

MOUNTAINS

3rd year of sochan gathering for Cherokee



Word from the Smokies
Frances Figart
Columnist

While the word “harvest” usually brings autumn to mind, spring is the time of year for harvesting sochan. Also known as green-headed coneflower, sochan plays an important role in the cultural heritage of the Eastern Band of Cherokee Indians, who gathered food and medicine directly from the land in the Great Smoky Mountains long before there was a national park here.

“Coming out of winter each year, we have a thriving community that looks forward to harvesting some of the botanical consumables coming up like ramps and sochan,” says Tommy Cabe, forest resource specialist with the Eastern Band. “Historically, we probably ate a lot of dried fish and meat through the winter months and moved back to a more vegetarian diet during the spring.”

Heading into to the mountains to gather sochan (*Rudbeckia laciniata*) is a family tradition considered by some to be sacred. The plant’s young leaves are rich in Vitamin A, iron, calcium, and potassium, and the tall, late-summer-blooming wildflower is common along streams and wet areas throughout the park.

Cabe is especially enthusiastic about harvesting this spring because it’s the third year that his community has been able to come into Great Smoky Mountains National Park to gather sochan. The arrangement began in 2019 when Great Smoky Mountains National Park negotiated an agreement with the tribe for annual sochan gathering during March, April and May. The agreement was the result of a National Park Service decision three years prior, in 2016, to recognize and honor the historical ties and cultural knowledge that many Native American groups continue to hold with respect to public lands by allowing the gathering of plants or plant parts for traditional purposes by federally recognized American Indian tribes.



Sochan, also known as green headed coneflower, is a spring green that was traditionally harvested by the Cherokee in the Great Smoky Mountains National Park well before the park was established. COURTESY OF NORTH CAROLINA ARBORETUM

“To get a better grasp of what these traditional foods mean for our DNA and our cellular structure,” Cabe explains, “we ran some nutritional panels on them and found that some of these foods are equally good or better for you than some of the current organic produce available to our members. So that justified the relationship with some of these resources on a scientific level.”

The gathering agreement rules describe how many tribal members can harvest and how much of the plant they

can take. The quota is one bushel per week per person for each week of the harvest. A bushel is equivalent to a cloth grocery bag full, but most of the gatherers only bring out a quarter or half bag. This is the first season that all 36 harvester slots are filled. Josh Albritton, the NPS biological science technician who manages the program for the park, is really excited about this high level of participation.

“The relationship between the Cherokee and this land goes back thou-

sands of years, way back before Great Smoky Mountains National Park ever existed, and now we have this chunk of land that is protected,” he says. “Ours is one of the first agreements of its kind in the Eastern U.S. and one of the first in the national park system. To help garner this relationship that allows the Cherokee Indians to continue to uphold their cultural values is of utmost importance.”

Cabe says the gathering program is a landmark effort for the two governments — U.S. and tribal — to find common ground, and “it demonstrates that indigenous people are still here.” He adds that environmental shifts related to climate change make it more important than ever to continue to foster and maintain ancient relationships with the landscape.

“Some of our stories about these plants and how we use them still exist in our culture, and they’re still important to us from a health standpoint,” he says. “This agreement gives us an opportunity to revisit our relationship with the federal government and share some of this knowledge — because we feel like it’s actually being heard now. To work together in a scientific environment to justify the way that we engage with these plant species is more than just a give-and-take, but a holistic conscious effort that will benefit future generations.”

With the exception of harvesting permits such as the ones provided by the sochan agreement, federal law protects almost everything in national parks, including wildlife, plants, historic objects, and even rocks. Other exceptions include game fish (with catch limits) and berries, nuts, and edible mushrooms (for personal consumption only).

Frances Figart is the editor of *Smokies Life* magazine and the Creative Services Director for the 28,000-member Great Smoky Mountains Association, an educational nonprofit partner of Great Smoky Mountains National Park. Learn more at smokiesinformation.org and reach the author at frances@gsassoc.org.

Judge sets terms in Newman preliminary hearing

Karen Chávez Asheville Citizen Times
USA TODAY NETWORK

In a preliminary hearing April 1 to decide if District Attorney Greg Newman will be removed from elected office, Henderson County Superior Court Judge Robert Ervin ruled that independent counsel James Cooney III did not have to relitigate findings of fact in Newman’s previous N.C. State Bar disciplinary cases, otherwise known as “collateral estoppel” and “judicial estoppel.”

Cooney, a partner in Womble Bond Dickinson law firm in Charlotte, was appointed by Ervin to present evidence in this removal case, which is unusual in that it is neither a civil suit nor a criminal prosecution, but rather an “inquiry.” Only three district attorneys — the top criminal prosecutors in their districts — have been removed from office in North Carolina, according to legal experts.

Of those, two were removed under the little-known General Statute 7A-66, which allows anyone to seek the suspension or removal of a district attorney by filing a sworn affidavit with the clerk of superior court, charging at least one of seven grounds for removal, which include “conduct prejudicial to the administration of justice which brings the



Newman Cooney Freedman

office into disrepute.” On Feb. 11, former Henderson County resident Peggy McDowell filed an affidavit with the clerk of Superior Court of Henderson County seeking the removal of Newman on various grounds, with the support of more than a dozen families of child rape, murder and child abduction victims, who claimed Newman did not properly prosecute their cases or did not prosecute them at all.

On March 17, Ervin found probable cause existed to conduct a hearing on three of the grounds set forth in the affidavit and appointed Cooney as independent counsel. Cooney is also joined by Asheville attorney Ike Northup.

A public hearing to decide the question of Newman’s removal is scheduled to start April 12 at the Henderson County Courthouse.

In the April 1 hearing, Cooney asked in a motion that “the Court hold that the factual findings made by the Disciplinary

ary Hearing Commission of the North Carolina State Bar in *The North Carolina State Bar v. Gregory A. Newman*, 19 DHC 14 appearing at paragraphs 1 through 57 of (“the Order of Discipline”) are established and may not be contested by Newman under principles collateral estoppel.”

In this disciplinary hearing held Nov. 12-13, 2020 in Raleigh, a three-member panel of the State Bar found that Newman:

- Lied to the judge in a child rape case, saying that the victim, Valerie Owenby, who claimed to have been raped by a neighbor, James Sapp, when she was age 5-12, had been notified of a plea deal reduced from rape of a child by an adult to misdemeanor assault on a female.
- Failed to inform Owenby of the scheduled guilty plea before resolving the case, despite her request to be heard.
- Failed to inform the court that his statement that the victim had been notified was false.
- Made false statements to the State Bar during the grievance investigation.

The panel found Newman violated the N.C. Crime Victims’ Rights Act and the Rules of Professional Conduct and

issued him a three-year stayed probation.

The panel also found that Newman had received an admonition from the State Bar in 2006 for “engaging in conduct prejudicial to the administration of justice and failing to adequately communicate with a client,” and a reprimand in 2019 for engaging in conflict of interest and “knowingly making a material misrepresentation of fact in his response to the letter of notice from the State Bar.”

The panel found that Newman showed no remorse in the November disciplinary hearing and refused to acknowledge wrongful nature of conduct.

Judge Ervin agreed with Cooney that these facts would stand and would not need to be proved once again at the April 12 hearing.

Also at the April 1 hearing, in which Newman did not appear, he retained a new defense attorney, David Freedman, a partner in Freedman Thompson Witt Ceberio & Byrd law firm in Winston-Salem, to replace Christopher Stepp, a Hendersonville lawyer.

Freedman, who was one of the defense attorneys for Durham District Attorney Mike Nifong, who was disbarred in 2007, also agreed to the terms.

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