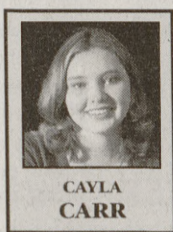


Battle over the beach

Settler's descendants claim South Padre profits, but without sales records, their case is moot

Explorers never thought South Padre Island would become a hot spot for college students and the largest tourist attraction on the Texas coast. The 61,000-acre island, settled by and named after Mexican priest Padre Nicolas Balli in the 18th century, was inhabited by Balli's descendants until 1938. That year, a young New York attorney named Gilbert Kerlin purchased the island from Balli descendants.



CAYLA CARR

For hundreds of years, South Padre has grown steadily without any public controversy. However, in 1993, the Balli descendants challenged Kerlin's claim to the island and to lucrative mineral rights revenue. Unfortunately for the Ballis, there is no lasting record of the sale. Also, the descendants claim records proving they were supposed to get any mineral profits obtained from South Padre Island exist but, the records' existence is doubtful. Despite the lack of records, the lawsuit has accumulated over 500 plaintiffs of Balli blood before the state court of Texas. Testimonies have targeted jury sympathy with stories about the family's life on the island and its broken dreams. While the Ballis' case is one of vanished hopes and forgotten promises, it is just another hopeless crusade. Indians, Jews, Africans and other Mexican settlers have tried in vain to reclaim land that was once rightfully theirs. Furthermore, many of these groups were forced to give up their land, but the Ballis legally sold theirs. There is little or no proof of

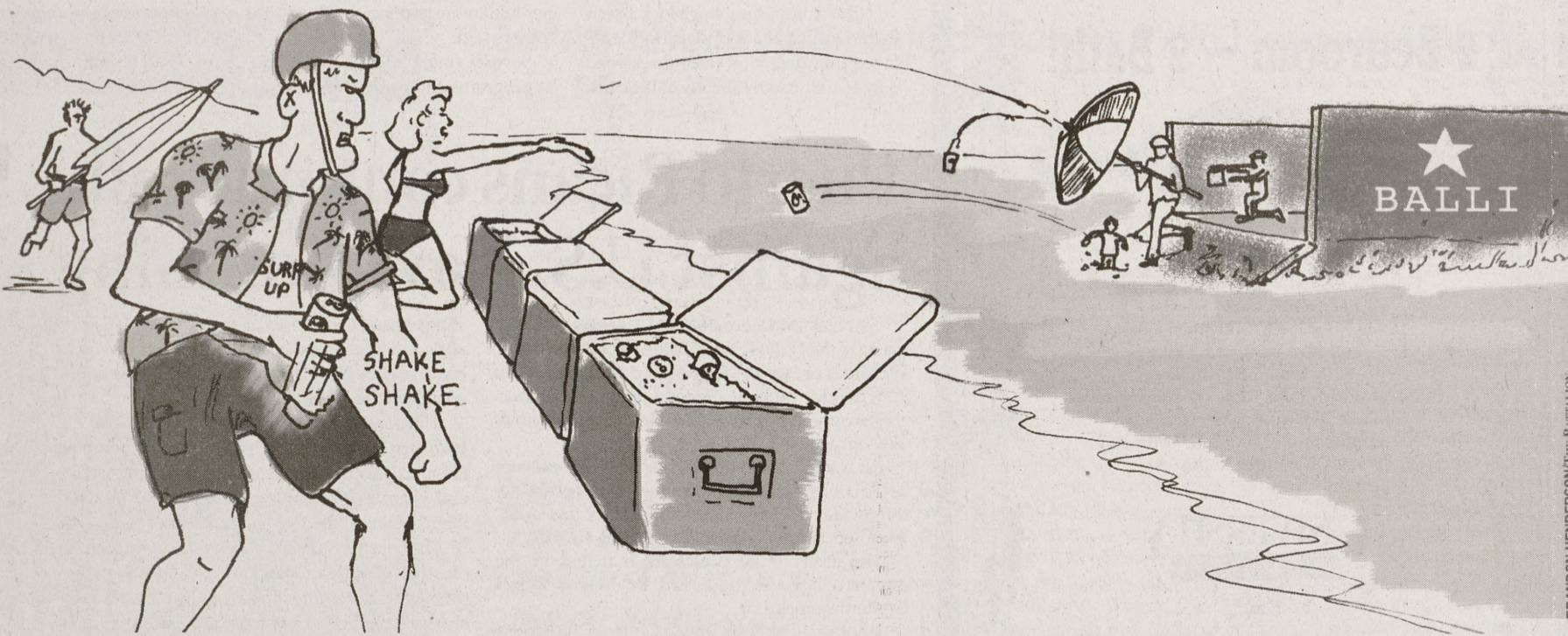
the Ballis' claim to mineral rights, and likewise, there is little chance that the plaintiffs will win. Since the sale, South Padre's reputation and profits have grown. Now Balli descendants have come along and want what revenues they feel is owed to them. The success of the island has increased since 1938, and the island continues to be a major tourist spot throughout the year, especially during spring break. Sixty years ago, Gilbert Kerlin took a risk and invested in a little-known island. While

descendants claim that past injustices give them the right to profits, they nonetheless will be hard pressed to prove it. If this lawsuit is won, it likely will open the floodgates for similar lawsuits by natives who lost their land and now want compensation. But without records, families like the Ballis are not owed anything more. The Treaty of Guadalupe Hidalgo signed in 1848 after the Mexican-American War stated that all property in Texas owned by Mexican citizens remained in their hands if they

chose to stay in the United States. The 1848 treaty was signed to protect Mexican landowners from white settlers, so in 1938 the Ballis were not forced to give it up. If the Ballis and other property owners chose to sell this land, then that was their choice and they must live with the consequences. Kerlin got lucky and made a good deal. People today still manipulate one another out of assets. It is not seen only in the business world but, it is the way of the world. However, Kerlin did not take South Padre Island

from the Balli family without consent. Kerlin stumbled upon success, and Balli descendants should live with their mistake. A business deal is like a game of poker — some get a straight flush, others get a full house, and some win with nothing more than a bluff. Life is a gamble — everyone is given a chance, but knowledge and a willingness to take risks win the hand.

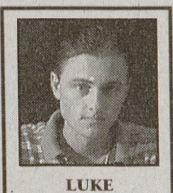
Cayla Carr is a junior speech communication major.



BRANDON HENDERSON/THE BATTALION

Miranda rights crucial for justice, mistaken-prone college students

Before we ask you any questions, you must understand your rights: You have the right to remain silent. Anything you say can be used against you in court. You have the right to talk to a lawyer for advice. ...



LUKE MCMAHAN

No, this is not an episode of "NYPD Blue." It is an abbreviated version of the Miranda warnings that law enforcement officials are required by law to read to suspects before interrogations begin. Since 1966, this warning has been justly entrenched in law and popular culture. As a safeguard against unrelenting police interrogation that can sometimes border on coercion, the Miranda rights of citizens have been viewed by many as an integral right.

This right was in danger of being overruled June 26 when the Supreme Court announced its judgment on Miranda. The case focused on a law passed by Congress in 1968 that allowed voluntary confessions to be used at trial, even when defendants have not been read their rights.

The law has never been enforced, but it was cited last year when an appeals court ruled that it superceded Miranda. In a resounding rejection of the appellate court's decision, the Supreme Court Justices ruled 7-2 in favor of retaining Miranda's current status. In doing so, the Supreme Court took a firm stand for protecting the integrity of the Constitution, as well as protecting the citizens the document is meant to govern.

The Miranda ruling of more than three decades ago is based on a principle already stated in the Constitution. Said William Rehnquist, who gave the majority opinion, "Protecting suspects from self-incrimination is integral to American law and life." The debate revolved around whether the Miranda warnings were backed by the Constitution's Fifth Amendment privilege against compelled self-incrimination — and thus could not be reversed by Congress — or were merely guidelines suggested by the 1966 court to protect that guarantee.

A seemingly trivial difference, but not so when one considers the consequences of the latter ruling. The implications for college students would be significant. Harmless infractions by students could become serious offenses under badgering and coercive techniques used by police. Without the Miranda requirements police would have a field day on Northgate taking advantage of scared and oblivious students. While a particular student might be

guilty of a minor offense, the absence of the right to remain silent could wrongly lead to a more serious conviction. Being in the presence of alcohol could immediately constitute possession for minors. A reveler letting out a good laugh could be deemed publicly intoxicated. The list could go on. Local defense attorney Earl Gray echoed the sentiments of the Supreme Court when he said, "I am very concerned that Miranda was even challenged. The absence of a Miranda warning would give law enforcement an unfair advantage during the interrogation process. College students who are out of their realm would be very susceptible to intimidating tactics during the interrogation process. Also, one only has to look at some statistics on the population in prison to realize that many of them are indigent people with a weak grasp on the English language. Informing these people of their rights is the least that law enforcement can do."

YOU HAVE THE RIGHT TO REMAIN SILENT



JEFF SMITH/THE BATTALION

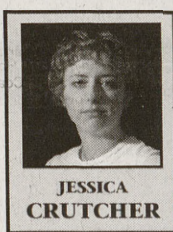
Many journalists and legal analysts following the trial expressed shock that the usually pro-law enforcement William Rehnquist had endorsed a decision so identified with the liberal court led by Earl Warren three decades ago. It is truly unfortunate that such a monumental decision could be seen by many as politically motivated. Support for retaining the Miranda requirements of police officers is not an indicator of a liberal agenda. Its support should be out of a genuine concern to preserve the dignity of law enforcement in this nation. There must be safeguards protecting citizens from abuse of power within the system. The police must be policed. Without Miranda, interrogations could become settings where police surround suspects using bully tactics to draw partial confessions. The law would be much easier if justice were black and white, guilty or not guilty. However, the area is often gray. The preservation of the Miranda ruling is a tool to balance the power within the system. The goal is to arrive at the truth with a particular case's framework — a goal that seems to have been forgotten. Abandoning the Miranda

warnings would unfairly put the ball in law enforcement's court and lend itself to arbitrary arrests and more wrongfully prosecuted cases. In a perfect world where the integrity of the police never was challenged, the Miranda warnings would not be needed. However, the case for retaining these warnings continues to be made.

Luke McMahon is a senior industrial engineering major.

Changing majors no cause for worry

There seems to be an increasing amount of pressure on college-bound high school students to map out the entire course of their lives prior to high school graduation. For example, the *Houston Chronicle* recently ran a column on Tyshia Barrett, a graduate of Houston's St. Agnes Academy. Barrett began exploring career options while she was still in high school, partly because she wanted to avoid changing majors several times while in college. While admirable, this line of reasoning could set up a student for stress and failure in college.



JESSICA CRUTCHER

Students whose high school education focused on a specific career may be better prepared for certain aspects of college, but they also are closing their eyes to a world of options. While planning for the future, college-bound students should leave themselves open to other options when choosing classes and majors. Interests and skills are bound to change between high school and college, no matter how unlikely high school students may think it. Being strong in one subject in high school does not necessarily mean a student will be good at that

same subject in college. Sadly, the freedom of choice is often not given to the students. Pressure from parents, relatives and teachers frequently overrides students' own decisions. Parents should not force their children to make concrete life choices too soon, or make them feel that only one career is right for them. Not having a say in selecting their major only increases the trauma many students experience when they find themselves on their own for the first time and free to explore their own interests. Likewise, incoming freshmen need to realize that changing majors is not the end of the world. All too often students arrive at college and realize they hate their majors, and through the semesters the unhappiness with their majors does not get any better. If a student dislikes his or her classes freshman year, imagine the hatred for them one will feel when the classes become increasingly more complicated and time consuming. The best answer is if a student is having serious second thoughts about his or her declared major, he or she should consider switching majors as soon as possible. If the student does not know which major to choose, the Career Center in the Koldus Student Services Building and each department's academic advisers are excellent resources.

In addition, it is often a good idea to take basic core curriculum classes throughout freshman year to avoid earning credits for a certain major that will not count for anything else. There are few things more stress-inducing than losing half one's hours to a change of major because the classes did not transfer.

There is nothing wrong with entering college with a declared major; thinking ahead is a sign of maturity. However, encouraging high school students to attend specialized high schools, or take major-specific classes (which often will not transfer if they change majors) their freshman year is unfair. These students will be stuck with a limited view of reality because they have never been given a chance to explore all their options.

There are many elements essential to a successful college career. Above all, students should not let their parents choose majors for them, and should not hesitate to make necessary changes if they do not like their major. Interests and skills change between high school and college, and just because students do not desire the same career anymore does not make students failures. It makes them human.

Jessica Crutcher is a junior journalism major.

Mike Luckovich, ALABAMA CONSTITUTION



WORLDWIDE Wireless

Roaming Call Forwarding Minute Activation

Brazos Hall, across from Chick-fil-A, Fri., 10 a.m. - 7 p.m.