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## Scene From Top O' The Hill

By: Jack Kelly

First things just have to come first! You know I would rather write about my dog Hobo's latest scoop on the political situation but that will have to wait for a few paragraphs because this other item is definitely more important. I am like most everyone else, and I will have to do my part too. It happened when I visited for a couple of hours last Sunday with George King and his wife up on their mountain. It was the first time we had been there since he started putting his farm together several years ago. Anyway, after having taken a tour of the various portions of the place including the wonderful fish-pond, George King brought up the subject of sick people. I don't guess there are any two people in Yancey County who are better authorities on that subject than the pair of us. Personally, I have pulled some thirty-eight months of hospital time and it is tedious.

In any event, George King got to talking about the numerous and various older citizens of our Community who are not too well, and not too young, and about the fact that they are leading a lonesome life without visitors coming to cheer them up. Now, all Religions that I have heard or read about are based upon a great big foundation stone that is called Charity. Most of us think of Charity as the giving of value, money or clothing or food or toys for kids, or something like that. However, the greatest thing we can give is our time. Lots of people, possibly better off financially than many of us, don't need the clothing or the food or whatnot but they do need our time. They need a visit from us to cheer them up and let them know that we not only still think about them but that we care about them. It must indeed be a dreadful thing to sit alone in a house where once merriment and fun were present with friends and relatives around the place. Loneliness can kill folks. An older person with no friendly companionship can get feeling downright miserable and the next thing you know, that person can lose the feeling of caring whether they continue to live. Something like that would be partially our fault.

I know that there is not one person who reads this article who would not make a material contribution to some sick or disabled person if either Reverend McDonald or Reverend Warner approached them and made known the necessity for such a gift. So, let's take some of the burden off the Preacher's back. Make a phone call or a personal request for the name of someone who is too ill to get

to Town either through illness or infirmity and make a habit of visiting that person once a week or even once a month. If enough people visited once a month we could instill new life and interest in the heart and mind of the "shut-in" and would feel much better about it ourselves.

That's the end of that sermon — from me, not from you, because lots of you are now going to contact your Clergymen and start making visits to some of our older folks who are not as lively as they once were. If you don't, and you live long enough, the good Lord just might let you suffer the same fate and then you would be sorry to no avail.

The next point on the agenda is the Playhouse which, as most of you know, opens with the first Play, the North Carolina story of Thomas Wolfe and Asheville, the famous "Look Homeward Angel". I am not going to mention the fact that Mutt Burton and Blanche Kelly will tear their hearts out to assure you a splendid evening in the theatre, what I want to get around to mentioning is a large mis-conception some people have about the financial conduction of the Playhouse itself. Numerous people, myself included, who are trying to sell season tickets for the six plays have run into comments from prospective purchasers that they cannot understand why any money is needed. There have been ridiculous statements made such as "Why I know they have twenty-five thousand dollars down at the Bank just drawing interest!" Other comments have been even wilder than that.

These erroneous impressions must have been occasioned by the fact that the State, through the back-breaking and inspiring efforts of Mark Bennett, did give or allot twenty-five thousand dollars to the education system for the improvement of the physical property of the Playhouse and the Dormitory building. Mark Bennett has spent untold hours this spring in and about those buildings while competent and capable workmen have repaired, remodeled, and installed new wiring and lighting. Also installed was a much needed fire-door exit on the side of the theatre itself. Except for the funds given by the State through Mark's efforts, we just might not have been able to produce any shows in the building because of the rundown condition and the improper wiring that, through usage during past years, had made it a dangerous place to allow large gatherings. This year, with everything up to snuff — come see the plays in complete safety.



A broad view of the market building under construction in West Burnsville. Outline of the foundation blocks attests to the size.

SENATOR  
SAM ERVIN  
★ SAYS ★



WASHINGTON — The Senate Subcommittee on Separation of Powers, of which I am Chairman, is studying the functioning of the United States Supreme Court and its role in interpreting the Constitution. The hearings on the Court are a part of a series of studies by the Subcommittee on the operation of the Executive, Legislative, and Judicial branches of the Federal Government under their respective constitutional powers.

What is important about these hearings is that they deal with a fundamental problem of government which has plagued every generation of Americans. Simply put, the Constitution divided the powers of government into fragments and set up a system of "checks and balances" to prevent the usurpation of the liberties of the people. In practice, it has seldom worked anywhere near perfectly. There has been a see-saw battle for power by the Executive, Legislative, and Judicial branches of government, and in the process the Presidency, the Congress, and the Courts have alternately had periods of strength and weakness depending upon the ascendancy of their roles at a given time. The pendulum of power is always moving. Indeed, the doctrine of the separation of powers is calculated to try to keep government upon as even a keel as is humanly possible.

So in this day there is much nationwide concern about the functioning of the Supreme Court. It is said by many that the Court has assumed a position of judicial superiority out of keeping with its constitutional role. An increasing body of public opinion holds that the Court has entered the legislative sphere under the guise of handing down judicial opinions about individual cases. Indeed,

members of the Supreme Court have said as much upon occasion in their written opinions.

With increasing frequency of late, Congress has become concerned about the tendency of the Court to enter "the political thickets" instead of confining its opinions to matters of law. Often too, the Court has created elaborate rules, which Congress has thereafter seen fit to examine during its consideration of legislation upon the same subject. Crime control legislation which recently passed the Congress is an example of this kind. Title II of the Omnibus Crime Control bill said in effect that the Supreme Court had gone too far in establishing rules which protected the law violator at the expense of society.

This is the nature of the crisis of confidence in the Court. It is of a magnitude rarely equaled in its history. What the study of the Subcommittee seeks to do, however, is not to launch a vindictive attack upon "the Warren Court" or its decisions. Rather the Subcommittee is seeking to make some observations that will define the bounds of the constitutional powers of the three branches of government. The purpose of this study is in reality an attempt to find ways to strengthen our constitutional system at a time when Americans are questioning it to an intense degree.

The Subcommittee, in receiving the testimony of a number of renowned and knowledgeable students of the Supreme Court and its role in our government, seeks to deal with constitutional processes and how well they are working. The task of defining the limits of power of the three coordinate branches of the Federal Government is surely a thankless one, but it is a necessary one if our government is to endure.

## Information For Veterans

EDITOR'S NOTE: Below are authoritative answers by the Veterans Administration to some of the many current questions from former servicemen and their families. Further information on veterans benefits may be obtained at any VA office.

Q — I recently got out of a Veterans Administration hospital after being confined there more than a month for treatment for a disability not related to my military service. Is it true that I am entitled to payment from VA for this period since I was hospitalized for more than 21 consecutive days?

A — If, as your letter indicates, you were hospitalized and treated by VA for a non-service-connected disability, you are not eligible for the compensation that is paid for the temporary 100 percent rating given by VA to all veterans hospitalized more than 21 consecutive days for treatment of a service-connected disability.

Q — I had active military service from May to December 1955 and came out without a scratch. However, I am now disabled as a result of an accident. Am I entitled to a pension?

A — Not according to the facts stated. One of the requirements for a nonservice-connected pension is that the veteran have at least 90 days of continuous active duty, any part of it during a wartime period, or be separated from wartime service for a disability incurred in service in the line of duty. Your period of service was not during wartime, so you are not eligible for a nonservice-connected pension under existing law.

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