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# Valdosta Project Change

December 1999

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# Nursing home loses \$28.8 million bequest over racist provision

## Will states facility can only serve whites

BALTIMORE (AP) — A generation ago, Dr. Jesse C. Coggins left his entire estate to the Keswick nursing home, which went ahead and erected a building in his name even before it actually got the money.

But last month a judge ruled that Keswick has no right to the estate — now valued at \$28.8 million — because it couldn't honor a last-minute addition to Coggins' 1962 will: that the building be for white patients only.

Instead, the judge directed that the money go to the University of Maryland Medical Center, which was named in the will as the backup beneficiary in the event Keswick found the conditions "unacceptable."

Keswick plans to appeal, putting the money on hold for now.

"Here we have an example, we think, of a trial judge who is trying to enforce a racial restriction," said Edmond B. Nolley Jr., president of Keswick's board. "As far as we're concerned, it's illegal and immoral."

Coggins died in 1963 at 88. The estate remained in trust until his wife died last year — 13 years after Keswick erected the \$11 million Coggins building and opened its doors to all races.

Coggins' stern portrait hangs in the lobby, keeping a baleful eye on residents, one-third of whom aren't white.

The trustee for the estate realized that the racial provision in the will created a problem, leading to the ruling Nov. 9 by Circuit Judge H.H. Kaplan.

The judge said Keswick isn't entitled to Coggins' money, not because it should have heeded his whites-only request, but because the will was unenforceable — it would have required the nursing home to break discrimination law.

"The loss of these funds to Keswick ... because Keswick cannot comply with Dr. Coggins' condition is part of the price we pay" for letting people attach such conditions to their wills, Kaplan wrote.

Alice Brumbaugh, a law professor at the University of Maryland, expressed surprise at the ruling, saying it goes against the practice of many courts.

"A lot of courts have said when you have an illegal condi-

tion in the will, we just take the condition out and treat it as if it didn't exist," said

But Coggins' will gave the judge another option. Kaplan also cited the Supreme Court's ruling on the 1911 will of Sen. Augustus Bacon, which established a whites-only park in Georgia. The court ruled in 1970 that the park should revert to Bacon's heirs, rejecting arguments that the will be rewritten to keep the property in the city's hands.

Coggins' will was not all that unusual for 1962, five years before Keswick was forced by law to open its doors to all races.

"What was unusual was the trust lasted for so long," said David Bogen, a professor at the Maryland School of Law. "It's essentially time out of joint, making it unusual and, of course, striking."

No one knows what prompted Coggins to change his will on Dec. 29, 1962, just 34 days after he signed a will with no racial restrictions.

At the time, the civil rights movement was bringing profound changes to Maryland and the rest of country. Riots erupted when James Meredith tried to enter the University of Mississippi. In Maryland, the state announced on Nov. 24, 1962, that segregation would end at four state hospitals, including one where Coggins had worked.

Coggins had his own hospital, the Laurel Sanitarium, but frequently sent patients to the Home for the Incurables of Baltimore City, now called the Keswick Multi-Care Center.

His wife, Helen, a nurse, also worked at Keswick. Mrs. Coggins died in 1998 after living 20 years at Keswick and serving on its board. The couple had no children.

"She never seemed prejudicial to me," said Keswick resident Betty Carson, 66. "She was just a down-to-earth person. She liked her drink. She loved to eat. And she loved good conversation."

# VALDOSTA DAILY T

15, 1999

www.sgaonline.com

Wednesday, Dec. 15, 1999 — 3A

## Rep. Bishop supports People's Tribunal request

### Pushes for renewed investigation into inmate's death

By Brian Lawson

THE VALDOSTA DAILY TIMES

VALDOSTA — U.S. Rep. Sanford Bishop promised Monday to ask Justice Department officials to conduct a "complete investigation" into the death of Willie James Williams.

Bishop's pledge followed a meeting with the People's Tribunal in Albany concerning Williams' Sept. 2, 1998 death while in sheriff's department custody. The Tribunal contends Williams' was killed by excessive force or brutality by the sheriff's department and it has criticized local and federal investigations into the case.

"I understand the need for objectivity and I would certainly recommend that any investigation be independent," Bishop said. "I will package the information I have received and send it to the highest officials at the Justice Department so that they can review and evaluate it. In order that the truth may be found, whatever it may be."

The Tribunal's efforts to increase federal interest in the

case may have already proved successful. Pam Lightsey, a spokesperson for U.S. Attorney Beverly Martin said Tuesday Martin had passed on the evidence provided by the Tribunal to Justice Department and FBI officials.

"Following Ms. Martin's (Dec. 1) meeting with the People's Tribunal, she contacted the FBI and the Civil Rights Division of the U.S. Department of Justice, forwarded the evidence she was given and requested further investigation," Lightsey said. "As a result, they have reopened the investigation."

Lightsey did not have details about what form the expanded investigation would take and efforts to contact a Justice Department representative on the matter were unsuccessful Tuesday. The Tribunal has asked that FBI agents who have no regular contact with local law enforcement officials conduct any new probe.

In late October, Justice Department officials said there was not enough evidence to go forward with a criminal prosecution in the case, but at that time Martin said she would welcome any new evidence.

The Rev. Floyd Rose, president of the People's Tribunal, said he had not been informed

Continued from page 1A

## Request: Investigation reopened

that the Justice Department had reopened the investigation and planned to contact the U.S. Attorney's office today.

"We would be delighted if they reopened the investigation," Rose said. "And, we would be particularly pleased if they reopened it based on the new information we have submitted."

The sheriff's department has contended from the time of Williams' death that his fatal injuries were the result of a fall that took place while he was resisting arrest.

A Lowndes County Coroner's Inquest jury voted by a 3-2 margin — with three white jurors in the majority and two black jurors in the minority — last fall that Williams death was not the result of involuntary manslaughter on the part of Deputy Kevin Farmer, who arrested Williams. A grand jury later declined to indict Farmer on involuntary manslaughter charges.

Bishop stressed he was not pointing fingers of accusation,

but rather supporting public confidence in the justice system.

"Investigating crime is not the legislative branch's function, it is my duty to respond to requests from constituents,"

Bishop said.

About 75 members of the Tribunal packed a small conference room at Bishop's Albany office.

Tribunal members Donna Delaney, Tina Lott and Dr. Ari Santas and Joseph Wiley, attorney for the Williams family, offered a nearly two-hour presentation to Bishop concerning questions raised by the official record.

Bishop said he wanted to believe that the justice system cares about the community, that it ensures each citizen is stopped due to probable cause, not the color of their skin and treated with dignity and courtesy.

"This situation challenges that belief," Bishop said.

To contact reporter Brian Lawson, please call 244-3400, ext. 239.

Please see REQUEST, page 3A

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# Aaron hammers Rocker for remarks against gays, minorities

Hall of Famer "very sick and disgusted about the whole situation."

ATLANTA — John Rocker faced a fresh round of criticism, led by Hall of Famer Hank Aaron, despite the outspoken reliever's apology for insensitive remarks against gays and minorities.

Aaron said Thursday he was "very sick and disgusted about the whole situation" and questioned how Rocker could continue in baseball.

"I have no place in my heart for people who feel that way," the former slugger and current Atlanta Braves senior vice president told syndicated sports radio talk host Jay Mariotti on Thursday.

About 15 activists protested outside Turner Field, urging the Braves to fire Rocker for the comments, which were published in this week's Sports Il-

lustrated.

"There may be some room for redemption, but not as an Atlanta Brave," said Michael Langford, president of the United Youth-Adult Conference. "We encourage him to enter his resignation right now



Hank Aaron

and go into an early retirement."

Rocker told Sports Illustrated he would never play for a New York team because he didn't want to ride a subway train "next to some queer with AIDS." He also bashed immigrants, saying, "I'm not a very big fan of foreigners. ... How the hell did they get in this country?"

While driving in Atlanta during the interview, Rocker criticized Asian women. "Look! Look at this idiot," he said of another driver. "I guarantee you she's a Japanese woman. How

bad are Asian women at driving?"

He also called an overweight black teammate "a fat monkey."

Rocker apologized in a written statement Wednesday, saying he was carried away by his "competitive zeal" against New York Mets fans. He said he is not a racist and the comments do not reflect his true feelings.

Commissioner Bud Selig called Rocker's remarks "inappropriate and offensive." He said baseball is reviewing the matter and would take "appropriate action."

# Homebuyers must be financially ready

Perhaps 2000 will be the year you buy your first house.

It's an exciting prospect, but it also requires a lot of saving and planning. Do your homework ahead of time to avoid a major disappointment — getting turned down by the mortgage company.

The Mortgage Bankers Association

has put together a list of the most common reasons that mortgage applications are rejected.

The list was reprinted in GMAC Mortgage's industry newsletter, Market Commentary.

First on the list: the appraised value of the house is too low.

Say you agree to buy a house priced at \$120,000 and apply for a mortgage of \$108,000. The lender hires an appraiser to look over the property and the appraiser comes back with his report — \$110,000. That means you're getting a loan for all but \$2,000 of the appraised value of the house. The lender won't take that risk.

In this case, you can try negotiating with the seller to get a lower sales price.

If that doesn't work, you can accept a smaller mortgage and increase your down payment, assuming you have enough cash and still want the house.

Another common problem is that the lender looks over your financial documents and determines you don't have enough cash to cover the required down payment closing costs. Unless you have a fairy godmother or other good soul who will give you the money, you're out of luck in this case. But at least you learn from the process just how much money is needed at closing.

A worse problem is having insufficient income to cover the mortgage payments. As a general rule, lenders want your mortgage payment to take up no more than 28 percent of

your gross monthly income. Total debt, including the mortgage, should come to no more than 36 percent.

"However, if your credit record is very good, and you can show that you've already successfully carried an equivalent housing expense, either through rent or in your current mortgage, you may be able to convince the lender that you're the exception to the rule," MBA says.

Having a lot of debt is almost sure to cause problems when you apply for a mortgage. Lenders look not only at the total debt but also whether you have many credit cards and are increasing balances on them. "The only solution is to pay off the debts, bring the outstanding balances down and reduce the number of creditors who are owed money."

If you have a history of missed payments and past due accounts, "the chances of your mortgage application being turned down go way up." The only way to solve this problem is to establish a record of clean, on-time payments for at least a year.

There are lenders who will give you a mortgage despite a record of bad credit payments. But the interest rate will be sky high.

The Mortgage Bankers Association advises anyone who is turned down for a mortgage to find out why.

That way, you can move to fix the problems and re-apply when you're back on your financial feet. But it's best to make sure you know what's needed before you even bid on a house.

## Mortgage rates

Mortgage rates rose again this week (Dec. 23), according to a survey by Freddie Mac.

The national average for a 30-year loan increased to 7.96 percent from 7.86 percent last week. The 15-year was at 7.57 percent, up from 7.47 percent and the one year adjustable rose to 6.64 percent from 6.49 percent.

■  
*Pamela Reeves writes this column weekly for Scripps Howard News Service.*



**Pamela Reeves**

Columnist

# Democrats seek diversity

WASHINGTON (AP) — Lola Simmons is a gay, black Democrat from Brooklyn — just the women New York party officials needed to fill their national convention delegation in 1996.

Simmons, who expects to be a delegate again next year, was drawn into politics by the Democrats' goals of bringing to the convention floor more blacks, Asian-Americans, Hispanics and American Indians — and in some states homosexuals as well.

"I was told there wasn't enough minorities and/or women from Brooklyn who were interested in being a delegate," she said. A former coworker from a gay political action group encouraged Simmons to get more personally involved, telling her, "You might be a good choice."

"I thought, 'This would be a great opportunity for me to get to know the Democratic party a lot more intimately,'" Simmons recalled.

A Clinton delegate to the 1996 convention, the former political neophyte is now co-president of a Brooklyn club for gay Democrats. She also hopes to be a delegate in 2000, this time for Bill Bradley.

State party officials around the country are recruiting people such as Simmons to comply with affirmative action goals. Under Democratic National Party rules, each state must analyze its electorate and come up with numeric goals that will help delegations reflect local populations.

States aren't penalized for failing to meet their goals, although most do.

The only national requirement by the DNC is based on gender: delegations must be split evenly between men and women.

"The purpose here is to encourage more participation in

the process and to make sure that people who vote for Democrats have a voice at the table," said DNC spokeswoman Jenny Backus. "That's why we work with our state parties to set up a system of some goals — they aren't quotas, they're goals — to make sure that our conventions look like America."