

County Commissioner Controversy Is Developing Into Major Issue

By Bill Gray
Managing Editor

A Cherokee County courthouse political issue that may well determine the future of many would-be local politicians has been tossed about for over a week between two legislative bodies and a U.S. District Court.

The controversy - which centers around a unique bill passed in 1965 that set the number and manner of election of the county commissioners - has yet to be settled, even though all the legislators involved agree that something must be done.

The bill that is being questioned by the legislators and tested before the district court was introduced to the N.C. General Assembly in 1965 by former Senator Frank Forsyth. Forsyth's bill set the number of commissioners at six, with two commissioners elected from each of the county's three districts.

Before this time there were only three commissioners elected from the county, one coming from each district. Forsyth said that he increased

the number of commissioners to be more in line with the population. The bills now before the general assembly, both designed to change the 1965 bill, were introduced by Senator Herman H. (Bull) West of Cherokee County and Representative Ernest B. Messer of Canton.

Howard West, brother of the Senator and Idris Adams, both prominent Republicans in Cherokee County, filed a suit in the U.S. District Court challenging the present commissioner structure that resulted from the 1966 election. In that election three Democrat and three Republican commissioners were elected from the three districts. The Republican candidates received a total of 6,850 and the Democrats 5,982 votes. Each newly elected commissioner then cast as many votes as was cast for the commissioner candidates in their district toward electing a chairman, who has the power of double vote in breaking ties.

The unequal population in the districts resulted in the

Democrats casting a total of 15,584 votes and the Republicans having 10,080 toward the election of a chairman, which gave the Democrats a majority of votes in the county's ruling body.

In the suit filed by West and Adams in August of 1967, the two Republicans requested that the court rule the present board of commissioners "unlawfully and improperly constituted" and that a new election be held. They complained that under the present system, the election by districts was unconstitutional in that it violated the one-man, one-vote principle.

District Court Judge Woodrow Jones had indicated in the past that he would rule the present system unconstitutional, and he repeated this after testimony was heard February 19. C. E. Hyde, attorney for the Republicans, said Tuesday that Judge Jones would make a ruling in the near future. Hyde also said that Jones was willing for the legislators to correct the situation in Cherokee

County, but he (Jones) would draw up guidelines if the general Assembly failed to act.

This opinion from Judge Jones - that he would rule the present structure unconstitutional - was probably one of the main reasons that two bills, one from the Republicans and the other from the Democrats, were introduced to the General Assembly early in the session. Senator West's bill, which "provides for a three-member board of commissioners to be nominated and elected county-wide for four-year terms" beginning with 1970, repeats three cited acts providing for election of commissioners by districts. Messer's bill provides for seven members to be elected from the districts, two from District I (Andrews), three from District II (Murphy) and two from District III (lower end of the county).

Representative Messer became involved in the bill when he was approached by Cherokee County Democrats who had failed to get a positive

response from Rep. Bill Bradley of Hayesville, who represents Cherokee County.

W. T. Moore of Andrews, Chairman of the board of commissioners, said that he and other Democrats requested work to be done toward presenting a bill to change the present commissioner system. Moore said that he asked L.L. Mason, Jr., who is secretary of the Cherokee County Democratic Executive Committee, to draw a letter requesting the bill, and that he (Moore) read, approved and signed the letter.

Mason said that there were a number of people involved in drawing up the seven-man board plan, and that it was not the work of one or two individuals. Other Democrats named by Messer who requested that he represent him were Chairman of the Cherokee County Board of Elections, Homer Davidson, and chairman of the Cherokee County Democratic Executive Committee, George Postell.

Messer's bill went before a house committee on local

government last Wednesday and received a surprising, and disappointing, reaction in that the opinions of the 20 legislators involved reacted on a purely partisan basis - the Democrats voted for Messer and the Republicans against.

West responded to Messer's proposal by saying that it did nothing to improve the existing condition and that it was an attempt to "disfranchise" the voters of Cherokee County. He added that it was the response of the voters in the county to the present system that helped elect him and Rep. Bradley.

Action on West's and Messer's bills were scheduled for Tuesday, but in a telephone conversation with the senator Tuesday evening he said that a motion made when he was not present carried the bill over to Thursday. He said that Messer's bill was also to be taken up Thursday.

West said that he was surprised to find that his former opponent, former Senator Mary Faye Brumby of Murphy, had written a letter to

all the "various members of the General Assembly" attacking his bill and him personally.

"In her letter dated February 21," West said, "Mrs. Brumby wrote, and I quote, 'I think it (Messer's proposal) is a fair bill, it is absolutely the only way we can hope to have a voice in the board of commissioners. No doubt you are familiar with West's bill, which will ruin us if passed. The Republicans are determined to strip us of all offices in Cherokee County and the whole state, for that matter.' He then stated, 'this is one thing that I object to. Mrs. Brumby and Mr. Messer are trying to run Cherokee County, which neither one represents.'"

West said that he felt Mrs. Brumby's attack on him personally was not warranted. He said Mrs. Brumby wrote that he had misrepresented and distorted the facts to win the election, and that "there is absolutely nothing he will not stoop to do in order to win an election or get a bill passed favorable to the Republicans."

When I asked Mrs. Brumby what she meant by the statement that West's bill "will ruin us", she replied that doing away with the districts would not result in equal representation. "If we didn't have election by districts", she said, "everyone would not know all who were running and there's always the chance that all of the commissioners would be from the same part of the county." Mrs. Brumby said that by 'us' she was referring to the Democrats.

"I do hope that this will be settled soon," she continued. "All of this bitterness is bad for the county." West emphasized that his main concern was to the number of commissioners. "I strenuously object to the number proposed, not so much the way they are elected."

Whatever the reasons for the instigation of both bills, West had better be prepared for a fight in the Senate where he is greatly outnumbered and regardless of the outcome, Cherokee County had better be prepared for a change.

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Community Development Council Elects Officers For Coming Year

The Cherokee County Community Development Council met Tuesday night February 11 at the Murphy Power Board building. Frank Sudderth, president presided over the meeting.

The nominating committee presented the following slate of officers for 1969 which were elected at the meeting: President, Frank Sudderth, Vice President, J. D. Decker; Secretary-Treasurer, Willard

Hembree. The following clubs were represented at the meeting: Texana, Frank Sudderth, Mrs. Ella Jackson, Mrs. Sadie Kincaid, Mrs. Bessie Carter, Mr.

Nathaniel Carter; Marble - Kermit Kilpatrick, Jack Palmer, and Roland Garrett; Tomotla - J. D. Decker, and Anna M. Dewese; Peachtree - Mrs. Lillian M. Olson and Willard Hembree; Other council members attending were: Mack Ray, Rural Renewal Program, Miss Jewell Garrett, Home Ec. Teacher, Murphy, Miss Lillie L. Stephens Home Ec Teacher, Hiwassee Dam, David Shields, Four Square Community Actions Inc., Donald W. Peterson, Forest Service, Wendell Hedden, Assistant Agricultural Extension Agent and Dr. Manfred Thullen.

TWUA Is Sued For \$5 Million

The Kayser Roth Company in Dayton, Tennessee, has filed suit against the Textile Workers Union of America for \$5 million. The suit was brought forth by the company because of disruption of operations due to violence when TWUA members conducted a strike.



Future Farmers Hold Banquet

The Murphy High School Future Farmers of America hosted the N.C. FFA Executive Secretary, Mr. Charles Keels, at their banquet Saturday night. Over 37 people, FFA members, their families, and guests attended the annual affair. Officers and leaders present were, front row left to right, W. L. Roberts,

Vocational Agriculture teacher at Murphy, Charles Keels, Russell McMillian, FFA Club president, and John Mason, FFA class secretary. Back row, Jerry Phillips, FFA club secretary, Gearold Stiles, FFA vice-president, and Stanley Barnett, reporter. (Scout photo by Bill Gray)

Resident Seriously Injured In Accident

Elmer Laney, 51 of Murphy, was seriously injured Friday afternoon at his job at the Townson Lumber Company when he was struck in the abdomen with a board.

Laney's condition improved over the weekend, and he is now in good condition. Carringer said that Laney had worked with Townson Lumber Company for 35 years.

John Carringer, manager of the company, said that no one knew for sure what happened since Laney had tried to back a 2 x 4 out of a planer and the machine kicked the board out

Fabulous Magicians Play Jaycees Monday

The Fabulous Magicians basketball team, one of the most exciting basketball teams of its type, will be in the Murphy High School gym Monday night, March 3, to play the Murphy Jaycees.

Leading the Magicians will be Gene "Sugarfoot" Johnson, claimed as the Mr. Comedy on the basketball court, Johnson, a six and a half foot native of Manchester, Mo., has spent seven years with the Magicians and is the captain and manager of the team.

Other members of the highly precisioned and entertaining team are Ishmal "Flash" Baker, a 6'4" college basketball star that is proclaimed as one of the fastest players in the game today; Alphonso "So Funny" Scott a 6'6" giant that established all kinds of scoring records in his college years; Walter "Bird" Cummings, center, leading rebounder and scorer and former star at Tennessee State University William "Hop-Along" Hayes, a 6'4" high scoring guard that has one of the greatest jump shots in the game; James "Dribble" Murrell, a six footer who is fastly becoming one of the best ball handlers and playmakers in basketball; and Sherman "Tank" Yates, a 6'4", 215 pound guard that starred at Tennessee State University. The line-up for the Jaycee team is not quite as illustrious as that above, but the local stars should provide plenty of action and competition for the visiting comedians.

Game time for this hilarious event will be 8:00 p.m. and tickets will be purchased at the gate or from any member of the Jaycees. Admission is \$1 for students and \$1.50 for adults.

Masons Set Meeting For March 6th

The Scottish Rite Masons from Cherokee, Clay, Graham, and Swain Counties will meet at O'Dell's Cafe in Murphy, N. C. at 7:00 p.m. Thursday, March 6 as the guests of The Asheville Lodge of Perfection. Dinner will be served at 7:00 p.m. and a meeting will follow at 8:00 p.m.

All Scottish Rite Masons in these four counties are urged to attend regardless of where their membership may be. Reservations for dinner may be made by card or phone to W. D. Whitaker, Asheville, N. C. 28801 before March 1, 1969.

Tickets will be on sale from 10:00 a.m. until 2:00 p.m. in downtown Murphy this coming Saturday.

Textile Workers Union Defeated At Wilmington

An Indian Head hosiery plant in Wilmington, N. C., that has been represented by the Textile Workers Union of America for the past two and a half years has been "decertified" in a National Labor Relations Board conducted election February 19. The action to de-unionize the company came when employees felt they were receiving no benefits from their membership with the TWUA. It was the employees, not the company, that brought action to have a vote and campaigned for the removal of the union from their plant.

Scout Council To Hold Workshops

A series of three Craft Workshops, sponsored by the Pisgah Girl Scout Council and A 'n L's Hobbcraft Inc., will be held in Cherokee County during the next three months.

The public is invited to attend both morning and afternoon sessions. Registration fee for each is \$100 for demonstration, instruction, and cost of materials used.

The first workshop, "Trim Your Trash," will be held on March 5 in the Andrews Methodist Fellowship Hall. Hours are from 9:30 until 1 and in the afternoon from 1:30 until 4:30.

Murphy Power Board will be the place for the next session on April 2. The subject will be "Printing."

The last workshop on "Use of Natural Materials" will be held in the Andrews Methodist Fellowship Hall on May 1. An open house will be held with W. D. Whitaker, Asheville, N. C. 28801 before March 1, 1969.

Regional Library Announces Free Telephone Services

The Nantahala Regional Library has been invited to participate in the new toll-free telephone reference service offered by the State Library in Raleigh. This service has been helpful to library patrons seeking answers to questions which can not be answered locally.

followed immediately by one from Manteo. For reference services, use your public library in the Nantahala Region (Cherokee, Graham, Clay Counties). If answers can not be found your question will be directed to the Nantahala Regional Library Headquarters, where a call will be placed on the In-WATS line. It should be noted that heraldry and genealogical research cannot be undertaken by the State Library Staff.

The Nantahala Regional Library Bookmobile will be in the following sections of Cherokee County, March 3-6.

March 3, - Hanging Dog, Boiling Springs, Fair's Store, White Church School, Owl Creek.

March 4, - Unaka School, Upperbeaverdam, Ogreeta, Grape Creek.

March 5, Peachtree, Brasstown, Folk School, Peachtree School.

March 6, - Culberson, Macedonia, Hot House, Ranger.

If anyone is interested in Bookmobile Service, feel free to stop the bookmobile along these routes. For more information about the bookmobile, call Nantahala Regional Library, 837-2025.

Songwriter And Poet Expresses Sentiment Of The South

by Bill Gray

The days when juke boxes were the center of attention in every restaurant and drugstore, big bands were in demand in large cities and songs were popular for months instead of weeks have past, but John B. Moore, who was writing and playing songs at that time, talks of them as if it were only yesterday.

Moore, a native and lifelong resident of Cherokee County, has written and published songs about the South and Western North Carolina since he took up music over 40 years ago. His songs have never been on top of the charts or won popularity contests, but they tell of an area in a way that has never before been put to music.

A jeweler by profession, Moore can be accurately described as someone who has lived a life of music. He tells of learning to play the violin at 16, and then switching to the clarinet and saxophone. There aren't many instruments Moore hasn't played at some time, even though now he only plays the accordion.

"When It's Blossom Time In Old Caroline" was the first song that he wrote and published, and it is the one that has been the most popular.

"I wrote that song when I was in South Georgia," he said, "reminding back over the years. 'I had been playing in a band in a fine hotel in Atlanta, and just after I bought me a new silver sax the band folded and I left Atlanta. That's when I took up writing my own songs.' He was speaking of the late 1930's.

"When It's Blossom Time..." was first introduced over WSB radio station in Atlanta, where his second song, "I'm Headin' Back South" also gained popularity in the early 40's. His first song was chosen as the theme of a then popular travel talk film about WNC.

Moore's other songs, "Only A Row From Heaven," "Walking In The Clouds," "Somewhere A Heart Is Calling," and two patriotic songs, "Victory" and "A Soldier's Dream" have enjoyed

popularity at one time or another as single records on Decca, Varsity and Southland labels.

A clue to his popularity in the pre World War II years is shown by an article that appeared in Billboard, the world's largest and most widely circulated music magazine, which was the bible of all music lovers at that time. The article - which dates March 6, 1943 - tells that "Mr. Moore, who publishes his own songs and poetry, has gained nation-wide attention by his songs and poetry." The article goes on to say that his poems have been included in four national poetry and lyric anthologies.

"Music is different now than it used to be," he continued, "coming up to the present. 'Today it is all 'be-bop', as I call it, and the words don't make sense. The trend in several places is for the good old song.' He repeated, referring to several recent magazines, and that is where I have been playing

again on the radio."

Moore talked for a long time about how music used to be, of how lyrics took on special meaning and stirred memories, and of a time that people under 40, like myself, can only understand by watching an old musical on the late show.

"Since I am now retired," he went on, "I spend my summers taking my records around to different places in the Smokies. The tourists, they really like it." He explained that he left the jewelry business after 30 years because of an ulcerated stomach.

Moore has recently had his six songs recorded on a 45 album titled "Variety Album, Songs Of The Great Smokies," which is on the Independent label. He has plans to distribute them to a limited number of radio stations and have them at Lays in Murphy.

Moore's songs are not country or folk songs. They are simple, down-to-earth songs which bring a feeling of nostalgia to the old-timer of the Great Smokies.



John B. Moore