

THE YANCEY JOURNAL

VOL. 3, NO. 22

BURNSVILLE, N.C. 28714

THURSDAY, MAY 30, 1974

10c



MARSHA KAY PETERSON



BRENDA LEE WEBB



MITZIE RENEE LAWHERN



MARIETTA GAIL THOMAS



JULENA ANN YOUNG



DEBORAH LYNN MILLER

Chosen For Girls State

Six Yancey County girls have been selected to attend the 35th Annual American Legion Auxiliary Tar Heel Girls State, to be held June 9 through June 15, 1974 at the University of North Carolina, at Greensboro, N.C.

Tar Heel Girls State was originated and established in 1940 by the American Legion Auxiliary as an Americanism project to provide for high school girls of the State an opportunity to study and practice citizenship in a democracy. For thirty-four years it has developed within several thousand young leaders a deeper sense of their responsibilities as citizens and proved to be a practical source of instruction in the structure and operation of State government.

Every Unit of the American Legion Auxiliary, Department of North Carolina, may sponsor girls to Girls State, and the following girls were sponsored by the Burnsville American Legion Auxiliary Earl Horton Post No. 122: Marsha Kay Peterson, daughter of Mrs. Madge Peterson, Burnsville, a student at Cane River High School; Brenda Lee Webb, daughter of Mr. and Mrs. Jack Webb of Route 2, Green Mountain, a student at Cane River High School; Mitzie Renee Lawhern, daughter of Mr. and Mrs. Luther Lawhern of Route 2, Green Mountain, a student at East Yancey High School; Marietta Gail Thomas, daughter of Mr. and Mrs. Philip Thomas of Burnsville, student at East Yancey High School; Julena Ann Young, daughter of Mr. and Mrs. Earl Young of Burnsville, a student at East Yancey High School; and Deborah Lynn Miller, daughter of Mr. and Mrs. Ray Miller of Route 6, Burnsville, a student at East Yancey High School.

Deneen Mica Asks Permit

Deneen Mica Company, Inc. has applied for a Pollutant Discharge Elimination System Permit to the United States Environmental Protection Agency's Water Enforcement Branch according to information received from EPA. The EPA states that barring comments or obligations to the permit, it tentatively proposes to issue one subject to specific limitations and conditions.

The existing discharge from Deneen is to the South Toe River approximately one mile downstream from where U.S. Highway 19 crosses the South Toe River.

Persons wishing to comment or object must submit same in writing to the Environmental Protection Agency Region IV, Water Enforcement Branch, 1421 Peachtree St. N.E., Atlanta, Georgia 30309. Permit application number must be listed on envelope (see legal notice on page 9 of this issue).



Who TEMPERATURE OF THE WEEK FROM THE UPPER PORCH YANCEY COUNTY COUNTRY STORE

76°
60-50°



Facelift Begins; Fund-Raising Drive Planned

The Town Facelift being sponsored by the Yancey County Chamber of Commerce has begun. The trenches being dug on the town square are for burying unsightly wires which have marred the square's park-like atmosphere and the Town Board of Burnsville is

making momentous decisions about renovating the old courthouse as part of the facelift project. The Chamber is initiating a fund-raising drive for help in continuing the work of making this area a more beautiful place for those who live here and for our visitors.

Yancey Sheriff, Deputies And Forest Rangers Named In \$2.3 Million Lawsuit

A group of youths from Florida have filed a civil suit against Yancey County Sheriff Kermit Banks and eleven other law enforcement officers in connection with a confrontation between the two groups two summers ago at Black Mountain Campground in Yancey County.

Attorneys for the plaintiffs, which include nine young men and eight women ranging in age from the late teens to the early 20s, allege that their civil rights were abused in a "scuffle" with the officers on the night of July 3, 1972 and have filed a complaint against 12 defendants in the U.S. District Court in Asheville.

Reuben J. Dailey, Asheville attorney and administrator for the estate of Stanley W. Altland, a 20-year-old Clearwater, Florida man killed in the incident, seeks \$1 million for "special compensatory and general damages" and another \$500,000 for "punitive damages" in the complaint. The other plaintiffs are each seeking \$25,000 in compensatory damages and \$25,000 in punitive damages, for a total of \$850,000.

Defendants named in the complaint include Banks, Chief Deputy Erwin Higgins, Deputy Bill Arrowood, and Special Deputy Robert Banks, all of Yancey County; Mitchell County Deputies Larry D. Cox and Paul Wheeler; Horace Biggs, a Burnsville policeman; Harold Rivers, Blaine Ray, Johnny McLain and Jack Olinger, all employees of the U.S. Forest Service; and Terry Shankel, an employee of the N.C. Dept. of Natural and Economic Resources, Wildlife Division. All are alleged to have participated in the "confrontation" on the night of the incident.

On the night in question, the Sheriff and his deputies were called to the youths' camp by a U.S. Forest Service official, who told the officers that the youths were creating a disturbance and would not move out of the area. This is according to a statement made by Banks at the court hearing November 27, 1972. The sheriff said the youths had been drinking, igniting fireworks, and disturbing other

campers in the area. Banks said he could also smell the odor of marijuana burning and later found evidence of the illegal weed, pills and other drugs at the campground.

Banks told the court that several of the youths "advanced upon the sheriff, striking him and grabbing his weapon." In the "scuffle" that followed, the officers said, Chief Deputy Erwin Higgins' shotgun "Accidentally" fired when it struck another youth, and that the blast killed Altland, who was standing nearby. The officers involved have all said, under oath, that the fatal blast came from Higgins' weapon, the only gun fired in the incident.

That night, the officers arrested 24 youths, charging each with disorderly conduct. Yancey County District Court Judge Robert Gash later drop-

ped charges against all but two of the youths, David R. Satterwhite and Kevin T. Shea, who were fined \$100 and \$25 respectively. Satterwhite and Shea are not named as plaintiffs in the complaint. According to reports received here, Satterwhite was subsequently shot and killed by a policeman in an incident in Greensboro, N.C. in February, 1973.

The youths have maintained that no drugs were used by their party and that no resistance was offered when the officers raided their camp site. They also maintain that it was a blast from Sheriff Banks' shotgun that killed Altland. In their complaint the youths allege that the officers made "unwarranted, unlawful, unprovoked and vicious assaults upon the plaintiffs by the use of threatening

and violent language, by shoving and kicking plaintiffs and striking plaintiffs with their weapons, by conducting illegal and unconstitutional searches, and otherwise physically abusing" the plaintiffs.

The complaint further charges Banks with killing Altland "without just cause or provocation" with the aid and encouragement of the other defendants, who made no effort to provide immediate medical attention and moreover denied the plaintiffs an opportunity to come to Altland's aid.

The defendants are also charged with failure to advise the plaintiffs that they were under arrest or advise them of their constitutional rights.

The defendants have not yet filed a reply to the complaint.

Mt. Mitchell Crafts Festival Plans Underway; Strong Interest Is Shown

As has been announced earlier, the Mt. Mitchell Crafts Fair is being planned for August 2 and 3 on the Town Square in Burnsville.

Several requests for booths

and information have been received by the Chamber of Commerce Office and the coordinator of the Fair, and these requests give strong indication that there will be lively interest

in the Fair again this year.

The Crafts Fair coordinator, James Byrd, will not begin full-time work on the Fair until around the middle of June after his work in the public schools is completed for the school year, so if any of the craftsmen need information now, contact him by writing to Box 273, Burnsville.

Shortly after the middle of June, complete information and application forms will be mailed to craftsmen who attended the Fair last year and to those new ones who have already written for information.

Schedule At High Pastures

The May 31 through June 2 meeting scheduled at High Pastures Retreat Center near Burnsville will follow the schedule here for services.

Friday:		
Evening service		8:00
Saturday:		
Bible Study		9:30-10:30
Devotion in Motion		10:30-11:00
Break		11:00-11:15
Prayer Groups		11:15-12:15
Afternoon for Counseling, Hiking and Rest . . .		
Evening service		7:30
Sunday:		
Morning service		9:30
Followed by Sharing and Testimony		
Evening service		7:00

Dance Slated

A Dance will be held at East Yancey High School on Friday, May 31, from 8:30 to 12 midnight. Admission is \$1.50 per person. The dance is sponsored by East Yancey Varsity Cheerleaders and the Band is Indigo Springs.

Town Board Considers Courthouse Renovation

The purchase of the old Yancey County courthouse by the Town of Burnsville received strong endorsement at a public meeting held on Tuesday last week at the county courthouse. The meeting, attended by about fifty persons was called by the Town Board to sound out public opinion regarding acquisition and remodeling of the dilapidated old building that has been standing unoccupied on the town square for the past ten years.

The general sentiment of the meeting was that the renovation of the old eyesore, coupled with the facelift of the town square itself, promoted by the Yancey County Chamber of Commerce and now well under way, will tremendously enhance the appearance of the central downtown portion of the town. After Mayor James Anglin presented details regarding the offer of the building to the town, and after general discussion during which numerous questions were raised, a motion was made from the floor that the meeting express its endorsement of the purchase. The vote, taken by a show of hands was unanimous in favor of proceeding with the project.

The Town Board has for some weeks had under consideration the possible purchase of the old courthouse. Through the columns of *The Yancey Journal*, through radio station WKYK, and at the Chamber of Commerce annual dinner, the Board has endeavored to keep the citizens informed regarding

the possible project. Last week's meeting was a further attempt to "lay all the cards on the table."

The building in its present condition has been offered to the town by its owner, Judge Wm. E. Anglin, for approximately \$50,000. This price is based on the \$30,000 which the Judge paid ten years ago, plus taxes paid, and interest on his investment, figured at 6 per cent a year.

Mayor James Anglin, at the meeting explained that the Town is financially able to handle the project without creating a threat of increased taxes. The \$67,000 already received under the Federal revenue sharing program, can largely be applied to the purchase and renovation. Substantial additional revenue sharing funds are assured during the next two years.

The Town has employed the architectural firm of Kyle C. Boone of Weaverville to study the building and recommend appropriate remodeling. Preliminary estimates are that the remodeling cost will be in the neighborhood of \$100,000. The tentative plans call for the use of the first floor as town offices, police department and Chamber of Commerce. The possible use of the second floor is still under consideration.

The Town Board has not as yet reached a firm decision, but will act before the adoption of the budget for the coming fiscal year which begins on July first.

Chamber Of Commerce Directors And Committees

J. Olen Shepard, president, announces that Yancey County Chamber of Commerce has added the following members to its board of directors: Dr. Garland E. Wampler, David McIntosh, Bob Young, Charlie Hensley and Cy Jordan. Other directors are J. Ardell Sink, Grace Banks, Ray Vance Miller, Bob Helmle, Charles Gillespie, Franklin Woody, W. A. Banks, Paul Wooten, G. D. Bailey, Donald Westall, Mary Ellen Ray, J. C. Styles, Claude Vess, Mayor James A. Anglin and Commissioner O. W. Deyton.

Yancey County Chamber of Commerce committees have been appointed to serve during the current year as follows:

Membership - Ben Floyd, Chairman, Bob Young, Co-chairman, Mary Ellen Ray, J. Ardell Sink, J. C. Styles, Grace Banks, Paul Wooten.

Budget and Finance - Claude Vess, Chairman, Fred Bacon, Grace Banks, Philip Thomas.

Craft Festival & Youth Jamboree - James Byrd, Claude Vess, Bob Helmle, J. C. Styles, Earl Young, Jim Buckner, Grace Banks, David McIntosh.

Town Face Lift - Donald Westall, Chairman, O. W. Deyton, Jim Anglin, David McIntosh, Dr. G. E. Wampler, Grace Banks, Franklin Woody.

Tourist and Travel Promotion - Rush T. Wray, Chairman, Cy Jordan, Ray Vance Miller, Grace Banks.

Merchants and Business Affairs - Charles Gillespie, Chairman, James Ray, Grace Banks, Ben Floyd.

Industrial Development - W. A. (Bill) Banks, Chairman, Mack B. Ray, O. W. Deyton, Bob Helmle.

Publicity and Public Relations - Alma B. Shepard, Chairman, J. Ardell Sink, Grace Banks.

Community Betterment and Development - G. D. Bailey, Chairman, Bobby Corn, O. W. Deyton, E. F. Hunter, Carlyle Bledsoe, Charlie Hensley.

The President and Secretary of the Chamber of Commerce will work closely with all of the committee chairmen. Committee chairmen may ask additional members to work on committees if they wish to do so.

Town Square "Facelift" Is Beginning

The Yancey County Chamber of Commerce is pleased to see that action is taking place on the Town Square in Burnsville. The town "facelift" that has been planned over the past years is now becoming a reality.

Through the fine cooperation between French Broad Electric Membership and the town officials, all electric wiring is going underground leaving the natural beauty of the square unmarred by poles and overhead wires.

Soon brick pavement of walks will begin, lights will be installed and Burnsville will take on a new look.

The Chamber takes pride in having sponsored this project and greatly appreciates the cooperation and work which will soon bring about the completion of an undertaking that all of Yancey County may well be proud of.

Be sure to see next week's *Yancey Journal* in which the Chamber of Commerce will place a full page showing details of what the Town Square will be like when this project is completed.