

Metro & State



CONTACT US: Bert Roughton Jr., Metro editor / broughton@ajc.com / 404-526-5342

AJC.COM

- > **Get Schooled!** Share your thoughts on local education in our blog.
- > **What did the new neighbors pay?** Our database of recent home sales knows.

ajc.com/metro



A funeral procession from old Ebenezer Baptist Church to South-Vine Cemetery marked the deaths of victims in the 1906 Atlanta Race Riot. Only one of the slain black residents, George Wilder, has a marked grave (right).

Race riot remembered

Memorial held 100 years after deadly clashes

By JIM AUCHMUTY
jauchmuty@ajc.com

It looked like any other funeral procession, but it wasn't. For one thing, there was no body in the hearse.

The bodies were buried 100 years ago.

A hearse-led procession of 25 cars wound through downtown Atlanta on Thursday afternoon to commemorate the centennial of the 1906 Atlanta Race Riot.

The procession passed the corner of Auburn Avenue and Peachtree Street, where white mobs beat a black man to death on the first night of the riot, Sept. 22, 1906. The procession passed the Henry Grady monument on Marietta Street, where the bodies of three victims were stacked in ironic defiance of a New South. The procession drove south toward Lakewood, through a neighborhood once known as Brownsville, where white policemen and black residents fought a gun battle on the third day of the riot.

This time, the cops were providing a motorcycle escort.

The funeral cortege was one of the



June Dobbs Butts, whose father ensured that she never forgot about the nights of terror, watches a film on the riot. Behind her is King Center President Isaac Farris.

first acts in a commemoration staged by the Coalition to Remember the 1906 Atlanta Race Riot, an organization with members from an array of local schools, governments and arts and faith groups. The coalition has planned a three-day symposium of events this weekend at Georgia State University and the Atlanta University Center's Robert W. Woodruff Library.

The centennial marks the bloodiest out-

break of racial violence in Atlanta history. The riot began downtown on a hot Saturday night when thousands of white men, inflamed by sensational and inaccurate newspaper reports of black sex crimes, started attacking blacks at random. By the time the bloodshed ended three days later, at least two dozen Atlantans were dead.

Thursday's memorial started with a

> Please see **RIOT, D4**

Developer abandons Beltline

Mason drops project after rift with city

By DAVID PENDERED
dpendered@ajc.com
and WALTER WOODS
woods@ajc.com

The Gwinnett County tycoon who owns five miles of Atlanta's proposed Beltline has pulled out of the project, imperiling the widely praised intown transit path that many saw as the most important city venture in decades.

Wayne Mason said Thursday he is abandoning his planned projects — including two condo towers next to Piedmont Park. He also withdrew his offer to donate about 43 acres to Atlanta for parks, trails and a path for a future transit line.

For more than a year, Mason, a Gwinnett County real estate

investor, and Atlanta development officials have been dueling over the out-of-use rail line Mason bought from Norfolk Southern Railroad Co. in late 2004. Mason wanted to build about 3,000 homes on his land.

But on Thursday afternoon, Mason and the company that planned to build the condo towers withdrew their reasoning request from Atlanta's planning department.

"After nearly two years, we have every reason to be skeptical of the entire Beltline project, and we have serious questions about its feasibility," said Keith Mason, Mason's son and partner. "To realize the Beltline, there has to be pro-

> Please see **BELTLINE, D4**

Lawyer says Taylor campaign in debt

Poll: Perdue has 20-point edge

By JAMES SALZER
jsalzer@ajc.com
and JEREMY REDMON
jredmon@ajc.com



A spokesman says **Mark Taylor's** debt "has not and will not have any impact on the general election campaign."

Lt. Gov. Mark Taylor's Democratic primary victory left his campaign in debt, forcing him to raise money to pay off old bills while also trying to unseat a well-funded Gov. Sonny Perdue.

The news from Taylor's campaign lawyer — and confirmed later by his campaign spokesman — came out Thursday a few hours before a new poll showing that Taylor heads into the final 6½ weeks of the campaign 20 percentage points down versus Perdue.

"The good news for him is it can't get any worse," said Atlanta pollster and political pundit Matt Towery. "I've seen campaigns that have had miraculous turnarounds, and this one will probably need one."

Taylor heads into the final month and a half with a lot of ground to make up and lousy poll numbers. Even without the disclosure about his primary debt, he is at a huge financial disadvantage against Perdue.

> Please see **TAYLOR, D5**

Jury acquits man in cellmate's death

By DAVID SIMPSON
dsimpson@ajc.com

A DeKalb jury Thursday acquitted a man of beating to death a fellow inmate in the county jail after a trial that featured the elderly victim's outspoken racism and a defense allegation that jailers faked evidence.

After just two hours of deliberation, the jury acquitted Jason Corey Smith, 26, of all charges in the July 7, 2004, death of 71-year-old Hoyt Jenkins.

In two days of testimony, the jury of five whites and seven blacks learned that Jenkins was a schizophrenic with a history of making racist comments and threats against African-Americans. He had been in jail more than nine months after threatening to stab police officers who pulled him over for driving without a tag.

Defense attorney David J.

Farnham told jurors Thursday that jail officials "created a recipe for murder" when they put Smith, a black man who was then 24 years old, into Jenkins' cell in the jail's mental health unit.

Smith was sent to the mental health unit after acting strangely in the booking area. Earlier, Smith had called Decatur police and demanded to be jailed for marijuana possession because he was fearful of unspecified others wanted to kill him, according to a police report.

Farnham argued that the jailers were fearful of blame when they found Jenkins battered in the cell. He said the jailers then faked evidence to cover up their failure to notice what the defense claims was a loud fight between two men.

The defense lawyer said jailers made it appear Jenkins was

> Please see **JAIL, D4**



Can't pet these pups

Doane August shows newborn bonnethead sharks to sons David, 2 (left) and John, 4. A pregnant bonnethead in the touch tank at the Georgia Aquarium had 10 pups. **More photos, D6**

Fulton sheriff: Jail in consultant's hands

By RHONDA COOK
rcook@ajc.com

Fulton Sheriff Myron Freeman has assigned a highly paid consultant to oversee day-to-day operations at the troubled county jail.

John Gibson, the consultant, also will have authority over Chief Jailor Charles Felton, according to an announcement from the Sheriff's Office. Freeman selected Felton to run the jail 10 weeks ago.

In his announcement, Freeman also notified the jail staff of additional reassignments, bringing the total number of staffing shifts to more than 120 since early June. The earlier reassignments were blamed for causing turmoil at the jail.

The sheriff characterized the recent reassignments as temporary.

Gibson is paid \$10,000

a month to advise Freeman on making court-ordered jail improvements. Asked if Gibson's new duties are within the scope of his consulting job, the sheriff said, "I pay him to do what I need him to do."

Sgt. Charles Rambo, speaking as national vice president for International Brotherhood of Police Officers, said Gibson's "current promotion is not consistent with his current contract as a consultant. The person who was elected to do the job [Freeman] has deferred all his duties to the consultant."

The recent redefinition of Gibson's role comes after a series of conflicts with staff. Some, including the federal judge who ordered improvements at the jail, have described Gibson as "abrasive." In e-mail exchanges, jail staffers said Gibson was

> Please see **JAIL, D6**

Beltline: Gwinnett developer abandons plans for Atlanta project

> Continued from D1

erty ownership. Given the city's lack of ownership of any land in the 22-mile Beltline, their lack of money to buy the land and the highly speculative nature of their proposal to us, we realize that like other visions, this one is unlikely to sustain itself.

The tipping point came Tuesday when Atlanta's planning commissioner, Steve Cover, presented the city's response to Mason's rezoning request: Mason could swap all the land to Atlanta in exchange for the right to develop about 2,000 residences elsewhere in the city. The city estimated the

deal was worth from \$48 million to \$100 million for Mason, who paid \$25 million for the railroad line.

The future of Mason's 70 acres is now anything but certain. Mason said he's considering his options, such as selling to other developers. He said he may keep it and let his grandchildren worry about it.

Some of the land is zoned for houses and the rest is industrial, a category that allows for construction of everything from hotels to salvage yards.

"You need leadership to bring about a project of this magnitude, and this team is taking a timeout," said former Gov. Roy

Barnes, hired by Mason to help negotiate with the city. "It's been too difficult a process. The folks inside City Hall or the Atlanta Development Authority [Atlanta's development arm] decided to be very hostile to this developer. They made the process impossible."

Greg Giornelli, president of the Atlanta Development Authority, said Thursday he had no comment on Mason's decision. Giornelli has maintained that Mason's proposed developments are not needed to help raise enough property taxes to build the Beltline.

Atlanta Mayor Shirley Franklin said the city will continue working on the Beltline according to the schedule adopted this year.

The Beltline is part of Franklin's economic development plan for the city, and the mayor put her political muscle behind it during the campaign last fall to create a special tax district to raise nearly \$2 billion over 25 years to pay for the Beltline's system of parks, trails and transit.

The long-term project has been met over the past two years with obstacles along the way, Franklin said. "But make no mistake, it will happen. We have met the previous challenges head on and will continue to support development plans that support the vision of this project."

Mason's team, the North-

east Atlanta Beltline Group, has contended for a year that some city employees and Beltline advocates have intentionally misled them with their rezoning application.

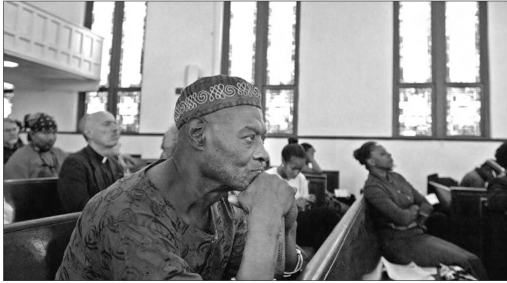
The allegations mainly involve claims that city officials gave incorrect information about Mason's plans to neighboring neighborhoods, and that Mason's team was outraged that it was excluded from a task force, whose membership was made up mostly of intown developers, that was formed to create an overarching plan for building the Beltline.

Mason touted his plans for helping to build Atlanta "up, not out," providing an alternative to sprawling development in the suburbs that he helped build in the past 30 years. Mason said his

plan would enable him to donate about 43 acres to Atlanta for parks, trails and a route for the transit line that's at the heart of the Beltline concept.

Meantime, Atlanta development officials created a master plan for the Beltline that showed some of Mason's property as future green space and other portions were shown with future developments that were less dense than Mason proposed.

The condo towers next to Piedmont Park are the most controversial pieces of Mason's plan. But almost as contentious are developments he proposed on other parcels in some of Atlanta's most desired neighborhoods, where residents feel they already are choking on traffic and other side-effects of the city's rising population.



James Hargett listens to speakers at a memorial service Thursday at old Ebenezer Baptist Church marking the 100th anniversary of the Atlanta Race Riot that killed two dozen Atlantans.

Riot: Events mark 100th anniversary

service at old Ebenezer Baptist Church, Martin Luther King Jr.'s pulpit, where a historical assembly of about 125 heard speeches and spirituals and resolutions.

One of the speakers, civil rights activist Xerona Clayton, cut to the heart of the matter and asked: Why remember? "People keep saying to us, 'Why do you keep talking about the past?'" she said. "Well, it's hard to forget."

After the service, many congregants got into their cars and lined up behind a hearse from Haugbrooks, the venerable Auburn Avenue funeral home.

The procession ended up at South-View Cemetery in southeast Atlanta, where eight riot fatalities are thought to be buried. Only one has a marked grave: George Wilder, a former

slave who fought for the Union Army at the end of the Civil War. He was shot to death at 70 in the riot and tried to read the faint, weathered engraving, which declares that he was "killed in the riot."

They listened as Akinyele Umoja, an African-American studies professor at Georgia State, celebrated a libation — a traditional African blessing of forebears.

"We salute all our ancestors who fought back and resisted, who protected their homes and families," he called out, pouring water from a brown checkered cup over Wilder's grave.

After a minute of silence, two Spelman College students

read the names of riot victims. Several are buried in pauper's plots. The cemetery doesn't know exactly where.

In their memory — in memory of all the victims — an oak tree was planted down the hill from Wilder's resting place.

The service left one coalition member, June Dobbs Butts, emotionally spent. Butts is the daughter of John Wesley Dobbs, who lived through the riot and went on to become a leader of Atlanta's black community. He never forgot those hours of terror when he sat up all night with a gun ready to defend his family against the mob. He wanted to make sure his daughter never forgot it.

"I'm touched," she said at the cemetery, "by the mystery and loss represented by all the people who died."

Jail: Man acquitted of killing cellmate

> Continued from D1

attacked while sleeping on the floor in a one-celled beating that was so swift and severe Jenkins would have made little noise.

Farnham used that cover-up scenario to counter the prosecution's argument that Jenkins was so severely beaten that Smith could not have been simply defending himself.

Assistant district attorney Tunde Akinyele said a medical examiner's testimony showed that 23 fractures in Jenkins' rib cage were caused by "somebody jumping from a high area, jumping on somebody else's chest."

Farnham alleged the chest injuries were inflicted by a jailer after Smith was removed from the cell.

Farnham said a photo taken of Jenkins on the cell floor less than a photo taken hours later at the medical examiner's office, Akinyele countered by displaying photos from both time periods in which the only apparent differences were that some parts of Jenkins' chest were covered by a shirt in the early photo.

In a brief interview outside the courthouse, jury foreman

Plath Walker Jr. said the jurors did not believe "that this young man inflicted all the wounds." He declined to say whether jurors believed jailers caused any wounds.

Walker added, "We did feel that there was self-defense involved."

Smith testified earlier that Jenkins repeatedly attacked him and finally rushed him holding a pen and vowing to gouge out his eyes. Akinyele ridiculed Smith's story in his closing argument to the jury, noting the severity of Jenkins' injuries in comparison to a few scratches on Smith's face.

Jail records said Jenkins was 5-foot-9 and weighed 144 pounds, compared to Smith at 6-foot and 180 pounds.

Akinyele noted Smith testified he could not remember how many times he struck Jenkins or whether during any alleged attacks by Jenkins he used the cell's "panic button" to summon guards.

Akinyele conceded it was possible Jenkins made insulting comments to Smith.

"Hoyle Jenkins can use the n-word all the live-long day. That still is not a reason to kill him," the prosecutor said.

Jenkins had been found mentally incompetent to

stand trial, and he was on a waiting list to be moved to a state mental hospital. His death prompts state officials to expedite such transfers.

Farnham said jail officials ignored Jenkins' mental health in the four months after Jenkins went on the state waiting list. He noted the dead man's unkempt long hair, beard, fingernails and toenails as evidence of neglect.

"You can send a message to the county jail," Farnham told jurors. "They're not doing a good job."

Sheriff Thomas Brown, who is in charge of the jail, said in an interview Thursday he stood by the medical care Jenkins received in the jail. And he said the officials who placed Smith in Jenkins' cell had no information to suggest they should be separated.

The sheriff said Farnham's "irresponsible statements" about jailers inflicting wounds on Jenkins was not supported by any evidence.

Smith, who has been in jail for the 14 months since Jenkins' death, last year finished serving the 30-day sentence for the marijuana misdemeanor that originally brought him to the jail. So he was expected to be freed Thursday night.

On the Web in partnership with

CITYFEET

Online: www.ajcclassifieds.com/cityfeet
 404-526-5733.

Office Space Lease 415	Retail Space For Lease 425	Residential Invest 456	Commercial Svcs 465
400	400	400	400

COMMERCIAL REAL ESTATE SKYLINE PAGE
 Visit us at ajcclassifieds.com

Business & Finance

ADVERTISING OPPORTUNITIES

To advertise, call 404-526-5197.

Ad may also publish on ajcclassifieds.com.

Business Oppor. 602	Business Oppor. 602	Business For Sale 603	Business to Business 607
600	600	600	600

FINANCIAL OPPORTUNITY
 A COKE/M&M
 Multi-Unit Franchise
 800-925-8988 for details.

FINANCIAL OPPORTUNITY
 A COKE/M&M
 Multi-Unit Franchise
 800-925-8988 for details.

FINANCIAL OPPORTUNITY
 A COKE/M&M
 Multi-Unit Franchise
 800-925-8988 for details.

FINANCIAL OPPORTUNITY
 A COKE/M&M
 Multi-Unit Franchise
 800-925-8988 for details.

FINANCIAL OPPORTUNITY
 A COKE/M&M
 Multi-Unit Franchise
 800-925-8988 for details.

Legal Notices

PUBLIC HEARING
 I, Ho Far Lin, president and owner and Jojo Lim, secretary and owner of Erika & Alex, Inc., d/b/a Kyoto Japanese & Thai Cuisine, have made application to the Board of Commissioners of Fulton County, Georgia for the consumption on premises of wine, malt and distilled spirit beverages, located at 1150 Jones Bridge Rd, Ste. 112, Alpharetta, GA 30005. Public Hearing to be held in Assembly Room, Fulton County Government Center on Wednesday, October 4, 2006 at 10:00 AM.

PUBLIC HEARING
 I, Yabayo Zakaria Omar, President of owner Yomar of Atlanta, LLC, d/b/a Pood Mart #546 and Medhat Sleiman Karout as license holder, have made application to the Board of Commissioners of Fulton County, Georgia for the retail sale of wine for the consumption on premises of wine, malt and distilled spirit beverages, located at 2275 Hwy. 138 Fairburn, GA 30215. Public Hearing to be held in Assembly Room, Fulton County Government Center, 141 Pryor St. SW Atlanta, GA 30303 on Wednesday, October 4, 2006 at 10:00 AM.

PUBLIC HEARING
 Sami Ismael Nafisi, president/treasurer and Nasser Hanbali, secretary of ISSA, Inc. d/b/a Sami's Mart # 510 and Medhat Sleiman Karout as license holder, have made application to the Board of Commissioners of Fulton County, Georgia for the retail sale of wine and malt beverages; located at 10645 State Bridge Rd. Alpharetta, GA 30004. Public Hearing to be held in Assembly Room Fulton County Government Center, 141 Pryor St. SW Atlanta, GA 30303 on Wednesday, October 4, 2006 at 10:00 AM.

PUBLIC HEARING
 I, Nam Kumagai, owner and president of S. Pearl L.P.C. d/b/a Sushi Cafe To Shi, have made application to the Board of Commissioners of Fulton County, Georgia for the consumption on premises of wine and malt beverages, located at 9775 Medlock Bridge Rd. Ste. M, Duluth, GA 30097. Public hearing to be held in Assembly Room, Fulton County Government Center on Wednesday, October 4, 2006 at 10:00 AM.

THE AUCTION BLOCK

EVERY SUNDAY 10 AM - 12 PM
 JOHN H. HARRIS
 404-526-5733

THE AUCTION BLOCK
 EVERY SUNDAY 10 AM - 12 PM
 JOHN H. HARRIS
 404-526-5733

THE AUCTION BLOCK
 EVERY SUNDAY 10 AM - 12 PM
 JOHN H. HARRIS
 404-526-5733

To place a legal advertisement in the Atlanta Journal-Constitution contact the Legal Advertising Representative at
 404-526-5273;
 Fax: 404-526-5904
 Monday-Friday 8am - 5pm
 Deadline: 72 hours prior to publication