

No Verdict In Chandler Case; Mistrial Declared

By BILL STUDENC
Editor

After two weeks of testimony, deliberation and weather-related delay, a Madison County jury found itself unable to reach a verdict Monday in the trial of Andrew "Junior" Chandler, charged with sexually abusing seven pre-school children last year.

Superior Court Judge James A. Beatty Jr. declared a mistrial Monday afternoon after jury foreman Richard Thomason told him that the jury was hopelessly deadlocked.

The seven-woman, five-man jury had deliberated all day Saturday and for nearly three hours Monday on the fate of Chandler, a 29-year-old former van driver for the Madison County Transportation Authority.

"There are strong convictions on both sides, which I don't believe are going to change," Thomason told Beatty.

After the trial, jurors would not discuss the case, but one court official said the jury had split 9-3 for conviction of Chandler.

Jurors returned to the courtroom at about 3 p.m. Monday after spending all morning listening to the court's reporter read a transcript of testimony given earlier by five of the alleged victims, and from an expert in the detection of child sexual abuse. Jurors said they could not remember

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"For all practical purposes, a mistrial by means of a hung jury just means the state can bring it to trial again. We intend to exercise that right."

Jim Baker, assistant district attorney

all of the children's testimony, probably because that testimony had come two weeks earlier.

Chandler and his wife, Debra Lynn, who was by his side throughout the entire two-week trial, sat quietly as the jury filed back into the courtroom Monday. Chandler gulped down a glass of water, while members of his family filled the seats behind him.

Chandler showed no noticeable emotion as Beatty declared the mistrial.

"It ain't nothing but a bunch of crooked politics," Chandler said after the mistrial as he and a large group of relatives and friends made their way through a crowd of onlookers, reporters and television cameras that had gathered in front of the courthouse.

"It's a hardship on the family and that's all it is," said Gary Gunter, Chandler's cousin. "It's a frame-up to begin with. That's the way it always

was and that's the way it will be if they bring it up again."

Assistant Attorney General Ellen Scouten, the state's chief prosecutor in the case, asked Beatty to rule on a motion to move the trial away from Madison County. But Chandler's attorney, Talmadge Penland, said it is very unusual for the state to seek a change of venue, and successfully argued for time to prepare a response to Scouten's motion because it was "a total surprise."

Beatty has set a hearing in Yancey County Superior Court in Burnsville on Monday to rule on the location of Chandler's second trial. That hearing will be in front of a different judge.

Scouten asked that the next trial be moved because of security problems and threats that surfaced during the first trial. She also said the trial had generated too much publicity for the retrial to be held in Marshall.

Tensions had increased at the cour-

thouse throughout the course of the trial. On day one, only two deputies were stationed in the courtroom. But on the final day of the jury's unsuccessful deliberations, five state troopers, Madison County Sheriff Dedrick Brown, four of his deputies and two State Bureau of Investigation agents were on hand.

Authorities say that the families of the children had received threats during the trial, and a member of Chandler's family was seen making threatening moves at one of the alleged victim's parents.

Beatty, before adjourning Monday, warned Chandler and his family against harrasing any of the alleged victims or their families, or any of the state's witnesses.

"I don't know why they bother," one man said as he waited to be searched before going into the courtroom Friday. "If I were going to shoot him, I'd stand up on the hillside."

Attorneys for both sides expressed frustration and determination at the mistrial.

"We didn't get the verdict 'not guilty,' and that's what we were going for," Penland said. "But they (the prosecution) did not get the verdict 'guilty.'"

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Photo by Bill Studenc

Andrew "Junior" Chandler, with members of his family, makes his way down the steps of Madison County Courthouse.

Postal Station Burned

From Staff Reports

Fire destroyed the rural postal station at Walnut early Wednesday morning in a blaze officials believe was intentionally set.

The station, located at Brigman's Store in the Walnut Community, burned to the ground, said Marshall Fire Chief Jimmy Ramsey. The building was declared a total loss.

Ramsey has asked the N.C. State Bureau of Investigation to assist in the investigation of the fire, and said arson is suspected.

Firefighters found the remains of flammable material at the front door of the store, an indication that arson may be to blame, Ramsey said.

The fire department received the call at 2:14 a.m. Wednesday and was at the scene by 2:30, according to reports. It took firefighters about 30 minutes to extinguish the blaze and begin to retrieve mail from inside the building.

Ramsey called the SBI at 4 a.m., and two SBI agents were at the scene of the fire by 8:30 a.m.

Marshall Postmaster Jim Craine was able to retrieve the majority of the mail that had been put up on Tuesday but not yet picked up by postal patrons, said Raymond Stines of the Marshall Post Office.

Some of the mail did sustain fire damage, Stines said.

Walnut residents who have been picking up their mail at Brigman's Store will be served by the Marshall Post Office until further notice, he said.

The N.C. postmaster will also investigate the fire.



Reese Steen suggests change

Commissioners May Seek Authority To Fill County Board Vacancies

By BILL STUDENC
Editor

The Madison County Board of Commissioners, apparently concerned about the failing health of one of its members, is considering changing the way that vacancies on the board are filled.

Under North Carolina law, a vacancy on the board would be filled by the county executive committee of the former commissioner's political party.

Commissioner Reese Steen has suggested that the county ask the General Assembly to allow the commissioners to fill that vacancy

themselves.

Steen's suggestion came Monday night, during the first evening meeting of the new board of commissioners.

Steen and Robert Capps, chairman of the board, are apparently concerned about the health of fellow Commissioner John Hensley, who has missed the last two board meetings due to illness.

"With John being as ill as he is, I feel it's very important that we take care of the county commissioners," Steen said. "We need a blanket law, and if we support it and the people support it, I think we'll get it."

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Change Could Mean \$100,000 To Mars Hill Spillway Project

By ANNE KITCHELL
Staff Writer

The Mars Hill Board of Aldermen will ask North Carolina officials to approve the rerouting of the town of Mars Hill's spillway, a move which could save the town some \$100,000.

Mars Hill is in the midst of a \$300,000 project to rebuild its old spillway. But Mars Hill officials are now looking at rerouting the spillway to run the water in a different direction.

During the board's meeting Monday night, project engineer Gary Davis suggested the town check with state officials to see if they will approve the amended project.

As currently planned, the project calls for the old spillway to be completely rebuilt and widened.

But Mars Hill officials have learned that it may be less expensive to start from scratch and build a new

spillway.

The town has been under fire from the N.C. Department of Natural Resources and Community Development since last January to make repairs to its spillway system.

Funding for the project includes grant money from the Appalachian Regional Commission, \$75,000 in Senate Bill 2 money and a \$50,000 allocation from the Madison County Board of Commissioners.

In a related development, project developer, McGill and Associates, has conducted a study of the Ivy River to determine the feasibility of a joint water system between Mars Hill, Weaverville and Woodfin.

Officials from the three towns will meet Thursday to discuss the possibility of state funds to finance the much-discussed project.

During a public hearing concerning the rezoning of property owned by

Seth Metcalf, the board unanimously voted to rezone the tract from trailer park to highway business.

In other action:

• The board discussed billing churches for water and sewer. The town does not currently bill churches.

"Legally, we're supposed to bill the churches for their water use," said Mars Hill Mayor Owen Tilson. "The volunteer fire department was getting water for free, but now they pay for it."

The board agreed to charge churches the minimum residential rate for water and sewer.

• Tilson read a letter asking for Mars Hill to join the "Clean Up North Carolina" campaign. Municipal civic groups will be asked to organize the campaign set for April and September.

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Ramsey, Jordan: Super Subcommittee To Be More Open

By BILL STUDENC
Editor

CHAPEL HILL - North Carolina's two top-ranking members of the Legislature promised last week that an often-criticized group of powerful Democratic legislators will no longer meet behind closed doors.

House Speaker Liston B. Ramsey of Marshall and Lt. Gov. Robert Jordan agreed Friday that the so-called "supersub" will be much more accessible to the public and the press than last year.

"The speaker and I are committed to seeing that the legislative process is open from the very beginning," Jordan said. "The super subcommittee will be open to the public."

Jordan and Ramsey made that promise in response to questions from reporters during a legislative forum Friday at the annual meeting of the N.C. Press Association in Chapel Hill.

In previous years, the supersub - a powerful legislative committee, consisting of Democratic kingpins, that makes important decisions about North Carolina's budget - has met in private to discuss key issues.

The supersub, which includes Ramsey and Jordan, has come under fire in recent months from Republicans, who have an

member on eight-man committee. Gov. James G. Martin, a Republican, has been among the most vocal critics saying that the General Assembly has been run by the all-Democrat supersub.

In response to that criticism, members of the supersub have agreed that their meetings will be open to the public during the coming legislative session.

Ramsey told a group of about 100 members of the N.C. Press Association that he expected notices to be posted of meetings of the supersub.

"I would hope so, but that would be up to the chairman of that committee," Ramsey said. "The supersub will not settle any issue. Anything they agree on must go back to the full House and full Senate."

The General Assembly's meetings are exempt from the N.C. Open Meetings Law. Its committees, however, usually meet in public and post notices of their meetings near the press room of the Legislative Building in Raleigh. The supersub, on the other hand, has not.

Although that will change during the coming session, Ramsey warned that the press should not expect too much.

"At the end of a session, we can't give you a week's notice," he said.

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McTobacco? Experts Study Alternate Uses

By RICHARD SHUMATE
The Mountaineer

You're out driving, and you pull up at those golden arches.

You order yourself a McTobacco burger made with a tobacco protein patty, a lighter bun (thanks to tobacco) and served in a container dyed with tobacco pigments.

Sound far-fetched? Now, it is, but a research continues into alternative uses of tobacco, some say it might just come to pass.

With some federal officials calling for a smoke-free society and similar health-hazard attacks starting on chewing tobacco manufacturers, some scientists at North Carolina State University in Raleigh have been looking at those possible alternatives.

And the researchers have now refined a process to the point where it is economically feasible for turning both hairy and hair-covered tobacco into a protein source for human consumption. The process, says Dr. Long, professor of the animal

"It's got some very good potential," Long said of the process. Most of the research was done at the North Carolina Department of Agriculture's station at Oxford.

The process has been developed to the point where a pound of protein can be extracted from tobacco leaves at a cost of around \$3, he said. That's down from \$5 when it was first developed and is in the cost range of some other forms of protein, such as soybeans and egg whites.

So why has use of tobacco as a pro-

tein source taken off?

"I'm not really sure," Long said. But he hypothesized that there might be two possible reasons-tobacco's image problem and the fact that there are already a sufficient number of protein sources available.

Although he said the extraction process has advanced to the point at which it could be commercially viable, "there's not a great deal of activity now." But Long said he has

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