

Backgrounder on the City of Atlanta's Affirmative Action Program

October 31, 2000

Affirmative Action has helped thousands of minority professionals and business owners around the country overcome obstacles of exclusion and has literally changed the face of business in America. Individuals possessing a strong entrepreneurial spirit have benefited from these evolving governmental policies designed to level the playing field.

Atlanta's Affirmative Action program was established about 25 years ago by our city's first African American mayor, Maynard Jackson. Upon taking office, Mayor Jackson found that African Americans, who made up 65 percent of the city's population at the time, received less than one percent of public contracts – and no woman of any race headed a City department. He therefore created what is still considered to be one of the best and most comprehensive affirmative action policies in the nation. Its purpose was to promote equal employment and business opportunities for minorities and females. This two-pronged initiative was designed to mitigate ongoing effects of discrimination. Out of this effort came both our city's Minority and Female Business Enterprise (MFBE) and Equal Employment

Opportunity (EEO) programs, managed by the city's Office of Contract Compliance.

The city's Affirmative Action Program was expanded under Mayor Andrew Young's guidance. During his administration, the total contract value received by minority and female businesses on many projects increased up to 35 percent. In Mayor Jackson's second administration, the Equal Business Opportunity (EBO) program was enacted. Under the Campbell administrations, the program has emerged as a national model, with more than 1,000 businesses representing 112 different industries in Atlanta which have been certified through the MFBE program. Over the course of the program, contracts and subcontracts awarded to minority and female businesses have amounted to hundreds of millions of dollars.

Our City's program works primarily by providing opportunities at the subcontracting and supply level. On contracts valued at more than \$10 million, prime contractors are strongly encouraged to enter a joint venture or a mentor/protégé agreement with a minority or female-owned firm. These partnerships provide minority and female firms with invaluable experience and training, preparing them to be prime contractors on similar projects in

the future. The concession contracts at Hartsfield Atlanta International Airport are an outstanding example of the positive impact of our City's Affirmative Action program. Women and minority-owned businesses account for 44 percent of the total number of concession locations and generate more than half of all concession revenue. Such results would not have been attained without Atlanta's Affirmative Action program.

B

SEPTEMBER 25, 2000

DEAR MS. WALSH:

MY NAME IS DALE CARDWELL, AND I'M A REPORTER WITH WSB TV, CHANNEL TWO. PURSUANT TO GEORGIA'S OPEN RECORDS LAW, (O.C.G.A. 50-18-70) I RESPECTFULLY REQUEST THAT YOU PROVIDE ME WITH THE OPPORTUNITY TO EXAMINE AND COPY DOCUMENTS RELATING TO THE NAMES OF ALL MINORITY COMPANIES REGISTERED TO DO BUSINESS WITH THE CITY OF ATLANTA UNDER THE MINORITY AND FEMALE BUSINESS ENTERPRISE PROGRAM.

I WOULD ALSO LIKE TO HAVE YEARLY BREAK DOWNS OF THE VALUE OF THE CONTRACTS AWARDED TO THOSE COMPANIES, INDIVIDUALLY, STARTING WITH JANUARY 1ST, 1994; AS WELL AS THE NAME OF THE DEPARTMENT FOR WHICH THEY WERE CONTRACTED TO WORK FOR. IF POSSIBLE, I WOULD PREFER TO RECEIVE THE INFORMATION IN ELECTRONIC FORM - A SPREADSHEET ON A DISC OR C.D..

THANKS FOR YOUR COOPERATION.



DALE CARDWELL



C

CITY OF ATLANTA

BILL CAMPBELL
MAYOR

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SUSAN PEASE LANGFORD
CITY ATTORNEY

Writer's Direct Dial Number:

September 29, 2000

Via Facsimile: 404-897-7370

Dale Cardwell
WSB-TV
Atlanta, Georgia

RE: **Open Records Act Request**

Dear Mr. Cardwell:

Pursuant to O.C.G.A. § 50-18-70 (f), this letter shall constitute the response to your Open Records Act Request dated September 25, 2000. I received your request on September 28, 2000.

As we discussed on Thursday, you may pick up a copy of the names of all minority companies registered to do business with the City of Atlanta from the Office of Contract Compliance. In addition to the names of the minority companies, you wanted a yearly break down of the value of the contracts awarded to those companies and the name of the department where they were contracted to work. However, the Office of Contract Compliance does not maintain this information in the form you requested.

I trust the foregoing has been responsive to your query. If you have any questions, do not hesitate to contact me at 404-330-6400.

Sincerely,



Kimberly B. Miller
Senior Assistant City Attorney

cc: Sandra Holoman Stevens, Law Department Open Records Administrator

D

AFFIRMATIVE ACTION PKG

Date: 11/14/00 19:35:43

File Master: /14298	Length: 01:57	Writer: DC	Editor: gw/s	Archcode:	Video-ID: wsba0372*C
<p>[0] >>CAMPBELL:"I SAID THEN, THAT I WAS WILLING TO DIE FOR THIS, AND I'M MORE COMMITTED TO THAT THAN EVER BEFORE...</p> <p>[1] >>DALE:"HE CALLS IT, THE MOST IMPORTANT CAUSE OF HIS SEVEN YEARS AS MAYOR...</p> <p>AND THE REASON, HE'S BEING HARRASSED BY A FEDERAL INVESTIGATION.</p> <p>SO WHAT IS THE RECORD OF AFFIRMATIVE ACTION, DURING THE TERMS, OF MAYOR BILL CAMPBELL?</p> <p>[2] >>CAMPBELL:"LOOK AROUND TODAY, LOOK AT OUR GREAT LEGACY OF MINORITY AND FEMALE OWNED, BUSINESS SUCCESS.</p> <p>[3] >>DALE:"BASED ON THAT INVITATION, WE ASKED THE MAYOR A COUPLE OF SIMPLE QUESTIONS.</p> <p>FIRST, OF THE 1-THOUSAND COMPANIES REGISTERED WITH THE CITY AS FEMALE AND MINORITY-OWNED...</p> <p>HOW MANY OF THEM, HAVE ACTUALLY GOTTEN WORK?</p> <p>AND SECONDLY, HOW MUCH MONEY HAS EACH COMPANY EARNED?</p> <p>THE ANSWER FROM THE CITY...NO ONE KNOWS.</p> <p>[4] >>HARRY ROSS:"IF OUR MAYOR, WHO I HAVE SUPPORTED FOR ELEVEN YEARS, CANNOT TELL YOU, CAN NOT IDENTIFY, THEN THERE IS A VACUUM, A LACK OF LEADERSHIP IN OUR COMMUNITY.</p> <p>[5] >>DALE:"THE CITY REFUSED TO ANSWER ANY OF OUR QUESTIONS ON CAMERA.</p> <p>BUT SHOWED US 23 CONTRACTS, WHICH DO SHOW, DOZENS OF COMPANIES GETTING WORK WITH THE CITY.</p> <p>BUT CRITICS SAY, WITHOUT AN ACCOUNTING OF ALL THE CITY'S CONTRACTS, THE PROGRAM IS OPEN TO FAVORITISM, AND ABUSE.</p> <p>[6] >>HARRY ROSS:"I HEAR BLACK ENTREPRENEURS SAYING WAIT A MINUTE, THE PROGRAM THAT WAS DESIGNED TO HELP ME, THE</p>					

PROGRAM THAT WAS IN PLACE TO GIVE ME A CHANCE, IS NOT REALLY GIVING ME A CHANCE!

SOMETHING IS WRONG!

[7] >>DALE:"ONE OF THOSE MEN IS LARRY MILLER, WHO SAYS HE'S BEEN TRYING TO GET WORK SINCE 19-79.

[8] >>MILLER:"YOU MUST KNOW SOMEBODY, IT SEEMS LIKE.

THE WORD IS, YOU MUST KNOW SOMEBODY, IN ORDER TO GET A CONTRACT IN THE CITY.

[9] >>MILLER SAYS THE MOST OBVIOUS EXAMPLE WAS HIS EFFORTS TO GET BUSINESS DURING THE '96 OLYMPICS.

HE SAYS HE AND MORE THAN ONE HUNDRED OF HIS COLLEAGUES WERE DENIED

THEIR CHANCE OF SHARING THE PIE.

[10] >>MILLER:"ITS A SHAME I'M STANDING RIGHT HERE, ON MLK AND WE'RE TALKING ABOUT BLACK ON BLACK DISCRIMINATION AND WE FOUGHT SO HARD TO DISPEL DISCRIMINATION AGAINST BLACKS AND WHITES, AND NOW WE'RE TALKING ABOUT BLACKS DISCRIMINATING AGAINST BLACKS.

IT'S TERRIBLE.

PRODUCTION CUES: [0]

26:48-----:53 TP 1

[1]

DALE

[2]

27:55-----:03 TP 1

[3]

DALE

[4]

3:24-----:31 TP 2

E

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Airport out millions in unpaid ad space Lone contractor Clear Channel gives many advertisers a free ride. Lawsuit, industry critics assail arrangement.

Rich McKay

Staff

Back-lit electric billboards and other advertising at Atlanta's **airport** could be generating as much as \$18 million this year. Instead, the contractor that sells the space has paid the city about \$4 million, and its records show that it has given away space on hundreds of billboards.

Hartsfield-Jackson International **Airport**, the world's busiest, should be the world's most lucrative **airport** advertising venue as well, with 90 million passengers a year -- a bigger audience than that of the last episode of "Lost."

Clear Channel **Airports**, the company that has for three decades held the exclusive rights to sell space on 324 signs at Hartsfield-Jackson, reported that only 22 percent of those signs were used by paying customers from Jan. 1 through Aug. 31, according to an analysis of **airport** records by The Atlanta Journal-Constitution.

But most of the **airport** signs declared as non-paying or filler space are actually pitching credit card services, wireless networks, banks and exotic vacations abroad.

The unpaid advertising space is worth millions of dollars, money that could be used by the **airport** for everything from hiring more baggage handlers, reducing the costs of **airport** parking or beefing up security.

Neither Clear Channel nor City Hall officials would agree to be interviewed for this story. A spokesman for Mayor Kasim **Reed** said **Reed** would be "unavailable" regardless of when an interview could be scheduled. Officials with the Aviation Department, an arm of the mayor's office, declined to review the data compiled by the AJC, although that department's spokesman did respond to some questions. The AJC hasn't determined why the ad sales have dropped at Hartsfield-Jackson or why Clear Channel would run ads that haven't been paid for.

The AJC began looking at **airport contracts** this summer after an outside firm, Corey **Airport Services**, owned by Atlanta businessman Billy Corey, won a \$17.5 million judgment against the city, Clear Channel and the company's minority partner. Corey claimed that the city had blocked his bid for the advertising **contract**, even though he was offering a better deal. The city and the contractors have appealed the ruling.

Hartsfield-Jackson has been rocked over the years by financial scandals and accusations of cronyism and insider deals connected to City Hall. Clear Channel's minority partner in the advertising deal is Barbara Fouch, a family friend of the late Maynard Jackson, one of the mayors for whom the **airport** is named.

Former Mayor Shirley Franklin, back in 2002, vowed to clean up the **airport's** culture. Specifically, she said she would make sure that **contracts** were **rebid** in a timely manner to make sure that everyone had a fair shot at doing business at the **airport**. But an AJC review of current **airport contracts** found that more than a dozen of them have expired without being **rebid** and are being continued on a month-to-month basis.

The biggest and most lucrative **contract** is Clear Channel's.

"It's worth hundreds of millions of dollars" over the life of the **contract**, said Atlanta **contract** attorney Marien Kelly, who has been following the issue for years and once worked on Corey's successful lawsuit.

"The only thing you can call it is a ripoff," she said.

The **contract** controlling how much the **airport** should get in ad revenue was last successfully **rebid** in 1981. It expired in 1997. That deal offered the city 50 cents on every ad dollar earned.

A former **airport** general manager, Angela Gittens, said she pushed to get the **contract rebid** in 1998 and was forced out of her job for her trouble. The next general manager, Ben DeCosta, who held the job for a dozen years until he stepped down in June, never successfully **rebid** Clear Channel's **contract**.

It was put out to bid in 2002, the year Corey put in his bid and was denied. He filed a protest in late 2002 and a federal lawsuit in 2004.

John Kennedy, a spokesman for the city Aviation Department, said that Corey's suit prevented the city from entering into a new **contract** with anyone.

But at the same time, Kennedy said, the city was free to enter into a verbal agreement with Clear Channel on a month-to-month basis.

The only written authorization for a month-to-month deal was made by the City Council in September 2003. That ordinance had a six-month limit.

"There was not a new **contract** issued because of the ongoing lawsuit," Kennedy said. "That stands. How does that relate to amending a month-to-month arrangement by mutual agreement?"

In spite of the 2003 ordinance providing that month-to-month deals be limited to six months in duration, Kennedy said that the city's rules allowed the deal to continue for at least the next six years without any formal renewal.

Kelly, the attorney who once fought the city over the **contract**, says this is out of bounds and leaves the city open for abuse.

"The city isn't a person, it's an entity governed by ordinances," she said. "The ordinances say you need a **contract** and you can't go on without one. Without anything in writing, they [Clear Channel] could decide to pay the city nothing at all, and there's no legal recourse."

Compounding that, Atlanta doesn't require a guaranteed minimum annual revenue from the ad **contract**, as other large **airports** do.

Records provided by the city don't explain the current arrangement. But the ad space that brought in about \$9.4 million a decade ago attracted barely \$5 million last year.

Far below standard

In response to an open-records request by the AJC, the city provided a detailed inventory of **airport** billboard sales for 2010. But the city said no such record exists for any year prior to 2010. If true, that means that the city has no way to evaluate its relationship with Clear Channel for the past 30 years. The AJC's review of the records shows that for July, only 80 signs, or 25 percent, of Clear Channel's displays at the **airport** were sold. Dozens of free ads went to Delta Skymiles, the airline's frequent flier program, Verizon Wireless, Prudential, AT&T Wireless and other advertisers. An aggregate of reported 2010 ad sales and vacancies put the number even lower -- at just 71 sold ads per month, or 22 percent. The industry norm for large **airports** is about 70 percent of advertising sold each month, even in recession, said Shauna Forsythe, president and chief executive officer of the \$20 million-a-year Las Vegas-based Alliance **Airport** Advertising & Alliance Target Media.

"There is no other **airport** in the world that has or would ever have such a lopsided deal that Atlanta has," said Forsythe, "Atlanta is the biggest in the world, the cream of the crop, but it's getting the worst deal."

Airport spokesman Kennedy disputed the AJC's calculations but offered no data to counter the newspaper's conclusions.

Kennedy said: "We have given this consideration and, although we truly appreciate the offer and opportunity to interpret them [the records] for you, frankly we don't see the need to meet and examine your own, or the intermediaries', findings and analysis."

The AJC also asked the city's **contract** compliance office, its concession manager and the mayor's office to review the newspaper's findings. None would do so.

No minimum guarantee

A recent walk through the **airport** shows almost all the billboards are lit up with ads. But a cross-check with the city's inventory list shows that most of the ads (about 240) are listed as "filler" or unpaid ads for profit-making businesses such as banks, investment firms, insurance companies and travel providers. As many as half of the Delta Skymiles ads and some ads for Verizon Wireless aren't being paid for. A national homebuilder, S.S.J. Development, had as many as 16 billboards up for almost two years without paying for them. Those 16 ads were taken down in March after other vendors complained, according to e-mails entered as evidence in the Corey lawsuit.

Some ads are paid for when they are installed, but they stay up long after payment agreements expire, including five AT&T wireless ads.

There is nothing in the city's **contract** with Clear Channel that says the company can't give away ads. And while the **airport** has an official policy that requires unpaid ads to be taken down, that doesn't happen and the city doesn't have a policy on what is or isn't designated as a filler ad, although that is an industry standard.

That highlights another issue that makes Hartsfield-Jackson different from other large **airports**: The deal with Clear Channel doesn't include a minimum annual guarantee of revenue.

Other large **airports** require such guarantees:

San Francisco International **Airport** is guaranteed \$5.7 million, public records show.

Las Vegas McCarran International **Airport** handles half the number of passengers that Hartsfield-Jackson does and is guaranteed \$5.4 million annually from **airport** advertising -- roughly what Hartsfield-Jackson has made in recent years.

Clear Channel's current advertising **contract** with Boston's Logan International **Airport** guarantees the city's Massport Authority at least \$3.5 million in revenue, Boston officials said.

"If I knew that we didn't even get a MAG [minimum annual guarantee] I certainly would have pushed until we got some answers," said Clair Muller, a former chairwoman of the City Council's Transportation Committee in the late 2000s and longtime council member who left office in 2009.

Because the city has no detailed records, it's unclear how long advertising at Hartsfield-Jackson has underperformed. But the **airport's** revenue for the past five years from Clear Channel floated around a \$5 million each year, city records show.

Forsythe noted that Clear Channel is the nation's biggest billboard advertising company.

"They're in every major market, and if they can't sell an ad, then no one can," she said.

A 30-year connection

Clear Channel, a subsidiary of Phoenix-based Clear Channel Outdoor Inc., has sold advertising at the **airport** for 30 years. The **contract** was last **rebid** in 2002, five years past due, according to city records; that's the bidding process that resulted in the Corey lawsuit.

Clear Channel was then operating on an expired 1995 **contract**, which authorized a month-to-month status for up to 12 months after expiration. After that, Clear Channel should have paid the city a penalty of 25 cents for each dollar of ad revenue it made. That money has never been paid, according to city officials. Corey's attorneys have calculated the total owed at \$15.7 million.

Clear Channel's winning bid in 2002 offered the city 61.2 cents for each dollar of advertising it sold, more than its previous agreement, but less than the 70 cents Corey bid. Other large **airports** such as Newark Liberty International **Airport** get as much as 72 cents of ad money, according to Clear Channel records entered into the Corey lawsuit.

But, because of a protest of the bidding process and then the lawsuit, the new **contract** was put on hold.

"There was no **contract** issued," Kennedy said. "Corey sued prior to any **contract** being executed."

Former **airport** manager DeCosta, who resigned in June, testified that he could have **rebid** the **contract**.

"I am the chief executive of the **airport** and I make decisions on many of the operations and business and commercial practices at the **airport**," he testified, in answer to a question about the **contract**.

The **contract** hasn't been **rebid**, but, as the Corey lawsuit moved through the courts, DeCosta did negotiate higher rates from Clear Channel. In 2007, he worked out a new deal with Clear Channel and minority partner Fouch, raising the city's cut from 50 cents to 61.2 cents on the dollar.

He renegotiated Clear Channel's deal last year; starting Jan. 1, 2010, the company pays the city 65 cents.

The company agreed to pay the city about \$1.7 million in back rent, calculated as starting from 2005.

DeCosta declined to talk to the AJC for this article.

Muller said she had long had questions about **airport** advertising but was told by city staff and the city attorneys that since the Clear Channel **contract** was the subject of an ongoing lawsuit, they couldn't discuss it.

Now, said Kennedy, "The **airport** intends to issue a public solicitation for a third party to manage its advertising program in the near future."

He couldn't define when that would be, other than "soon."

The man in charge now is Louis Miller, who has just become the **airport's** new general manager. He wasn't available for an interview.

Meet our reporter

Rich McKay joined The Atlanta Journal-Constitution this year as an investigative reporter. He worked the last dozen years for the Orlando Sentinel, where he covered a variety of topics, including politics and government, death row inmates, Gulf Coast hurricanes and the plight of orphans in Haiti. He has a bachelor's degree in liberal arts from the University of Massachusetts and a master's degree in journalism from the University of Michigan.

Database editor John Perry contributed to this article.

Lead-up to a lawsuit

1981: Barbara Fouch, a close family friend of former Atlanta Mayor Maynard Jackson, gets the minority share of the advertising **contract** at Atlanta's **airport**. The name of Fouch's partner, the primary contractor, has changed a few times but the business ultimately became Clear Channel **Airports**, a subsidiary of Clear Channel Outdoors Inc.

1998: The Fouch/Clear Channel **contract** expires. The then-general manager of the **airport**, Angela Gittens, wants to **rebid** the **contract**, but instead loses her job.

2002: Amid accusations of cronyism at the **airport**, Mayor Shirley Franklin orders that all expired **airport** concession **contracts**, including the advertising **contract**, get **rebid**. Fouch and Clear Channel win. But Atlanta businessman Billy Corey, owner of Corey **Airport** Services, files a protest, claiming that he filed a superior bid to the city.

2004: Corey files a lawsuit against the city, Fouch and Clear Channel.

2010: A federal jury finds in Corey's favor and awards his company about \$17.5 million in damages. The city and the other defendants appeal.

How we got the story

After Atlanta-based Corey **Airport** Services won its long legal battle over advertising **contracts** at the city-run Hartsfield-Jackson International **Airport**, The Atlanta Journal-Constitution took an in-depth look into the **airport's** advertising concession **contract**.

The work included reviewing thousands of pages of court depositions, billing and receipt records, **contracts**, minutes of City Council meetings and other public records, available under Georgia's Open Records laws. The newspaper tallied a detailed month-to-month inventory of Clear Channel's ads for 2010 to determine how many months an ad was paid for versus how many months it ran free of charge. The AJC also interviewed current and former **airport** employees, **airport** advertising executives and legal experts.

The AJC sought to interview longtime **airport** general manager Ben DeCosta, as well as former Mayor Shirley Franklin and current Mayor Kasim **Reed**, without success. **Airport** officials declined to review the city's records of Clear Channel's advertising inventory.

Other records, including a detailed inventory of the ads going back to 2000, were sought by the AJC but not made available.

F

FLEECING THE DREAM
HOW ATLANTA'S ELITE TWIST MLK'S IDEALS TO ROB WORKING-CLASS BLACKS

April 11, 2010

By Stephanie Ramage

Lawsuits tell stories, and *Corey Airport Services Inc. v. City of Atlanta* is the story of how wealthy and politically connected blacks in Atlanta look out for each other at the expense of working middle-class and poor blacks. The ugly details will begin pouring out in earnest when the case goes to trial in July. A pretrial hearing is scheduled for April 28.

Last fall, U.S. District Judge Charles Pannell determined that the plaintiffs, advertising entrepreneur Billy Corey and his business partner, a black attorney named Maureen Malone, had presented enough evidence to warrant a trial centered on the city's contract bidding practices and use of the federal "disadvantaged business enterprise" program. At issue is whether the City of Atlanta denied Corey and Malone their constitutional right to equal protection under the law.

"Blackness" is indeed part of this legal saga, but only as cover for the same kind of underhanded nastiness that wealthy, politically connected whites engage in every day all over America. What makes it so much worse in the Corey case is the way a good program designed to even the playing field for poor minorities was twisted by City of Atlanta officials for more than 20 years to make sure a wealthy, beautiful friend of Mayor Maynard Jackson got millions upon millions of Atlanta taxpayer dollars as a "disadvantaged business enterprise."

The DBE program grew out of the ideals of Martin Luther King Jr., but the undisputed facts of the Corey case make you wonder if MLK would want to claim his hometown today. The Rev. King was a man who cared about the poor of any race. When he was assassinated 42 years ago on April 4, he was speaking out on behalf of garbage collectors and had just launched the "Poor People's Campaign." King understood, as do most Americans, that where you start in life has a whole lot to do with where you end up. Some people get lucky. They bump into mentors, take rich and powerful lovers, or are blessed enough to have employers who are fair and reward their contributions. Too often, however, being born into a disadvantaged family means staying disadvantaged for the rest of your life.

Atlanta's DBE program seeks to counter that somewhat. In order to get a contract with the city, at least 29 percent of the work is supposed to go to someone who is socially and economically disadvantaged.

There is nothing disadvantaged about alleged "DBE" Barbara Fouch, who was given the airport contract without a bid in 1980 and kept it until 2002. Not only does Fouch own and live in a posh home in Beverly Hills, but she owns 30 percent of Clear Channel Airports of Georgia, part of Clear Channel Outdoor advertising, a company that made more than \$69 million during Fouch's unusually long tenure as the holder of the airport advertising contract. (Fouch and Clear Channel still handle Hartsfield's advertising accounts, even though they currently have no contract.)

Fouch, who got the contract by claiming to be a DBE, has so much money that, according to court documents, consultant Jules Stine counseled her in 2005 to put her house at Lake Arrowhead in her daughter's name and "bury the proceeds" of a loan on her Bel Air property, and cautioned her that, as a "DBE," she had to have a net worth of less than \$750,000. But Atlanta officials, according to statements in Judge Pannell's order, helped Fouch pass herself off as a DBE. She didn't even bother to complete the application form for DBE status, leaving all the parts about her net worth blank.

The lawsuit seeks to correct the injustice Corey and Malone believe was done to them when they competed for the airport contract in 2002 and were beat out by Clear Channel and Fouch. The city awarded Clear Channel 15 points in the bidding process because of Fouch's DBE status. Corey, who lost out to Clear Channel by only three points, believes that a woman as wealthy as Fouch should not have been considered a DBE, especially when his own DBE partner, Malone, had to endure a grueling process by which the city certified she was "disadvantaged," while Fouch did not.

Clear Channel had a really powerful DBE in Fouch. To get Fouch, it appears, was to get the airport contract, although she owned no business equipment and her advertising background was in modeling.

In his deposition, Hubert Owens, head of the city's contract compliance office, testified that under DBE guidelines, "If Oprah Winfrey had applied for DBE certification under the standards that were applicable in 2002 ... we would have granted DBE certification based on that criteria that we were using."

The DBE program exists for a good and just reason—to make sure that everyone, even the poor, has equal access to the American dream. Such equality was MLK's dream. But the city appears to have used his dream as camouflage for keeping wealthy cronies flush with taxpayers' cash.

"It's like a club," Fouch herself said, according to her deposition.

The working-class blacks of Summerhill, Mechanicsville, Vine City, English Avenue, the West End, Reynoldstown, Peoplestown and other Atlanta neighborhoods know that "club" all too well. It's the magic circle of high rollers that invites them in at election time and then ignores them once the votes are cast. If they dare to speak out, the high rollers shame them into silence by claiming that they, the elite, were foot soldiers for MLK's civil rights movement.

That politically connected blacks would use MLK's legacy to further enrich their wealthy friends at the expense of working-class blacks is a sacrilege and a disgrace. But this summer, working class blacks may finally overcome.

