concert Hour from 1 p.m. to 2 p.m. in the college's Howard Brubeck Theatre. The free concert will be livestreamed at <https://www.palomar.edu/ruth-hertz-weber-and-emilia>.

"Mom and I thought: Who's going to want to listen to album of somebody's grandmother's poetry? But

SEE **DIANE BELL • B8**

KARLA PETERSON

has the day off.

JUDGE: RACISM NOT FACTOR IN CASE

Man sentence to 9 years in prison in killing; lawyer raised Racial Justice Act

BY GREG MORAN

SAN DIEGO

A San Diego Superior Court judge rejected arguments from a defense lawyer that racism influenced the case against her client, then sentenced the man to nine years in prison.

South Bay Superior Court Judge

Garry Haehnle said the lawyer for Osvaldo Lopez had not met the legal standard of providing enough evidence to support an initial claim of bias under the state's Racial Justice Act law.

Lopez shot and killed Ricardo Sales in Imperial Beach in November 2017. Prosecutors said he did it because his wife was having an affair with Sales, but the defense argued that Lopez was trying to get Sales to end the affair and was scared for his family when he learned Sales was a gang member.

The jury convicted Lopez of volun-

tary manslaughter in December. The panel acquitted him of more serious charges of first-degree and second-degree murder, settling on manslaughter after deciding he acted out of the honest but unreasonable fear that his family was in danger.

At one point he faced a maximum of 21 years in state prison. But that calculation was altered because a change in law that went into effect on Jan. 1 lowered the potential sentence for some crimes, meaning Lopez could face no more than 10 years in prison.

But Lopez's lawyer, Deputy Public

Defender Emily Rose-Weber, raised a claim under the Racial Justice Act — a law passed in 2021 that allows defendants to challenge the charges or sentence against them by claiming their prosecution was tainted by racism.

Rose-Weber cited a study that examined death penalty cases in San Diego County and showed race and ethnicity was a "substantial factor" in determining which defendants faced a potential death sentence. The study examined cases from 1978 through 1993. She also argued in a sentencing

SEE **SENTENCE • B5**

STARTING LENT WITH ASHES TO GO



EDUARDO CONTRERAS U-T

Clergy and volunteers from St. Paul's Episcopal Cathedral pray with a passerby after she received Ash Wednesday ashes outside the Superior Court building in San Diego, part of the Ashes To Go program which offered ashes at various locations.

S.D. POLICE OVERSIGHT ORDINANCE REVISED

City Council made changes to the framework that will shape city's commission

BY DAVID HERNANDEZ

SAN DIEGO

The San Diego City Council moved forward this week with the framework that will shape the city's police oversight commission — an ordinance that left out suggestions from some community members who wanted the city to strengthen the commission's ability to investigate

police.

The ordinance has been a work in progress for more than a year, with city leaders agreeing to several suggestions from community members along the way.

On Monday, community members, including members of San Diegans for Justice, called on the City Council to make additional revisions to the ordinance. Among other requests, community members wanted the ordinance to bar the police chief from withholding documents from the Commission on Police Practices at the chief's discretion.

"This is particularly problematic

because San Diego law enforcement has a long and deep history of withholding documents so as to thwart oversight (by) civilian commissions," said Andrea St. Julian, an attorney who authored a charter amendment that resulted in a ballot measure that voters approved in 2020 to create the new commission.

Community members also wanted a panel made up mostly of community members, and not the City Council, to nominate members to the commission. The proposed ordinance states that the City Council may consider nominations from the

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ENCINITAS IS AGAIN SUED OVER HOUSING PROJECT

Grassroots group opposes 277-unit Goodson proposal

BY LUKE HAROLD

ENCINITAS

Grassroots group Encinitas Residents for Responsible Development has filed its third lawsuit in two years against the city of Encinitas over a controversial proposed development.

The most recent one, filed on Jan. 28 in San Diego County Superior Court, contests a decision that the city made to allow the consolidation of four lots into one at the site of a proposed project by developer R. Randy Goodson.

The Goodson project, located at the intersection of Encinitas Boulevard and McCain Lane, included 236 market rate units and 41 for low-income tenants. But last summer the city's Planning Commission denied the project, which is now pending a separate lawsuit filed by Goodson in January.

Encinitas Residents for Responsible Development argues in its complaint that the lot consolidation "will have detrimental impacts on ERRD, its supporters, and the general public who reside in and around the city."

The group and Goodson filed their separate lawsuits following a City Council

SEE **ENCINITAS • B8**

DR. SEUSS-INSPIRED BOOKS PLANNED

New series based on his unpublished sketches will feature diverse creators

BY MARK PRATT

Sketches of fantastic creatures by Dr. Seuss that have never before been published will see the light of day in new books being written and illustrated by an inclusive group of up-and-coming authors and artists, the company that owns the intellectual property rights to Dr. Seuss' works announced Wednesday.

The new line of books will include original stories inspired by previously unpublished illustrations selected from the author's archives at the UC San Diego, Dr. Seuss Enterprises said in a statement on the late writer's birthday.

The announcement comes exactly one year after the business founded by the family of Dr. Seuss — whose real name was Theodor Seuss Geisel — announced that it would stop publishing six Dr. Seuss titles because they include racist and insensitive images, a decision that drew both condemnation and praise.

In "And to Think That I Saw It on

SEE **SEUSS • B5**



AP FILE

Theodor Seuss Geisel, known as Dr. Seuss, reads from his book "Horton Hears a Who!" at his La Jolla home in 1956.