

Daniel

Mike Cobb



While liberties have been taken as to form, character and detail, the following is a true story.

Lake Acworth

Sunday, February 4th, 1973. By all accounts, it looked to be a pleasant ending to the weekend. The weather forecast was for sunny skies, mild temperatures and no precipitation in sight. On the local front, jurors in the weeklong trial of James Creamer, charged with the murder of prominent Atlanta pathologists Warren and Rosina Matthews, had been sequestered in their Marietta motel. Grady Hospital reported that little had changed since the Supreme Court struck down Georgia's abortion laws two weeks earlier. The Atlanta Hawks beat Buffalo 105-101 before an arena of 6,359 fans. But the Flames were not so lucky, suffering a 1-0 loss to Detroit. The last C5 Galaxy rolled off the line at Lockheed-Georgia's Marietta plant. And Davison's Annual Home Sale was underway, with the Teledyne Packard Bell Mediterranean-style stereo console, with Gerrard turntable and tape player, offered for an attractive \$259.

Farther from home a jury, presided over by Judge John Sirica, was almost a month into the trial of the Watergate Seven. California Governor Ronald Reagan said he would not seek a third term even if his party tried to draft him. Ralph Nader accused GM of rigging its road tests to disprove his claim that the Corvair was unsafe at any speed. And the Paris Peace Accords had been signed a week earlier, marking the official end to the Vietnam War. The bar girls in Saigon were said to be crying over the disappearance of American GIs in their city. And some damned fool was predicting that gas would hit \$1 per gallon in a matter of just a few years.

But the trials and tribulations, the celebrations and vicissitudes of fortune, both locally and at large, were the furthest thing from James Postell's mind that morning. He had embarked on an early morning hike through the woods neighboring Lake Acworth, in extreme northwest Cobb County. He had arrived just as the sun was beginning its ascent over the eastern edge of the lake. His short trek would take him through the woods, across the low dam, and back again. He estimated that the five-mile walk would take about an hour and a half.

Postell was no more than ten minutes into the hike when, as he approached a pine thicket, he noticed something in the distance. He couldn't make out what it was. But the faint traces of color, of muted orange, yellow and blue, seemed out of place in the forest's palette of dark green and dead brown. Initially, he thought little of it. But as he neared the *something*, distinct lines began to take shape. Lines that were unnatural. Fragmentary. Out of place. Idle curiosity turned to nagging fear. A fear that something was amiss. Edging closer, he recognized another color, the dim hue of human flesh camouflaged by a mottled, bluish-purple lividity. It was a man's hand. Palm-down atop the underbrush. His heart raced. His knees began to buckle. He steadied himself on his hiking staff. The fully clothed body was sprawled in the pine thicket near the dirt road that Postell had been traveling. It was no more than fifty feet from the edge of the lake. Postell froze momentarily, unable to run. Unable to cry out to anyone within earshot. But as the reality of his find sank in, he steeled himself. He took off toward the dam. Surely he would pass someone traveling along Lake Acworth Drive. Within a matter of minutes he saw a car approaching. He flagged it down. "Take me to the nearest phone," he remembered saying. "There's a body in the woods."

Lieutenant W.P. Jones, of the Cobb County detective bureau, arrived on the scene within the hour along with his white-suited forensic team. The victim was stocky with longish hair, curly and dark. He was in blue slacks and a checkered button-down with orange and yellow overtones. A single .25 caliber slug was lodged in the back of his head. He was lying on his side, his left arm splayed beyond his shoulder, his palm against the ground. A watch adorned his left wrist. Jones noted that an unopened briefcase and a bassoon, undisturbed and in its case, lay nearby. His briefcase contained a stack of uncashed checks. Many of them appeared to have been payments for private music lessons. The investigators later estimated his bassoon to be worth three thousand dollars. They recovered no weapon. They searched for other clues, such as tire marks, fingerprints, but found none.

One of the investigators unbuttoned the flap on the man's back trouser pocket and removed his wallet. It, too, appeared to have been undisturbed. Inside he found a driver's license. He read the man's name aloud to Jones: Daniel Joseph Smith. As the investigator examined the license he realized that Smith, had he lived, would have turned thirty-six that very day. Jones called in to headquarters. A missing person report had been filed on Smith three days earlier.

A subsequent autopsy was not successful in pinning down the time of Smith's death, but the investigators believed he was killed the prior Thursday morning at the site where his body was found.

Leads never materialized. Of the investigation, Jones would later declare, “It’s a mess, the hardest case I’ve ever had.”

Danny

Danny Smith was born on February 4th, 1937, in Huntington, West Virginia. When he was a mere three months old his family moved farther up into the mountains, to Man, a tiny coal mining town located along the Guyandotte River at the mouth of Buffalo Creek. The population of Man at the time was somewhere around a thousand people.

All he ever cared about was music. As a little boy he would march through the neighborhood, leading a self-organized tin-pan band and carrying a sawed-off broomstick as a baton. His mother doted on her only child. “I always wanted Danny to go into dentistry and use his music as a hobby,” she would later say. “But he had to go on and be what he wanted to be. I know he was very, very happy doing what he was doing.” Just a month before his death, she and her husband had moved to Marietta, north of Atlanta, to be closer to their son. A primitive landscape, painted by Danny when he was a kid, would hang on the wall over the sofa in his parent’s apartment until their passing.

Danny attended Man High School, home of the Hillbillies, where he was a drum major and mastered, to the extent that a *hillbilly* high schooler could, the bassoon, organ, piano, and flute. He had little interest in science, but when he got word that an available physics course offered a chapter on acoustics, he signed up, only to find out after the fact that the teacher spent no more than an hour on the subject.

He graduated from Man High and enrolled at the University of Michigan as a music major. His music professor there, Hugh Cooper, remembered him initially as “not an exceptional student who was rather deficient in bassoon.” But what Danny lacked in raw talent he made up for in hard work and determination. Cooper remarked that, as the budding musician from Man settled in at college, he “buckled down” and “actually achieved a higher level than I thought him capable of.” It was Cooper who helped Smith find and purchase his cherished bassoon. It had previously been owned by Charles Sirard, who played first bassoon with the Detroit Symphony.

At the age of twenty-three and armed with a Master’s degree, he headed south to Atlanta. He planned to play with the symphony and teach music. With that move, Danny, the small-town kid from the hills and hollers of West Virginia, became Dan, the up-and-coming bassoonist and music teacher relishing the excitement and energy of the big city.

Dan

His first teaching job was at Headland High School, on the southwest side of town. He would teach during the week and play the organ at his church on Sundays. He stayed at Headland for seven years before leaving to play full-time with the Atlanta Symphony, but after only a year with the symphony he realized that his true passion was teaching, and he joined the faculty of the recently opened Ridgeview High School in Sandy Springs, a gentrifying suburb of Atlanta.

Dan took a townhouse apartment on Roswell Road to be close to the school. He lived alone. He moved his membership to the nearby Saint James United Methodist Church, where he served as associate music director, played the organ, and directed the children's choir. In his spare time, what there was of it, he played bassoon with the Atlanta Community Orchestra, an organization whose mission was to reach out to diverse and underserved communities, and with the Emory Woodwind Ensemble. Had he lived, he would have spent the upcoming summer at the Indiana University School of Music in pursuit of a doctorate in conducting.

Atlanta was an eternity away from the hills of West Virginia. When he first arrived in the city, Danny, the doted-on son whose mother always wanted him to be a dentist, the one who as a kid had paraded down the street, broomstick in hand, did more than just change his name. Away from his mother's prying eyes and officious ways, he was free to explore his suppressed dreams and desires, pent-up inclinations and urges that he dared not pursue in the confines of small-town Man. But even in the city, discretion was paramount. It was 1961, after all.

His students loved him. Yes, he demanded much from them. After all, he was a perfectionist. But they respected that. It was his relentless drive that earned their admiration. That and the fact that he was always in good spirits.

But there were those who resented his heavy handed tactics, including the father of one of his students. The man took exception to the fact that Dan had been particularly hard on his daughter. He complained on several occasions to the principal, Robert Boyd. Boyd, presumably unbeknownst to anyone at the time, and in an effort to memorialize what he considered to be threatening overtures by the father, began secretly recording their conversations. While Boyd revealed the existence of these tapes, after the fact, to several teachers at the school, it is unclear whether he turned them over to the police.

And then there were the rumors of illicit drug use in the school and of Dan's efforts to intercede in an effort to help students in distress, including a couple of band members. Sometimes it is possible, with the best of intentions, to get mixed up in things that one should just not get mixed up in, and, at the end of the day, to be found implicated in some way by association with the very people you're trying to help.

Missing

Thursday morning, February 1st. The students filed in to the Ridgeview music room, ready for band practice. There they waited for Mr. Smith. Eight o'clock passed. Then eight fifteen. By eight thirty they were worried. He was always on time. They couldn't remember a day when he had not made it to class. "Where's Mr. Smith?" they asked. Perhaps he had taken ill. Or maybe he had gotten tied up in traffic. Or could something worse have happened?

One of the students was dispatched to the office Mr. Smith shared with Brandon Roberts, the Ridgeview chorus teacher. "He probably overslept," Roberts said at the time. He phoned Dan's apartment. No answer. By then it was approaching nine o'clock. Concerned, he went to see the principal, Robert Boyd, who also tried Dan's number. Still no answer. By this time both the students and the school staff were alarmed. Boyd made two additional phone calls. The first was to Dan's mother. The other was to the police.

Some concerned students took it upon themselves to search for Smith. They scoured nearby neighborhoods. They searched an abandoned theater near where he lived. They turned up nothing.

When the police showed up at Dan's apartment, they found his locked car in the parking lot. Nothing in his apartment appeared to have been disturbed. They found two used ticket stubs lying on the kitchen counter, tickets to a concert by the opera singer Joan Sutherland. Towels in his bathroom were damp, suggesting he may have taken a shower earlier that morning or perhaps late the night before. His bed was made. But that didn't mean much. He wouldn't have thought of leaving his house without a made bed. Smith was known as a stickler for order and tidiness, with one notable exception. He seemed to care little about his dress and often appeared a bit disheveled.

Investigators fixated on another item discovered in Smith's apartment, a black address book. But it wasn't just any address book. It was filled with men's names, phone numbers, and references to a handful of clandestine, back street gay bars in the city, bars with names like Sweet Gum Head, Peaches Back Door, and the Cove.

The investigators began reconstructing the events leading up to his disappearance. The last known person to see him alive was a band teacher from another high school, one not too far up the road from his apartment. She and Smith had attended an Atlanta Music Club All-Star Concert Series performance by Joan Sutherland the prior night. The concert, which was held at the Atlanta Civic Center, began at eight thirty. He dropped her off at her apartment when the concert ended. It would have been approaching midnight when he finally arrived back at his townhouse,

leaving the ticket stubs on the counter. While the skies were clear that Wednesday night, and no precipitation was on the immediate horizon, it was cold and windy, with a low of thirty degrees and wind gusts up to twenty-one knots.

It would be three more days before his body would be discovered. The investigators determined that the clothes he was wearing when he was found were the same clothes he had worn to the concert the night before, except for the absence of a sport coat. They also noted that the Lake Acworth murder site was twenty-seven miles from his apartment.

While he was loved by most, someone must have wanted to do him harm. The circumstances leading up to his disappearance and death led investigators to speculate that, after returning from the concert, he left his townhouse with someone he knew. To quote David L. Knowles, Cobb County chief of detectives: "Somebody didn't like him, because somebody killed him."

On Monday, February 5th, his students gathered in the music room to pay tribute to their slain teacher. They said prayers, read eulogies, and sang songs. Two days later his funeral was held at the church he attended. In a fitting tribute, over twelve hundred relatives, friends and students attended.

Questions

Questions linger. How did he end up so far away from home, with his locked car still in the parking lot where he lived. Did he leave his apartment early Thursday morning or late Wednesday night after he returned from the concert? Did he willingly leave with someone or was he forced into another's car, perhaps at gunpoint? Did he know his killer? And why would he have been in the woods with his briefcase and bassoon? Was Dan killed execution-style or was he leaving the scene when he was shot in the back, as findings at the crime scene suggested?

Of the murder scenarios that have played and replayed in my mind, a few stand out. I have conjured up images of what might have happened, of how things may have unfolded between Wednesday evening and Thursday morning. The question of motive remains a mystery. However, based on what we know today, several possibilities merit consideration. Larceny is not one of them.

Was he targeted because he was gay? After all, it was 1973. Violence against homosexuals, including murder, was a common occurrence and would remain so over the ensuing decades. Some of these acts of violence were the product of homophobic rage, perhaps someone the victim had met at the Sweet Gum Head or Peaches Back door, or someone who had followed his comings and goings with other men. Other acts of violence occurred in conjunction with

consensual sex. An example of the latter is the case of Michael Terry, a twenty-six-year-old tire store employee who, thirteen years after Dan was killed, confessed to murdering six men after having sexual relations with them. And these two motives are not mutually exclusive. Self-loathing and a diminished sense of self-worth, driven by a pervasive anti-gay social stigma, can drive a gay man to commit homophobic acts.

Was his murder somehow connected with the drug-using, and perhaps drug-dealing, students he sought to help. Did he end up crosswise with one or more of them? Could his benevolent efforts to intercede have been interpreted as meddling? Did they feel threatened by his efforts, perhaps concerned that they would be outed to their parents or the authorities? I would otherwise seriously consider that he was perhaps extorted for money to pay for drugs, were it not for the discovery of his bassoon at the crime scene. Several of the drug users were band members. Surely they would have realized the value of the instrument and would not have left it behind. Then again, if a drug-dealing third party committed the murder, perhaps he would not have had a clue as to its monetary value.

Did a disgruntled, hotheaded parent kill him out of revenge? On the surface, this seems like a long shot, but it wouldn't be the first time, nor the last, that something like this has happened. And we know that Principal Boyd claimed to have secretly recorded conversations with the parent because he felt threatened. Under this scenario, however, it is hard to understand how Dan would have ended up in the woods twenty-seven miles from where he lived.

Dan Smith's murder remains unsolved. It is unlikely that, after forty-six years, the mystery of his death, the *who*, *what*, *when*, and *why* behind it, will find closure. I regret that I never had the opportunity to know Dan. But for years I have heard stories of the man, his passion for teaching, and the tragedy of his murder. My wife knew him well. She was his student. So did my mother-in-law. She was an English teacher at Ridgeview at the time of his death.

Perhaps, one day, someone with information about Daniel Joseph Smith's death will come forward. A witness? An accomplice? An eavesdropper on a conversation or an offhand remark? Someone who has, for all these years, harbored an unrevealed secret? Someone ready to settle a grudge?

But for now, the mystery abides.