

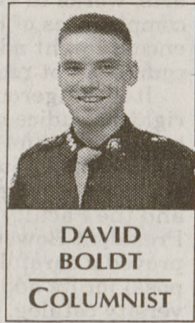
OPINION

THURSDAY
June 27, 1996

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Right to speedy trial not granted to victims

The blood soaked into their starched button-down shirts as they sat there stunned. They didn't even know they had been stabbed until it was all over. I had seen the whole thing.



DAVID BOLDT
COLUMNIST

Three years ago I was a valet at a country-western club in Dallas when a customer named Michael Stovall became irate over a baseball cap he was not allowed to wear inside. Words were exchanged among Stovall, a bouncer named Darrell and one of the regular customers, Darren. The scuffle spilled out onto the street, when Darren and Darrell reached their wit's end. They went after Stovall, and he went after them.

When the fight appeared to be over, Stovall seemed to be beat. He was bleeding from his nose and mouth, and he was pinned on his face by Darren and Darrell with one arm behind his back. But it was far from over. I noticed the blood and looked inside a hole in Darrell's shirt; what I saw was not pretty. A security guard and I pulled Stovall's right hand out of his pocket. The security guard stepped on his wrist and out popped a bloody pocket knife. Stovall had stabbed both of them in the ribs. I ran and got a towel and applied pressure to Darrell's wounds until the EMTs arrived.

Darren and Darrell were taken to the hospital, and each received over 70 stitches before being released the next day. I was left standing there shaking with blood all over my hands and wrists. I didn't sleep much that night. I was mad. I couldn't wait to testify and put this meathard behind bars.

That was the summer of '93, and three years later the case of State vs. Michael Stovall still has not gone to trial. My freshman year, I was subpoenaed to testify. I drove three hours to Dallas and immediately called the assistant district attorney. I was told to wait for a call — but it never

came. The same thing happened both my sophomore and junior years, and after three useless trips, I am fed up. A man charged with assault with a deadly weapon has been walking free for three years.

The loopholes in our justice system are incredibly abundant. I personally have had over 15 tickets kept off my driving record in the past five years using legal means, but I didn't stab anyone. It has to stop somewhere. At the other extreme, a Texan named Charles Speck was on death row for 10 years for killing eight nurses in a Chicago apartment. He died of natural causes, having never been punished for the brutal crimes he committed.

The Dallas County assistant district attorney says that Stovall's case has not gone to trial because witnesses, who saw only small parts of the incident, are having scheduling problems. Why do the courts feel the need to wait for years until everyone involved can fit the trial into their schedules? Last time I checked, a subpoena was a legally binding court order, which supposedly means that if subpoenaed, you must appear in court or face criminal charges yourself. I drove to Dallas three times for this reason. But it seems the Dallas County justice system would rather let a criminal go free for three years than inconvenience a witness whose testimony isn't even vital to the prosecution.

The Texas justice system obviously doesn't need to be scrapped, but some serious time flaws need to be corrected. Stovall probably doesn't care if his right to a speedy trial is not granted. Right now he's a free man. But what about the rest of us — especially Darren and Darrell — who would like to put this behind us and take comfort in knowing that a criminal has been put to justice?

Don't assume criminals who committed serious crimes years ago or have been behind bars. The man wearing a baseball cap next to you in line at a club might have a knife in his pocket.

David Boldt is a Class of '97 marketing major

Free beer costs San Marcos recycler

Bad things happen to good people when good beer goes bad.

The Texas Alcoholic Beverage Commission (TABC) is an agency that performs a necessary function by controlling the sale and taxation of alcohol.



JEREMY VALDEZ
COLUMNIST

But a recent trumped-up arrest suggests that TABC is no stranger to entrapment and no friend of the environment.

Kyle Hahn operates the Green Guy Recycling Center in San Marcos. In March, Shiner of Texas came to Hahn with an interesting problem many people would envy.

Shiner had 5,000 cases of slightly out-of-date premium and imported beer it could not sell. So the brew distributor asked Hahn to figure out a way to dispose of the beer and reclaim the recyclable materials.

Hahn devised an ingenious plan in which hundreds of San Marcos residents — including an assistant district attorney and a deputy sheriff — would pour the old beer into large drums that farmers could use to green their fields.

Hahn explained that beer has lots of carbohydrates and other nutrients that encourage the growth of beneficial fungi and microbes in the soil and compost.

Under this plan, Green Guy would get the recyclables, Shiner would get a tax refund from TABC and some hard-working earthworms would get a well-deserved buzz.

"But some turkey at TABC said that he didn't want to trust that many people around that much beer," Hahn said.

He suspects that laziness was also a factor. In order for Shiner to receive its refund, a TABC agent would have to supervise the weekend event and certify that none of the beer was actually consumed.

"I think that TABC failed to realize that they are public servants," Hahn said. "Someone didn't want spend five hours on a Saturday to watch us pour [beer] and decided that it would be better if we'd just take the beer to a landfill."

Shiner managed to destroy all of the canned beer at a scrap yard in New Braunfels. Green Guy Recycling, however, was still stuck with all the bottled beer.

In a heroic act of generosity, Shiner decided to cut its losses and forfeit the tax refund on the bottled beer. It instructed Hahn to dispose of it however he could.

Yes, I know. It is a beautiful thing. So Hahn could do anything with the beer, except sell it. He put out the word that he was giving away all the beer, absolutely free, as long as people brought back the empty bottles for recycling.

The citizens of San Marcos were happy to cooperate, although some wondered if there was something wrong with the beer.

Eventually beer can spoil so badly that it is unsafe to drink. But according to Hahn, the freebies were unfit for legal reasons



only, and were tasty, even if they were slightly more alcoholic than when they were fresh from the vat.

The deal went sour when Hahn refused to accept money from an undercover officer. After failing to coax Hahn into breaking the law, the officer finally picked up two cases of Jamaican Dragon Stout and left \$6 dollars in a conspicuous location.

On the following day, a Saturday, the same TABC that wouldn't send an agent to supervise the big beer pourout on a weekend sent five agents to arrest Hahn for selling alcohol without a license and possession of alcohol with intent to sell.

When the undercover officer issued a statement to the San Antonio Express-News, he referred to Hahn as a "typical bootlegger." According to Hahn, the agent also told the Express-News that he could understand why the beer was so cheap, since it tasted like "rot gut." The agent then expressed an affinity for Miller Lite and Shiner Bock.

It's enough to make one wonder, how did the agent know the Dragon Stout tasted like "rot gut" if he hadn't sampled some of the confiscated beer? Perhaps he tried the exotic Jamaican brew previously, or maybe he just wanted to teach a lesson to a 25-year-old recy-

cling kid who dared to give away highfalutin' premium beer.

The matter will probably be decided by the courts. When news of his imprisonment traveled across the state, three lawyers offered to represent the Green Guy pro bono. Lawyer Nancy Hebert has taken up the case.

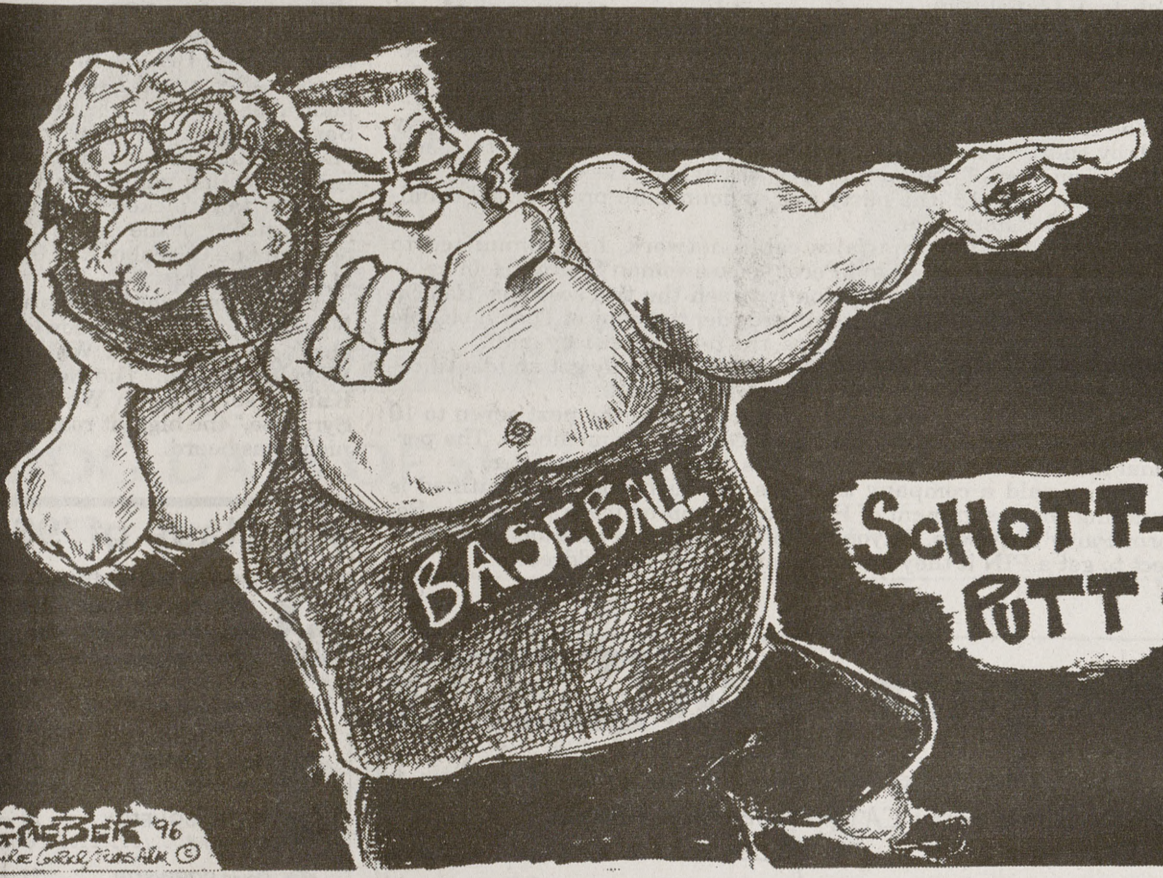
The whole arrest seems suspicious. How many bootleggers get their contraband from willing licensed distributors? It is hard to believe that a recycling center could be a viable front for a bootlegging operation.

Fortunately, many of the citizens of San Marcos are jumping to Hahn's defense. He's received words of encouragement from a children's librarian and an anonymous sick guy who promised to fight for Hahn if he ever gets out of the hospital.

When asked if he would ever consider coming to College Station to distribute some free beer, Hahn said that would depend on the outcome of the court case, but it sounded like a good idea.

If Hahn ever gets to Aggieland, he can count on me not leaving him a dime. Fight the power, Kyle.

Jeremy Valdez is a Class of '96 chemical engineering major



Politics blinds Court justices

Republicans must be nervous about their chances in November. Or maybe they just want a complete congressional takeover. But whatever the real reason for it, the Supreme Court's recent decision in a Republican-sponsored lawsuit smacks of election-year political scheming.



SHANNON HALBROOK
COLUMNIST

The ruling in question calls for the abolition of three mostly minority congressional districts, two in Houston and one in the Dallas area.

According to the six GOP plaintiffs in the case, drawing congressional-district boundaries by race is unconstitutional. They want the new districts to be based strictly upon county lines, and they want them to be in place and ready to go for the November elections.

The Supreme Court agreed and ordered the districts to be redrawn, leaving race out of the picture. But if this happens, there will undoubtedly be a large increase in the number of Republican representatives in Congress — leaving the motives of the plaintiffs very questionable.

The districts cannot be redrawn unless Gov. George W. Bush calls a special session of the state Legislature. If this occurs, as Texas Attorney General Dan Morales thinks it probably will, one of three things will occur.

New primaries could be conducted to pick nominees from the new districts, which would cost \$3 million for Harris and Dallas Counties alone. Special elections could be held in November, leaving the seat open to candidates of either party.

Or the parties could privately pick their nominees before the November election.

None of the options seem like good ideas — and none would be necessary if the Supreme Court hadn't sided with the politically motivated plaintiffs.

What the Supreme Court failed to recognize is that the districts had already been properly drawn in lieu of the 1990 census figures. Before the census and the subsequent redistricting, Texas had 27 representatives in the House. Of these, four were Hispanic and one was African-American.

The census recorded Texas' population as 16,986,510, giving Texas three new congressional seats. The population was 22.5 percent Hispanic and 11.6 percent black. In addition, growth in minority population was responsible for the majority of the increase.

So, many districts were redrawn to create largely minority congressional districts — often in weird shapes based on neighborhoods and streets rather than counties or larger political units.

Before this was done, the districts didn't look quite so bizarre, but they often left minority voters out of the political process. In Harris County, a Hispanic community had been divided among several mostly white districts. Similarly, in South Dallas a black community had been divided between two mostly white districts. The 1990 redistricting eliminated this by grouping minority neighborhoods together in the same district.

If the districts are redrawn to comply with the Supreme Court decision, they will be similar to the pre-1990 districts — and minority voters will be outnumbered in the new districts by white voters.

Why does this matter? As a

rule, minorities in the city tend to vote Democratic, and white voters tend to vote Republican. Creating districts that split minority neighborhoods can only increase Republican holdings and hurt minority representation.

And the issue is even more political than racial. Gene Green, a white Democrat, was elected to represent the largely Hispanic 29th district. The Supreme Court, by placing so much emphasis on the racial element of the gerrymandered districts, seems to have neglected the political side entirely.

The plaintiffs in the case have said that congressional districts ought to be made to strictly follow county lines to improve the relationship between county governments and the national government. But representatives have the job of representing their communities. Congressional districts cannot be drawn along political boundaries (such as counties) because political boundaries mean nothing. People live in small, often-homogeneous clumps, independent of city and county lines.

In this case, it seems that Republicans have succeeded in getting racial gerrymandering declared unconstitutional for purely political aims, despite the fact that the Supreme Court has permitted these districts in past decisions.

These districts are not unconstitutional; they merely work to make Congress more racially balanced. An abolition of racial gerrymandering will only serve to increase Republican representatives in Congress. Surely the plaintiffs who brought the suit to Congress realized this. And the Supreme Court should've realized it as well.

Shannon Halbrook is a Class of '98 English major



MAIL CALL

Rape victim may be telling the truth

Michael Heinroth should acquaint himself with laws against libel, and while he's at it maybe a little review concerning the difference between fact and supposition. As I read his column in Wednesday's Batt, I kept waiting for the part where

accusations against Father Melancon were proven false, or where the accuser, Kevin Porter, admitted making false accusations. It wasn't there.

Heinroth also states that "money seems to be the source of Kevin's inconsistencies" — but he does not clearly explain how he concludes this. Heinroth discredits Porter because he "showed no emotion at all on

the stand."

I have a master's degree in counseling, and I am a survivor of sexual abuse at the hands of Catholic priests. Porter's lack of emotion does not seem remarkable at all, especially after the long ordeal of both a civil and a criminal trial. The discrepancies Heinroth is so concerned about may have many alternative explanations besides "Porter's a liar." I'm upset with Heinroth's column and not with Melancon's appeal. There do seem to be discrepancies and they may be sufficient to free Melancon. I just don't understand where Heinroth sees fit to appoint himself judge and jury of Kevin Porter.

Daniel Bontempo
Research Assistant