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BILL STUDENC PHOTO

Relaxin' On The River

Thousands of residents of Madison, Buncombe, Henderson and Transylvania counties paid tribute last week to the French Broad River as part of French Broad River Week. Events included the annual Riverfest celebration in Buncombe County, rafting trips,

displays, music and cleanup activities. Marion Bull of Waynesville and Kathy Seavey of Columbia, S.C., enjoy a quite moment during a break on a recent whitewater rafting trip on the French Broad through Madison County.

Three Face Federal Tobacco Fraud, Conspiracy Charges

By BILL STUDENC
Editor
ASHEVILLE - Three men -- a Madison County tobacco grower, the owner of a Tennessee burley warehouse and a warehouse employee from Madison County -- have been indicted by a federal grand jury on charges of conspiring to illegally market tobacco.
Roy Yates Ammons, president of the WNC Burley Growers Association and a member of the board of directors of the Tobacco Growers Association of North Carolina, has been charged in a federal indictment with conspiring to falsely identify and sell 13,823 pounds of tobacco in January 1986.
Also charged in the indictment are Glen Samuel Martin Jr. of Pamplin, Va., owner of Big Burley Tobacco Warehouse in Johnson City, Tenn., and Maynard Don Cody of Marshall, who worked at Martin's warehouse. The three men have been charged

with conspiring to fraudulently market tobacco using false documents, according to an indictment handed down by the federal grand jury in U.S. District Court in Asheville last Wednesday.
Ammons, a Mars Hill resident with several tobacco fields in Madison County, has been accused of allowing his U.S. Department of Agriculture tobacco marketing cards to be used to sell burley that he did not grow -- a violation of federal tobacco price support program regulations.
The federal indictment alleges that Ammons sold unused tobacco allocations on his marketing cards to Martin, through Cody, described in the indictment as having a "working relationship with Big Burley Tobacco Warehouse."
Ammons is alleged to have received \$6,911.50 in cash from Cody for the sale of tobacco at Martin's warehouse, using Ammons' marketing cards, according to the in-

dictment.
The charges come after an extensive investigation by the U.S. Department of Agriculture, Robert W. Beuley, USDA inspector general, said in a prepared statement.
If convicted of the charges, each man faces a maximum prison sentence of five years and a fine of up to \$10,000, Beuley said.
The indictment also alleges that Ammons, Cody and Martin conspired with "others both known and unknown to the grand jury" to violate the federal tobacco program regulations.
Additional charges against those "others" may be filed at a later date, federal officials said.
The U.S. Attorney's Office in Asheville will handle the prosecution of the case, Beuley said.
A first-appearance hearing for Ammons, Cody and Martin has been set for 10 a.m. Monday in magistrate's court in Asheville.

Ex-Candidate Played Part In Firing Of Police Chief

By BILL STUDENC
Editor
Two letters written by a former candidate for the Weaverville Town Council apparently played a role in the recent firing of Weaverville Police Chief Darrell Rathburn.
Weaverville officials received last month two letters detailing an alleged conversation between Rathburn and Brenda Murphy, who withdrew as a candidate for Weaverville councilman, and her husband M.T. Murphy, a state trooper with the N.C. Highway Patrol.
Mrs. Murphy could not be reached for comment on what impact the letters may have had, if any, on her decision to withdraw from the Weaverville councilman's race. She dropped out of the campaign Aug. 24 -- two days after the date on the second of the two letters.

She had previously refused to comment on her reasons for withdrawing from the election.
But Weaverville Mayor Reese Lasher said there is apparently a connection between the letters and Mrs. Murphy's decision to drop out of the campaign.
"It is my understanding that there is a direct relationship between the letters and the reason she withdrew from the race," Lasher said this week. "It certainly didn't have anything to do with her not being qualified candidate. She withdrew for reasons extraneous to the town's election proceedings."
Lasher said he could not comment on how the letters may have led to Mrs. Murphy's decision to withdraw as a candidate.
In the letters, the Murphys told the board of several alleged statements made by Rathburn during the course of the conversation.

The News Record has obtained copies of the letters, one of which has been signed by a notary public.
According to the letters, Rathburn allegedly told the Murphys that an ex-member of the Weaverville Police Department is bisexual, that a member of the Weaverville Town Council had a vendetta against him because of a ticket given to that councilman's brother-in-law, and that Weaverville's town manager threatened to suspend a police officer if he campaigned for Mrs. Murphy.
Mr. and Mrs. Murphy could not be reached for comment, despite repeated attempts last week and this week. They did not return several messages left on the answering machine at their home.
Weaverville officials are downplaying the part the letters played in the decision to fire Rathburn, but admit they did have a role in his termination.

"The letters were involved only in an indirect sense," said Town Manager Charles Horne. "They certainly had no direct bearing on the matter."
The letters from the Murphys were dated Aug. 20 and Aug. 22. Horne fired Rathburn Aug. 28 after conducting an internal probe into the town's police department.
Although Horne said that the two letters had no direct role in his decision to fire Rathburn, they did alert him to other problems in the department.
"There were other things that I learned subsequent to the letters," he said.
Horne said he could not discuss those other reasons leading to the firing of Rathburn because it is a personnel matter.

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Migrant Worker, 23, Charged With Raping Deaf, Mute Woman

By BILL STUDENC
Editor
A Spanish-speaking migrant worker has been charged with kidnapping a woman, who is unable to speak or hear, and raping her in a field in the Big Laurel area last week.
The Madison County Sheriff's Department has charged Lucio Rosales Figueroa, 23, with first-degree rape and first-degree kidnapping.
Authorities had originally charged Figueroa, who had been working in tobacco fields in the Mars Hill and Barnardville areas, with a misdemeanor assault charge. But the District Attorney's Office dismissed that charge after authorities interviewed the alleged victim and filed the felony charges.
Authorities allege that Figueroa, who lives in the Big Laurel area, kid-

napped a 23-year-old deaf, mute woman as she was walking on a rural road last Sunday. The woman and her family had just moved to Madison County from Florida.
"She was unloading the U-Haul that day," said Madison County Chief Deputy Dal Peek.
The woman was allegedly abducted at gunpoint while walking on the road in front of her house, forced into a car.
The woman told authorities that her captor drove her to Mars Hill and back to Big Laurel before raping her in the car, parked in a field about a mile from her home, Peek said.
Authorities have been unable to find the gun used in the alleged assault.
"We've searched the fields in that area pretty thoroughly, and we've not

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Jimmy Dean Hensley ... awaits GOP decision

GOP Executive Committee To Rule On Hensley Resignation

By BILL STUDENC
Editor
It will be up to the executive committee of the Madison County Republican Party to decide whether Jimmy Dean Hensley will be allowed to remain a member of the Madison County Board of Education.
The committee has called a meeting for 7:30 p.m. today (Thursday) to determine whether Hensley, who announced his resignation from the school board last Tuesday but changed his mind the next day, can

keep his position on the board.
Hensley resigned at last week's school board meeting, saying that his duties as a board member were taking too much of his time away from his family and his church.
But Hensley the next day said he had changed his mind and would like to remain on the school board. Hensley said he believed he would be able to adjust his priorities so that he would not be spending all of his spare time dealing with school board issues, yet still be an effective board

member.
The school board, at its Sept. 8 meeting, took no action on Hensley's resignation. Because no formal action was taken, board Chairman James Baker said he hoped that Hensley would be able to simply withdraw the resignation.
It has turned out to not be that simple.
Hensley, in a written letter of resignation to the board, said he

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Mars Hill Board Hires 2 New Police Officers

By MARGARET A. STUDENC
Staff Reporter
The Mars Hill Board of Aldermen voted unanimously Monday to hire two new officers for the town's police force.
These new additions are William Shepherd Krause and Stevie "Stevie" Douglas Metcalf.
Krause worked for nearly 13 years for the Buncombe County Sheriff's Department and is certified in law enforcement. He lives in Weaverville.
Metcalf has recently completed approximately 40 hours in basic law enforcement training and is now en-

titled in law enforcement. He lives in Metcalf Creek in Madison County.
Mars Hill Police Chief R.J. Outshall approached the board Monday with the applications, which were studied by the board during the meeting.
Mars Hill Aldermen again expressed concern about the high turnover in the town's police force, which has lost several officers recently to higher-paying jobs.
The board last month approved a 5% increase in police department salaries in an effort to keep officers from leaving the Mars Hill force.

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BILL STUDENC PHOTO

Tobacco Time

Burley tobacco producers across Western North Carolina are getting their crop ready for the 1987 marketing season. David Backner of Gabriel's Creek shows tobacco on a field near Mars Hill. Last week's heavy rains have caused some rot problems in Backner's fields, he said.

State: Marshall Dam A Safety Hazard

By BILL STUDENC
Editor
State officials have given the town of Marshall until Dec. 7 to make repairs at its water impoundment dam on Hunter Creek, a facility identified as a "high hazard."
According to a letter to town officials from the N.C. Department of Natural Resources and Community Development, the dam "constitutes a threat to downstream lives and property," and steps should be taken immediately to prevent potential disaster.
After learning of the problem Monday night, the Marshall Board of Aldermen agreed to attempt to drain any remaining water from behind the dam and using a large drain that has allowed water to collect.
"We got a letter from the people with dam safety -- that's 4-6-8, not 4-6-4 -- that we've been put on a 30-day timer to have something done at the reservoir," town manager Keith Deaton told board members.
The dam, some 100 feet high, has an

impoundment capacity of about 1,350 acre-feet, when in use had a number of deficiencies, according to state officials:
• Excessive seepage at the abutment and downstream slope of the dam.
• Erosion in the spillway.
• Slumping (sinking) of the downstream slope.
Although the lake impounded behind the dam has been drained since 1975, and although state officials in 1977 approved the removal of the dam, it is still in place -- and it represents a safety hazard, according to NRCD.
"In its present condition, the dam still constitutes a threat to downstream life and property in case of accidental failure because of a large storm or clogged bottom drain," NRCD officials said in the letter to Marshall.
The state has ordered Marshall to remove the lake in a complete and permanent manner until the dam is replaced.

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