

Academic Spaces and Indigenous Places: Native American Dispossession and the University of Georgia

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INTRODUCTION

Land or territorial acknowledgements have become the main way in which U.S. universities and other institutions are recognizing tribal nations with deep historical ties to the land that they are built on (Janzen 2019; Kyeptwo 2021; Stewart-Ambo and Yang 2021). There is a recent yet heated debate in the academic literature and beyond about the content of these land acknowledgements, and what purpose they serve (Asher, Curnow and Davis 2018; Kowal 2015; Mascoe 2018; Veltman 2023). Some argue that land acknowledgments can demonstrate respect for Indigenous peoples, acknowledge histories of oppression, and serve as a call to action (Keefe 2019; Mills 2019; Veltman 2023). On the other hand, critics argue that most land acknowledgments are performative, superficial, and—when not tied to action or to meaningful political, legal or structural change for the benefit of Indigenous peoples—primarily serve to assuage settler colonial guilt (Ambo and Rocha Beardall 2023; Asher, Curnow and Davis 2018; Red Shirt-Shaw 2020). This raises the question of whether land acknowledgments are an effective tool for confronting colonial legacies and materially addressing accountabilities to Indigenous peoples that have historically been oppressed by settler colonial practices, including but not limited to land dispossession.

Among universities, U.S. land-grant¹ institutions have a higher burden of responsibility to Indigenous nations than most given their large land area; early institutional mission related to support for the plantation economy and “military tactics”; and ties to Native American dispossession (Lee and Ahtone 2020; Morrill 1862). A study of 47 land-grant institutions created under the first Morrill Act (1862) found a small minority (15%) with formal land acknowledgements (defined as those made or approved by top administrative officials) (Ambo and Rocha Beardall 2023). Twenty-three (49%) were found to have informal land acknowledgments (made by particular academic departments, DEI units, student organizations or individuals), and seventeen (36%) to have no observable land acknowledgment (Ambo and Rocha Beardall 2023). The University of Georgia (UGA) is among the institutions that have no official land acknowledgment. However, different units have been developing their own—some in dialogue with tribal nations with ties to the land on which our main campus in Athens, GA was built. The degree to which these statements address the core critiques from the literature is highly variable.

This technical report aims to summarize current knowledge on UGA’s role in Native American land dispossession to inform campus debates surrounding how best to acknowledge the institution’s roles within broader processes of dispossession, and our individual

¹ Land-grant institutions are those universities that received expropriated Indigenous land through the Morrill Act. The institutions transformed the federal land grants into endowments to finance their establishment or improvement. We explain this process in more detail in section V (The Morrill Act).

and institutional accountability to Tribal peoples and nations. We hope that such an understanding will contribute greater awareness on campus surrounding the histories of oppression that are often hidden behind U.S. land-grant universities; and stimulate dialogue and reflection about UGA's particular history and its implications for our individual and institutional accountability towards the tribal Nations affected by it. Closer to home, with the Center for Integrative Conservation Research (CICR) being a center that hosts events for local, national and global audiences, we are hoping that the information contained herein can allow us to be more informed and purposeful in our own decisions of whether to practice land acknowledgements and our own particular accountabilities to this history.

As the oldest institute for higher education in the state of Georgia, the University of Georgia was chartered and developed during a period of heightened tensions and violent conflict between Native Americans and settlers as the establishment of new state borders was challenging the authority of tribal nations over their territory. Painstaking work has already been done by historians and others on the subject—some published, some unpublished—and our purpose is not to try and duplicate that work. Instead, we draw on the work done by others in different historical periods to articulate the linkages between broader histories of dispossession and UGA's role therein. Our methodology consisted of identifying and interviewing those well-versed in the topic of Native American dispossession in the Southeast; reviewing published books and articles and unpublished works written or recommended by these individuals; and filling gaps in understanding through archival research. We would like to give special thanks to those who generously gave their time to meet with us and share their knowledge and primary documents: Dr. James Brooks (Carl and Sally Gable Distinguished Professor of History), Dr. Leanne Howe (Eidson Distinguished Professor in American Literature and Director of the Institute of Native American Studies), Dr. Ervan Garrison (Professor of Anthropology), Dr. James Owen (Assistant Director of the Institute of Native American Studies), Dr. Claudio Saunt (Richard B. Russell Professor of American History), Steven Scurry (local writer and historian) and Dr. Jace Weaver (Franklin Professor of Religion and Native American Studies).

While there is general agreement on the role that land cessions and speculation played in the dispossession of Native Americans, the centrality of UGA's role therein is more debated. For some, UGA had a central role in the removal of Native Americans, especially of the Muscogee (Creek) and Cherokee Nations who occupied the areas where the main campus stands today. For others, UGA is a "drop in the bucket" of wider state politics that would not have changed much had UGA never been established, as Georgia sought to consolidate its control over territory to expand the lucrative plantation economy (see, e.g., Saunt 2020). These differences stem in part from differences in individual or disciplinary standards surrounding burdens of proof, and in part from the particular historical eras of interest to different scholars. We are not in a position to establish where the truth lies; instead, we present the evidence as we understand it, and let the readership draw their own conclusions about where UGA's accountability to this history lies. The linkages we draw between UGA and broader histories of dispossession vary by historical period, but include: the overlap between UGA landholdings and Native Americans' ancestral territories; the involvement of key figures serving as UGA Presidents or Trustees in the historical events that directly led to Native American dispossession; and financial transactions linking UGA with processes of dispossession.²

U.S. INDEPENDENCE AND THE UGA CHARTER

Settler claims over the land today occupied by the State of Georgia go back to the colonial period (1733–1775) in which treaties³ maintained between Britain and tribal nations were in part made to keep colonists from moving into Native territories, thereby provoking a border conflict with Native America that could devastate the American colonies. This explains why Crown officials initially opposed a 1771 'land for debt' deal instigated by colonial citizens involved in trade and some Cherokee leaders. With the proposed cession including Muscogee (Creek) land, the Muscogee leadership was outraged on learning of the proposition. Georgia's Royal Governor James Wright would champion the project, viewing the increase of settlement territory as a needed boon to the colony. He sailed for London to lobby, and gained Crown permission—provided the Muscogee leadership would support a new treaty. Georgia's final colonial border

2 A fourth linkage involves how scholarship by UGA faculty may have contributed to the broader rationale for removal. This will be the subject of future work.

3 Treaties were formal agreements between the federal government and Native American Nations establishing obligations regarding land boundaries, natural resource use, and other issues (Price 2022; Shawn 2023). Many, if not most, of these treaties were highly problematic as they reflected more the interests of the U.S. government than those of Indigenous peoples and nations. In many instances, treaties were not negotiated in good faith and involved no real choice due to the use of coercion and violence to oblige Indigenous leaders to adhere, for instance through gunpoint threats.

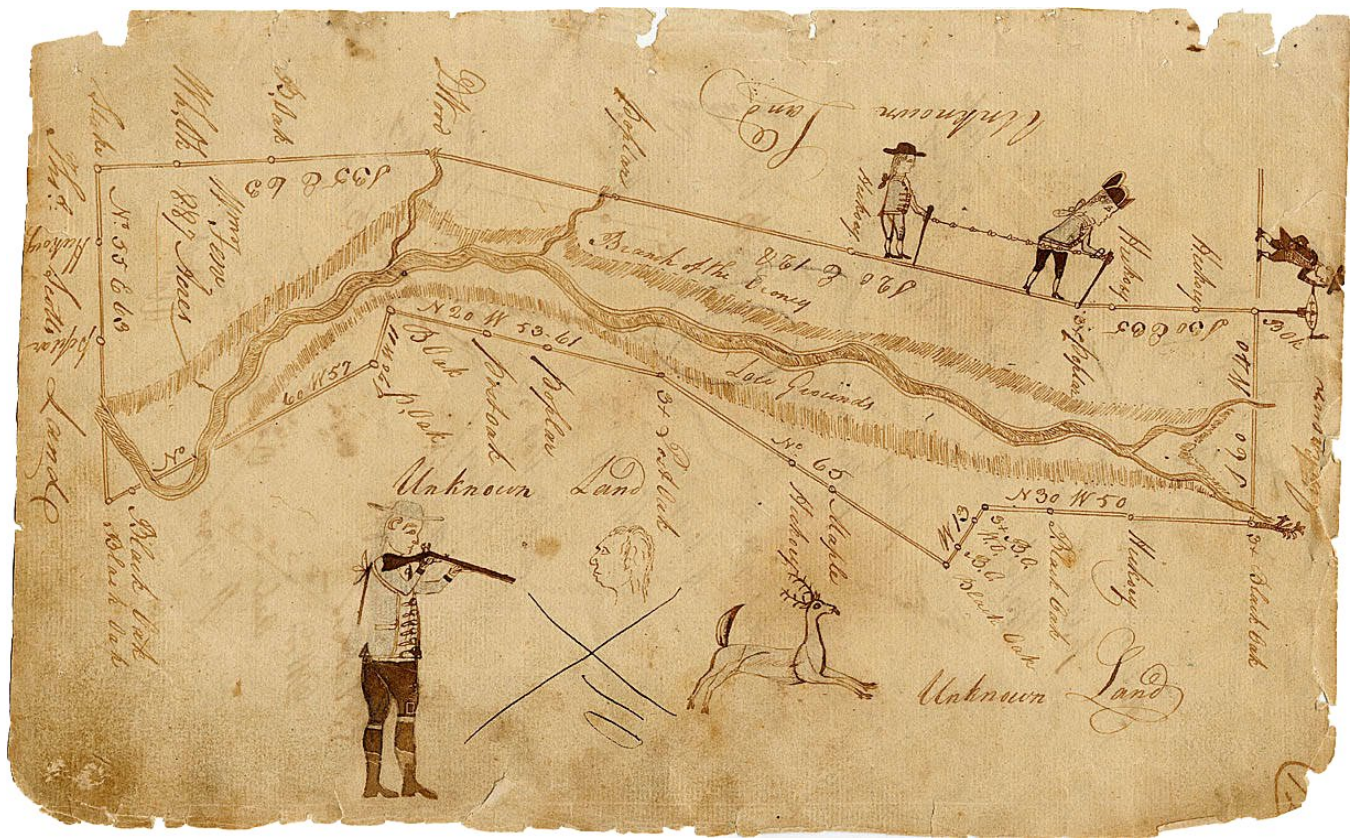


Figure 1. “They pursue their surveys into Indian country, and destroy the game there.” (White 1787). The survey process as depicted on a William Few land claim, following the 1783 Augusta treaty negotiations.

was surveyed in 1773 following tumultuous negotiations in Augusta, leading to loss of Muscogee and Cherokee land in the Broad River Valley. However, the Muscogee people took solace in retaining the highly valued Oconee valley⁴, much to the bitterness of ‘land-hungry’ Georgians, who’s fervor for western expansion and speculation would lead them to promote independence from Great Britain (Scurry 2008). In Georgia this interest was directed into the Oconee River basin; it would eventually provoke a land war (the Oconee War) between the state and Muscogee (Scurry unpublished).

After independence, Georgia leaders intensified efforts to gain new territory from the state’s Native American neighbors. This was made all the more urgent by veterans of the Revolution to whom land was promised for their war-time service. Promising peace and trade, Georgia gained from a Cherokee delegation a large land cession which included the Oconee River basin

in the Augusta Treaty of 1783. Overlapping claims made Muscogee approval necessary, but a general Council of that Nation rejected the state’s offer, refusing to send delegates to meet Georgia officials (“Treaty of Augusta” 1783; Greene 1783).

Leading a trade delegation to Augusta in the fall of that year, Muscogee leader Hopoithle Mico was strong-armed into signing a provisional document that was grafted onto the Cherokee cession. While the state legislature ratified this so-called “treaty,” the Muscogee-Creek Council would never do so. Within a year, teams of well-armed land surveyors, “were dragging survey chains and eating venison throughout the ‘beloved’ lands” (Scurry unpublished; Lowrie and Clarke 1832). This is captured in a plat produced by William Few (Figure 1). The treaty also gave the General Assembly of Georgia power over the 40,000 acres of Muscogee land that would be leased and sold to initially fund the endowment for a higher-

4 “The Creek Indians could not be prevailed upon to cede the lands to the bank of the Oconee River which they said was their *beloved* hunting grounds for bear and beaver” (Wright 1773). The seasonal dynamic of Muscogee land use could be characterized as seasonal congregation into towns followed by dispersal into the outlying areas for hunting, gathering and trade, and a freedom of movement that was largely unknown in Anglo America then and now. Muscogee leaders of the time referred to the territory as “*ekun-atchku*” (beloved land). Kasitah Mico expressed Muscogee land values in this way, “Our land is like the flesh on our bones,” and addressing Oconee land incursions Yohola Mico said, “These lasts strides tell us they never mean to let their foot rest; our lands are our life and breath; if we part with them, we part with our blood. We must fight for them” (Lowrie and Clarke 1832, 1:607).

education institution that later became the University of Georgia (Dendy 2017; Scurry 2004a, 2004b).

Despite Muscogee reluctance to enter a war, Georgians' incursions into Oconee land continued rising. At the same time, Muscogee resistance to state expansion was strengthened through a new trade and defense alliance with Spain—the 1784 Treaty of Pensacola. Spain gained territorial claims in Florida and along the Gulf Coast at the end of the American Revolution and was eager to protect them with American Indian alliances (Scurry unpublished).

Besides the determination to make good on its promises of land to veterans, Georgia elites were also interested in establishing a state university that would promote the development of an educated class of Georgians to create a civil society in the aftermath of the Revolutionary War. Under the persuasion of Georgia Governor Lyman Hall, **Abraham Baldwin**, who believed that education was key to maintaining state frontiers, became one of the main promoters of this political movement. Born in Connecticut (1754), Baldwin was a student and tutor at Yale, became a chaplain in the Revolutionary War, and was admitted to the Connecticut bar before moving to Augusta in 1784 where he initiated his career in Georgia politics (G. Smith 2018a). In the same year, he accepted responsibility for creating an educational system in the state and developed a comprehensive plan for the development of a higher-education institution that also included the land grants to be provided by the state to fund its establishment (Scurry 2020). In 1785, his efforts led the state to approve the charter for the University of Georgia, for which he was the President during its initial planning phase (1786–1801) (Dendy 2017; Smith 2018a). With him on the founding Board of Trustees was **William Few Jr.**, part of the Continental Congress since 1780 and one of the authors of the Augusta treaties. Few, who had served as Surveyor General for the state, had his own speculative interest in Oconee land. By the end of 1785, “he had taken a cut of nearly 9,000 acres of Oconee land for himself including the land where the old university campus rose, and downtown Athens stands today” (Scurry unpublished; Smith 2018b). **John Milledge** too was a member of the founding Board of Trustees of the university who had a central role in the decisions made regarding the location of the institution in both 1786 (close to the proposed state capital Louisville) and later in 1801 (in Athens) (Myers 2014). Lawyer, plantation owner, and politician **Peter Early** served as a University of Georgia Board of Trustees member from 1797–1800 and again from 1808–1817 (Hulett 2013).

Along with William Few and Abraham Baldwin, he helped select the future location for UGA. He and his family held plantation lands in the neighboring Wilkes and Greene Counties before the Oconee War began, and he had his eyes set on the eventual city of Athens.

In spite of the ongoing border crisis, William Few urged his fellow trustees on the Board to move ahead with the university project in 1786. Abraham Baldwin set out to oversee the work near the banks of the Ogeechee River where the new state capital (Louisville) was marked to be built. His timing was awful. The aggressiveness of Georgia land surveyors and settlement, along with the intransigence of state leaders, ignited a long war over the Oconee basin. Muscogee fighters swept over the region, driving the intruders from their lands and burning down new settlements where found. Baldwin did not stay long on the old Ogeechee border, and soon followed terrified Oconee land refugees back to Augusta (Baldwin 1786).

A suspension of hostilities in the fall of that year gave the parties a chance to revisit the problematic Augusta treaties, but a tense meeting at Shoulderbone Creek set up conditions for a more serious war. It was these conditions which both Few and Baldwin monitored in the summer of 1787 while they attended the Continental Congress in Philadelphia, conditions they hoped would be addressed with a more perfect union being forged there. Concurrent to the consequential meetings in Philadelphia that summer was an odd symmetry of interests in the Muscogee town of Tuckabatchee. Here, another continental congress had convened to form a more perfect union of interests among dozens of Native Nations from the Gulf of Mexico to the Great Lakes (Smith 1787).

The 1786 Louisville fiasco was not the only damage done to the University project. From the Minutes of the Board of Trustees, we learn how Board members structured a funding stream with one of their land endowments. At the request of Oconee settlers, the Trustees ordered a new township survey inside the University grant along Richland Creek in the new Greene County. The town was named Greenesborough. Lots were leased and sold while public buildings were constructed (Figure 2). The Trustees appointed an agent to preside over the county, “in [whose] hands shall be deposited all the bonds, notes, and money, as it becomes due, and is collected, subject only to the order of this Board.”⁵ This early income stream for the University was itself a war casualty when the town and surrounding settlements were burned to the ground during the war (Lowrie and Clarke 1832, 1:23).

5 “Minutes of the Board of Trustees”, Hargrett Library. Available at: https://dlg.usg.edu/record/guan_ua02-042_006-001?canvas=10&x=2167&y=2106&w=4034.



Figure 2. Greensboro survey plat ordered by the Board of Trustees

As the Oconee War flared into yet another year, Georgia legislators unanimously adopted the new U.S. Constitution, anticipating the force of federal union to be brought against Muscogee to ensure the security and prosperity of the state. Washington was prepared for military action, but Congress deferred, unsettled by the cost estimates and reluctant to provoke a conflict with Muscogee's Spanish allies. Many members shared a view that Georgia bore a prevailing responsibility in provoking the border war. One popular Independence Day toast in Georgia was quoted in state papers, "A truce with land speculation and Indian Wars" (Smith 1787).

Concern over land speculation was great enough for the new Washington administration to realize and pursue common cause with Muscogee leaders. This was the basis of an invitation to New York in 1790, where the new federal government was temporarily hosted. The Muscogee delegation entered into the 1790 Treaty of New York and attended its congressional ratification. The Treaty determined

a definite Oconee River border with Georgia and recognized Muscogee sovereignty over territories west of the river. William Few and Abraham Baldwin opposed ratification, and Few wrote the Georgia Governor with the unhappy news. Ratification in Muscogee would prove elusive; although the treaty recognized and strengthened Muscogee sovereignty over lands west of the Oconee, nullifying the Georgia treaties, the delegation exceeded their charge in offering the Oconee forks in the border settlement. The treaty ignited political warfare and a growing militancy in the state. Even as federal peace-keepers were sent to garrison the 1790 border, Washington was denounced, accused of taking Georgia land and giving it to "savages." (Smith 1790).⁶ Opposition to the New York Treaty was also met from the Spanish quarter. A new governor in New Orleans was determined to spoil Washington's Muscogee outreach, viewed as a threat to Spanish interests in the region.

More than a dozen state and federal forts were built and garrisoned on the Oconee border following the new treaty (Figure 3), but the status of the Oconee forks remained unresolved. By 1793, violence in the borderlands was renewed while Georgia became embroiled in political chaos, stemming in part from the revolutionary fervor in France. The Georgia borderland tumult confronting Washington in the closing year of his administration was finally brought to a bittersweet conclusion with the federal 1796 Treaty of Colerain, which validated the New York Treaty. By then, the Muscogee alliance with Spain was coming to an end, giving U.S. agents a stronger hand in insisting on the border terms that the Muscogee people had resisted. Losing the Oconee forks, the Muscogee delegates said, "was like tearing out their hearts and throwing them away" (Lowrie and Clarke 1832). The Colerain conference made Georgia even more resolved in defeating the New York Treaty, as a means to reassert state sovereignty over lands west of the Oconee.

6 For a sample of the copious editorial denunciations of the New York Treaty, see: The Augusta Chronicle and Gazette of the State, October 23, 1790. Available at: <https://gahistoricnewspapers.galileo.usg.edu/lccn/sn82015220/>.

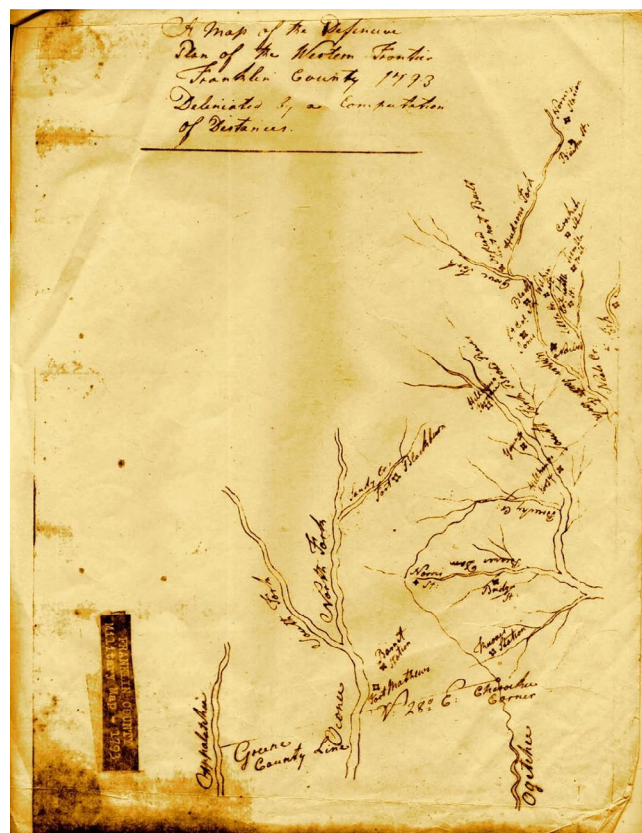
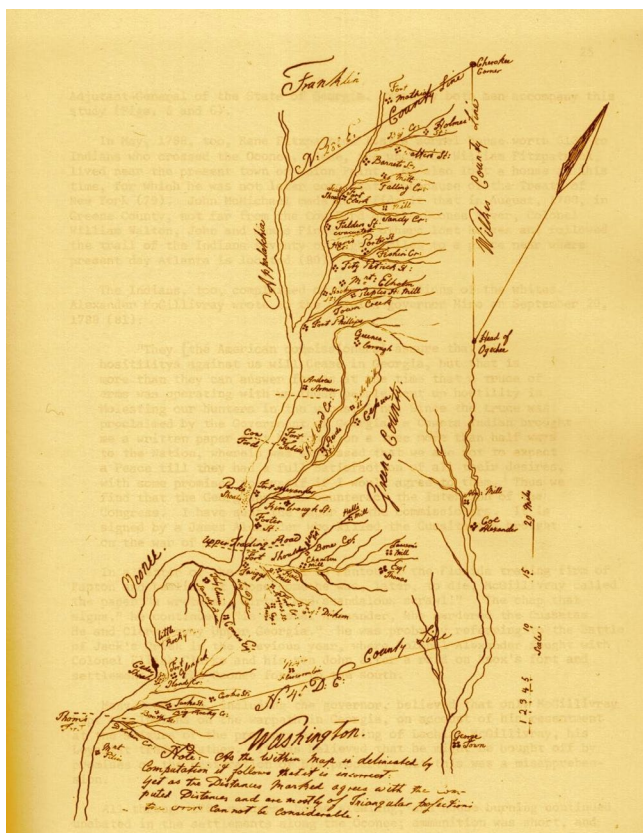


Figure 3. 1793 military maps depicting forts along the Oconee border following the 1790 Treaty of New York (Left⁷) and the location of Fort Mathews at today's Barnett Shoals (Right⁸). Both maps originally produced for Elmholt's 1793 report on the Georgia borderlands.

THE CONSOLIDATION OF SETTLER LAND CLAIMS IN GEORGIA AND UGA'S ROLE THEREIN

Although chartered in 1785 by Abraham Baldwin and the Georgia General Assembly, it was not until 1801 that the University of Georgia starts being built and operating. There is no mystery as to why. These years bookend a tumultuous period in Georgia history: a border war that brought the state's viability into question; a dangerous and widespread real-estate intrigue collectively known as the Yazoo Land Fraud,⁹ and a revolutionary movement financed by France to establish an independent colony in Spanish Florida—which appealed to young Georgia men looking for an elusive fortune in an old promise of land and fortune in war.

With a measure of peace in the Georgia borderlands and the Oconee border surveyed according to the 1790 New York treaty, a committee of the Board of Trustees was ready to select a new site for the university to be located—633 acres of former Muscogee territory. The land was then purchased and gifted to the Board by John Milledge. It is not entirely clear how land was acquired by Milledge, since William Few held the first deed encompassing this parcel. According to one source, Daniel Easley first purchased 693 acres on the north fork of the Oconee for \$897 and then sold 633 acres to John Milledge for UGA (in 1801) while retaining the remaining 30 acres.¹⁰ Whether Easley purchased the land directly from Few is unclear. The first University infrastructure was a 'cabin' in a forest clearing where Josiah Meigs taught the first university classes in September of 1801. In 1806, the still-standing

7 Photocopy tracing from Hunt, C.C. (1973) *Oconee: Temporary Boundary*, Report No. 10, UGA Laboratory of Anthropology Series. John Goff Collection, 1967-0604M, Georgia Surveyor General Department, Georgia Department of Archives and History. Available at: <https://georgiaarchives.as.atlas-sys.com/repositories/3/resources/4057>.

8 Georgia Archives / 022-01-004, Defense – Adjutant General – Militia Records. Available at: https://georgiaarchives.as.atlas-sys.com/repositories/2/archival_objects/157316.

9 Western land speculation was a conflict-riven market in the late 18th century; the 1790 Treaty of New York was part of a larger Washington strategy to close it down. Original documentation is located here: Yazoo Land Fraud Records, General Administrative Records, Surveyor General, RG 3-1-69, Georgia Archives. Online sample document here: https://dlg.usg.edu/record/dlg_zlna_tcc934?canvas=4&x=1870&y=1214&w=6913.

10 See: <https://complexcloth.org/factory-timeline/>.

Old College was built close to this cabin, and by 1830, the University counted four buildings, including Old College, New College (1826), a Chapple and the university president's house, whose location is unknown.¹¹

While the project for the university was coming to life, the state's efforts to reclaim trans-Oconee title and subvert the 1790 Treaty of New York finally found a sympathetic hearing during the Jefferson Administration. Contrary to previous presidents who were unmoved by the state's jurisdictional pretensions over the vast Mississippi territory, President Jefferson—an advocate of state power—was concerned with the possibility of a civil war resulting from Georgians' growing discontent for the lack of federal action in supporting state land claims. Negotiations between Georgia and the federal government to settle competing jurisdictional claims over the territory west of the Oconee were managed by Abraham Baldwin¹². Also representing Georgia in these negotiations were John Milledge and James Jackson, also members of UGA's Board of Trustees. The final outcome of a series of intense and controversial meetings between Georgia's delegation and Jefferson's committee members, was the Compact of 1802. The compact touches on the 1795 Treaty of San Lorenzo which settled competing jurisdictional claims between the United States and Spain as well as neutralizing Spain's military cooperation with Muscogee. The Spanish treaty, in addition to the 1790 treaty with the Muscogee-Creek Nation, were viewed by Georgia leaders as an assault on state sovereignty and land claims; these were focal points driving Baldwin and state negotiators.

The resulting **Compact of 1802** documents how Georgia agreed to cede its interests in the western lands of Mississippi and Alabama to the federal government while respecting the land grants promised to war veterans and other settlers, in exchange for the removal of all Native Americans from the new boundaries of the State of Georgia (Jefferson 1802). Although the agreement obligates the United States to extinguish Native American titles to land within the State, it did not specify

when and by what means this was to be carried out. Instead of forcing the immediate removal of Native Americans as Georgians would have wished, the federal government simply encouraged individual family units to voluntarily migrate and “by the 1820s, about 5,000 Cherokees migrated west of the Mississippi.”¹³ This agreement, however, opened the doors to the establishment of land lotteries, a system which enabled increasing land speculations and led to the eventual dispossession of both Muscogee and Cherokee families living in Georgia.¹⁴ Importantly, the Compact of 1802 charts a sharp divergence of interests between North and South, bringing slavery¹⁵ into new American territories, years of political turmoil and finally a Civil War:

“Successful lobbying by slave holders and land speculators modified the federal settlement model for the new Mississippi Territory. In contrast to the settlement of federal lands in the Ohio valley and the old Northwest, slavery would not be forbidden in the new territory. Seven consequential words, fiercely debated in Congress, conclude the fifth article that reads: “That the territory thus ceded shall form a state . . . in the same manner, as is provided in the ordinance of Congress . . . for the Government of the Western territory of the United States; which ordinance shall, in all its parts, extend to the territory contained in the present act of cession, *that article only excerpted which forbids slavery*.” (Scurry 2020, emphasis added)

In legalizing slavery, it also had an outsized influence on Native American removal through the Trail of Tears by breathing new life into the lucrative plantation economy, and rendering the alternative to removal—the coexistence of settlers and Native Americans within the same territory—a more serious threat to that project (Saunt 2020).¹⁶

Georgians were still not satisfied because there were Native Americans still living within state borders. The decades following the Compact reflect this discontent, with a series of

11 September 28, 2023 interview with Dr. Ervan Garrison.

12 For a sampling of Baldwin's initiative on this issue, see: The Papers of Thomas Jefferson, vol. 34, 1 May–31 July 1801 & vol. 35 August 1–November 30 1801. Available at: <https://founders.archives.gov/?q=%20Author%3A%22Baldwin%2C%20Abraham%22%20Recipient%3A%22Jefferson%2C%20Thomas%22&s=1111311111&r=6>.

13 September 12, 2023, interview with Dr. Jace Weaver.

14 September 28, 2023, interview with Dr. James Owen.

15 Several events contributed to the dramatic increase in cotton production in late 18th and early 19th C. Georgia. This included the discovery of the cotton gin in 1793; the War of 1812, which cut the U.S. off from the British Empire's cotton supply; the financing of textile mills by northern industrialists; advances in loom technology; the discovery of a new strain of cotton that could survive Piedmont winters; and eventually, the development of vast riverine transportation networks to efficiently move the product to the coast (Giesen 2020).

16 In his book, Dr. Saunt highlights the class dimension of these debates, with lower class settlers often finding pathways of peaceful coexistence with their Native American neighbors and wealthy planters and politicians spreading discourses of the impossibility of such an outcome.

disputes and new treaties that would determine the forced and violent removal of the remaining tribal nations in the south that were resisting. Although the institutional role of UGA during this period is unclear, several members of the University's Board of Trustees were directly implicated.

Peter Early, who served on the Board between 1808 and 1817, had strong opinions about Georgia's relationship with Native Americans. While none of the court records from his time on the Ocmulgee Judicial Circuit survive, Early's opinions on Georgia's relationship with Native Americans are apparent in his actions. Entering into state politics, he made moves to financially support Georgia's frontier militia and the further expansion into Native lands. As Governor during the War of 1812 and its chaotic close, he again turned his attention to Georgia's contentious western borders—raising approximately 2,000 troops to protect the U.S. commissioners charged with marking Muscogee land cession boundaries in 1814. He also actively supported Andrew Jackson's federal campaign against the Muscogee, which forced them to cede 22 million acres of land and expanded Georgia's role in the removal efforts (Georgia Historical Society 2017). His direct involvement in UGA picked up again in 1816–1817 when he served as the Board's senior trustee, and then its "president pro tempore" before his passing in August 1817.

Graduated from Franklin College's first class in 1804 and a member of the board since 1816, **Augustin Smith Clayton**¹⁷ was an influential politician and judge, who played a key role in Native American dispossession and the industrialization of Athens (Gagnon 2015; McPherson 2022). He ruled over trials between the state and Native Americans over land possession and the authority to enact legislation in Indigenous territory within the state. In a land dispute between Georgians and Muscogee, Clayton defended the controversial Treaty of Indian Springs, signed between **George Troup** and his cousin William McIntosh, the son of a Muscogee woman and a Scottish trader, who ceded the remaining Muscogee territory in Georgia despite a formal resolution by the Muskogee National Council to forbid its citizens from selling lands (Saba 2014). Clayton argued that Native Americans held no legal ownership rights to their lands and that they forfeited their temporary right of occupancy if they were not actively utilizing the land. He further contended that the federal government lacked the authority to intervene in the treaty, which he regarded as an internal matter of Georgia (Gagnon 2015). Due to its

unconstitutional nature, this treaty was ratified by the U.S. Senate but never recognized by President John Adams. Facing the possibility of a civil war that would threaten the Union, President Adams negotiated a substitute treaty (the Treaty of Washington) which left Muscogee people with a sliver of land on the western edge of the state on the condition that the U.S. guarantee the protection of this remaining territory. Highly upset with this decision, Troup engaged in a campaign to expel Native Americans from Georgia, including denouncing the federal government on the floor of the U.S. Senate (Saunt 2020). This conflict and disagreement between state authorities and the federal government led to the election of President Andrew Jackson in 1829, who was a strong believer that if he did not pursue Native American removal and enforce the Compact, the South would secede. Owing his election to frontiersmen and southerners, the President called for the "voluntary" emigration of Native peoples to lands west of the Mississippi.

While the Cherokee were fighting for their sovereignty as a nation and for the rights to their lands with the federal government, **Wilson Lumpkin**, a representative from Georgia who sat on the House Committee on Indian Affairs as well as on the UGA Board of Trustees, along with others that were also strong proponents of Native American removal, helped pass the Indian Removal Act in 1830. The Act provided for the removal of Native Americans residing within state borders while authorizing the president to grant unsettled lands west of the Mississippi to the displaced tribes. Although many families left, those who remained faced physical violence by their White neighbors and were blamed by now-Governor Lumpkin for their own hardship for refusing removal (Saunt 2020). By 1839, most Native Americans had been expelled and forcibly moved west by the United States government, in what became known as the 'Trail of Tears.'¹⁸ While fulfilling his political obligations, Lumpkin owned an almost 1,000-acre plantation that by 1842 was within the limits of Athens. In his plantation in 1844, he built his house on top of the hill to the south of Athens and the University, which he called the Cedar Hill, where he lived until he died in 1870. His only daughter and heiress Martha Atlanta Lumpkin Compton gradually sold off parcels of this land to UGA and by 1907 the university acquired the last parcel, including the house.

17 Clayton also had a central role in the industrialization of Athens by developing the first mill in the city along with fellow investors William Dearing, John Nesbitt and Abraham Walker, who bought 55 acres of land from William Carr for \$8,000 (McPherson 2022). This building is currently occupied by UGA School of Social Work.

18 September 28, 2023, interview with Dr. Ervan Garrison.

The Morrill Act gave **79,461 parcels of Indigenous lands**, totaling about **10,700,000 acres**, to **52 land-grant universities (LGUs)** to fund their endowments.

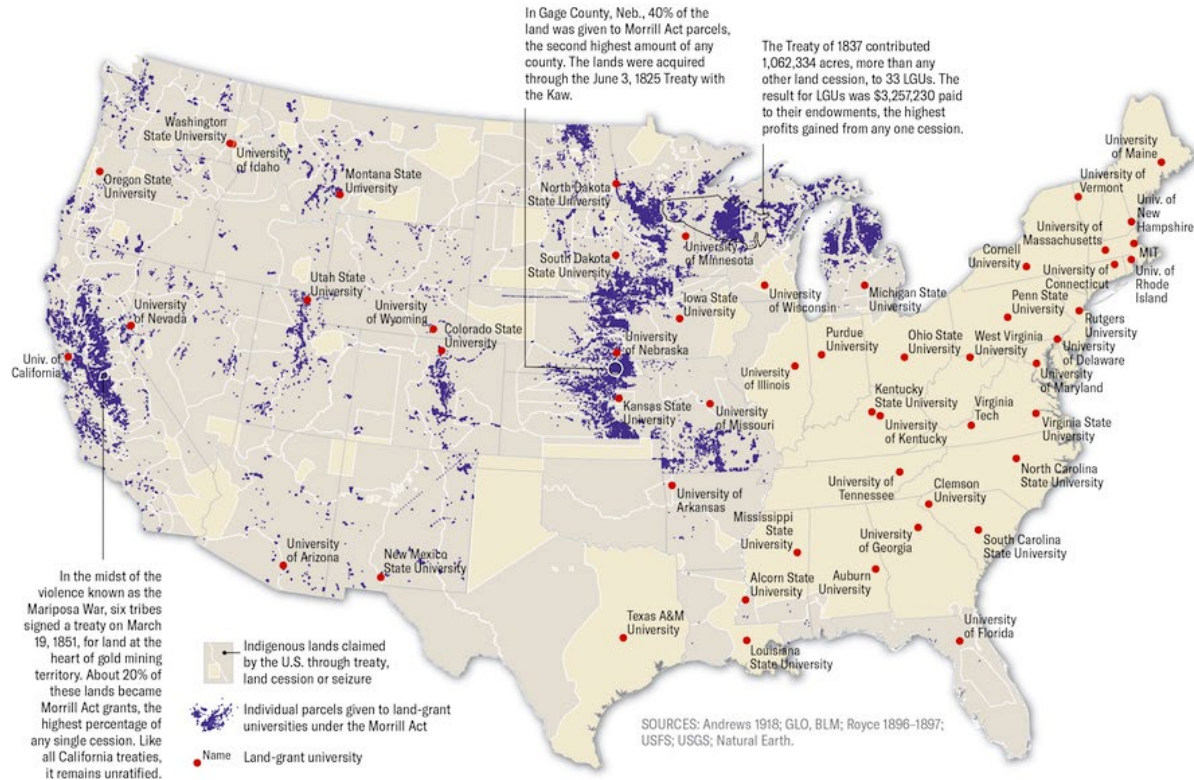


Figure 4. The 52 land-grant universities and individual Morrill Act land parcels across the US (Source: Lee and Ahtone 2020).

THE MORRILL ACT

The Morrill Act and Its Political Context

In 1862 President Abraham Lincoln signed the Morrill Act (or Agricultural College Act), “An act Donating Public Lands to the several States and Territories which may provide Colleges for the Benefit of Agriculture and Mechanic Arts” (Act of July 2, 1862 [Morrill Act]). The Morrill Act distributed to each U.S. state committed to conserving and investing the capital between 90,000 and 990,000 acres of “public land,” with the amount proportional to their representation in Congress (Lee and Ahtone 2020). Although some colleges and universities with federal grants already existed, the Morrill Act implemented a land grant system at the national scale. The objective was to promote economic development by expanding higher education opportunities for the country’s agricultural and industrial classes. Altogether, the Morrill Act benefited 52 institutions across the United States at different points in time (Figure 4). However, the federal legislation had an important hidden fact: 10.7 million acres (97%) originated from the dispossession of 250 Native American nations from their

traditional territories, often under use of coercion and violence (Lee and Ahtone 2020).

The Morrill Act aimed at increasing the U.S. technical workforce and advancing scientific knowledge by funding the establishment and support of state colleges (Lee and Ahtone 2020). Passed into law in the middle of the Civil War (1862), the legislation had a utilitarian nature, focusing not only on agricultural and mechanical sciences but also military tactics, strategic for both internal and external political-economic interests (Lee and Ahtone 2020). The Act emerged as part of efforts to strengthen the bureaucratic structure of the nation-state, modernize the economy, and increase the industrial competitiveness of the United States (Sorber 2018). With the flourishing of industrialization and booming of capitalism in the Northern U.S., representative Justin Morrill argued that highly trained graduates would drive the nation’s industrial pursuits. Indeed, Morrill Act goals were intimately related to nation-building objectives of the victorious North. The land grant system was white and male-based, disregarding Indigenous peoples, women, and African American students who had to carve out their own space within land-grant institutions (Sorber 2018).

The principle of the Morrill Act was to turn public lands wrested from Indigenous Nations into college endowments, mainly through profits from land sales (Lee and Ahtone 2020). Such revenues were to be utilized indefinitely, which means the funds persist on universities' account books to date. In addition to the ongoing financial benefits of endowments derived from land sales, twelve states still possess land and linked resource extraction rights that continue to generate income for their beneficiary institutions. It is important to note that Indigenous lands were not only used to build university campuses across the country; they were the fundamental financial asset that allowed the development of land-grant institutions. In other words, Morrill Act land parcels are not restricted to the physical location of land-grant universities, as parcels were often thousands of acres large and far away from their designated institutions (Lee and Ahtone 2020).

As land grant distribution was proportional to the size of Congressional delegations, highly populous¹⁹ eastern states benefited more from the Morrill Act than did less populous western states (Lee and Ahtone 2020; Sauder and Sauder 1987). Some southern states—including Georgia—were only granted lands after readmission to the Union in 1870 (LeDuc 1954).²⁰ Western states selected public lands within their own boundaries, totaling 3,766,082 acres (Sauder and Sauder 1987). Because eastern states as well as some southern and midwestern states had no land in the public domain, the federal government gave them scrip²¹ (vouchers) for 7,830,000 acres of land in the West (Lee and Ahtone 2020; Sauder and Sauder 1987). The dispossession of the Indigenous peoples historically linked to the lands the federal government donated to universities also differed according to the geographical location of the designated institutions. In the Midwest, campuses were built on land that had been Indigenous up to the moment when the university started to erect its buildings.²² The dispossession of Native Americans from the lands granted to Eastern universities (that received scrip), in turn, occurred before the passing of the Morrill Act.²³

Dealers bought college scrip, the returns from which provided states with endowment funds to invest in their colleges (Sauder and Sauder 1987). Typically, individual states either retained endowment funds or placed them in the care of universities (LeDuc 1954; Lee and Ahtone 2020). Most states

without public land offered their scrip in the market between 1864 and 1868, saturating the market and consequently making prices drop (Sauder and Sauder 1987). Investors thus acquired large amounts of college scrip for prices that fell below the government's established minimum value of \$1.25 per acre (Sauder and Sauder 1987). Southern states profited the most from scrip sales as they received scrip after the war and sold it for higher prices than the northern states had previously done (LeDuc 1954). Cornell University was the top recipient by acreage (980,000 acres) and the University of Georgia, as we detail later, was the 10th top recipient with 270,000 acres of scrip received through the Morrill Act (Figure 5) (Lee and Ahtone 2020).

In total, the federal government paid less than \$400,000 for expropriated Indigenous land (Lee and Ahtone 2020). It also paid nothing for over a quarter of Morrill Act parcels within Indigenous territory, which it claimed through treaty, land cession, or outright seizure. According to Jameson Sweet (Lakota/Dakota), assistant professor in the Department of American Studies at Rutgers University,

“You can point to every treaty where there's some kind of fraud, where there's some kind of coercion going on, or they're taking advantage of some extreme poverty or something like that so they can purchase the land at rock bottom prices. . . . That kind of coercion and fraud was always present in every treaty” (quoted in Lee and Ahtone 2020).

Universities often competed to access the funds, which grew through interest rates and had a strong impact on local economies (Mack and Stolarick 2014). By the beginning of the 20th century, Morrill Act parcels were worth \$17.7 million, and unsold lands another \$5.1 million (total of \$22.8 million). Although the figures may seem meager today, at the time they were enormous. When adjusted for inflation, the total grant value is equivalent to half a billion dollars (Lee and Ahtone 2020). Next, we draw on Lee and Ahtone's comprehensive dataset to analyze UGA's role in Native American land dispossession.

19 The Indigenous populations were not considered.

20 Unpublished notes provided by Claudio Saunt.

21 A scrip, similar to what we currently name voucher, was a piece of paper attesting it is “good for 100 acres of public land.”

22 October 3, 2023, interview with Dr. Claudio Saunt.

23 Ibid.

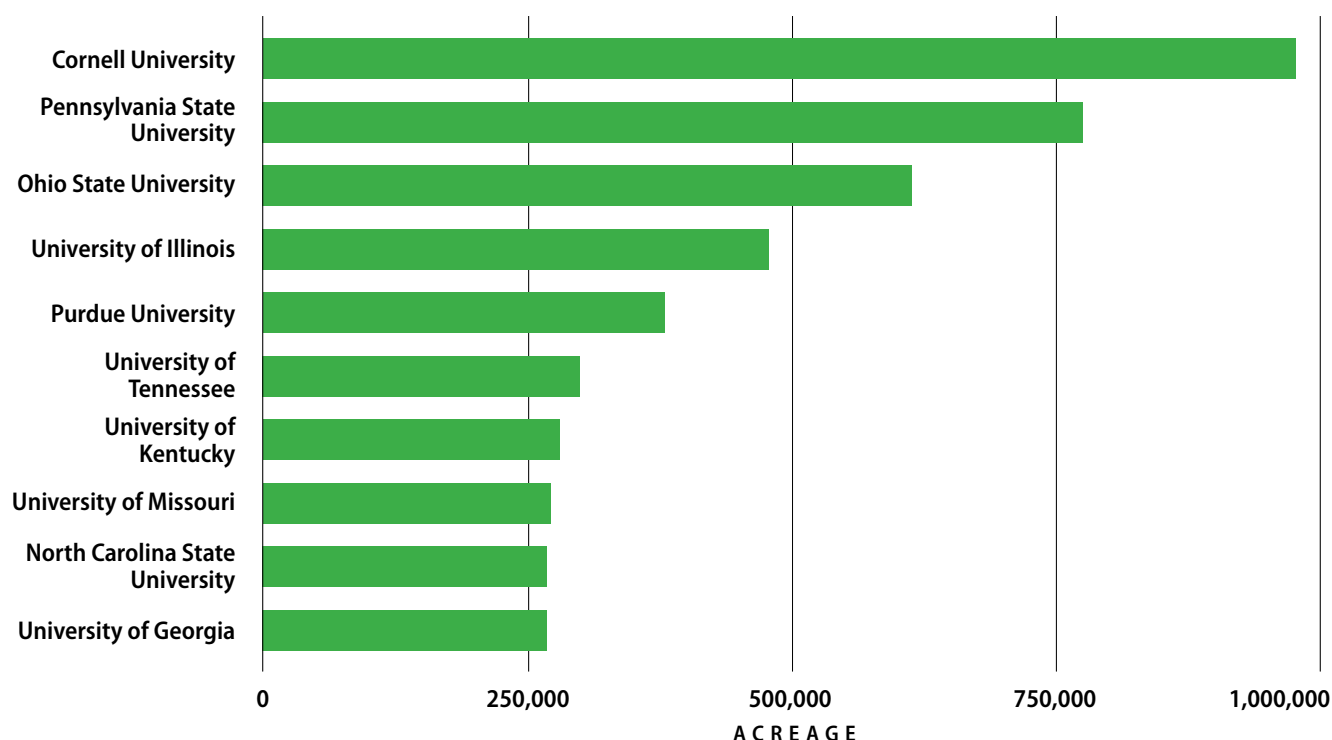


Figure 5. The ten universities that received the most expropriated Indigenous land (Adapted from Lee and Ahtone 2020).

The Morrill Act and UGA

The University of Georgia received from the federal government 270,000 acres of scrip corresponding to land parcels in other states²⁴ (Lee and Ahtone 2020). These lands were the traditional territories of 170 Indigenous Nations (Figure 6) distributed across much of the United States (Figure 7) (Lee and Ahtone 2020). While most of this land was in central California, there were also parcels in South Dakota, Kansas, Minnesota, and other states.²⁵ The federal government acquired most of the land through land cession (61.8%), while another portion was seized by unratified treaties (36.8%)—most of which signed between 1851 and 1865 (Figure 8). The government did not pay Indigenous Nations for a significant portion (38%) of the land taken (Figure 9)²⁶. While the United States paid \$6,786 for the total amount of land designated to UGA, the university raised \$242,202 from their sale, an amount that adjusted for inflation currently corresponds to \$302,752,712 (Lee and Ahtone 2020).

In order to generate revenue and avoid managing distant lands, Georgia—and many other states that received scrip—

sold its scrip to Gleason F. Lewis, an investor in Cleveland, OH.²⁷ Lewis bought Georgia scrip (see example in Figure 10) in January of 1872 at 90 cents per acre (LeDuc 1954; Sauder and Sauder 1987). He then resold the scrip to regional wholesalers (land offices in the West), who in turn sold it to individuals. Thus, although UGA has not owned Morrill Act land parcels outside of Georgia, it profited from scrip sales. California lands given to UGA as scrip were taken by treaty in the 1850s, and the respective scrip issued a few decades later in the form of “public land.” The dispossession of Native Americans from these lands thus occurred twenty years before the passing of the Morrill Act.²⁸

ONGOING LEGACIES

Legacies of Dispossession

In line with the recognition that settler colonialism is never a thing of the past (“settlers come to stay”) and that all histories have “afterlives,” it is important to ask how these legacies of displacement live on and how UGA and those associated with

²⁴ October 3, 2023, interview with Dr. Claudio Saunt.

²⁵ Ibid.

²⁶ Please note that the presence of compensation does not suggest anything about whether such exchanges were voluntary, free, representative or fair.

²⁷ Ibid.

²⁸ Ibid.

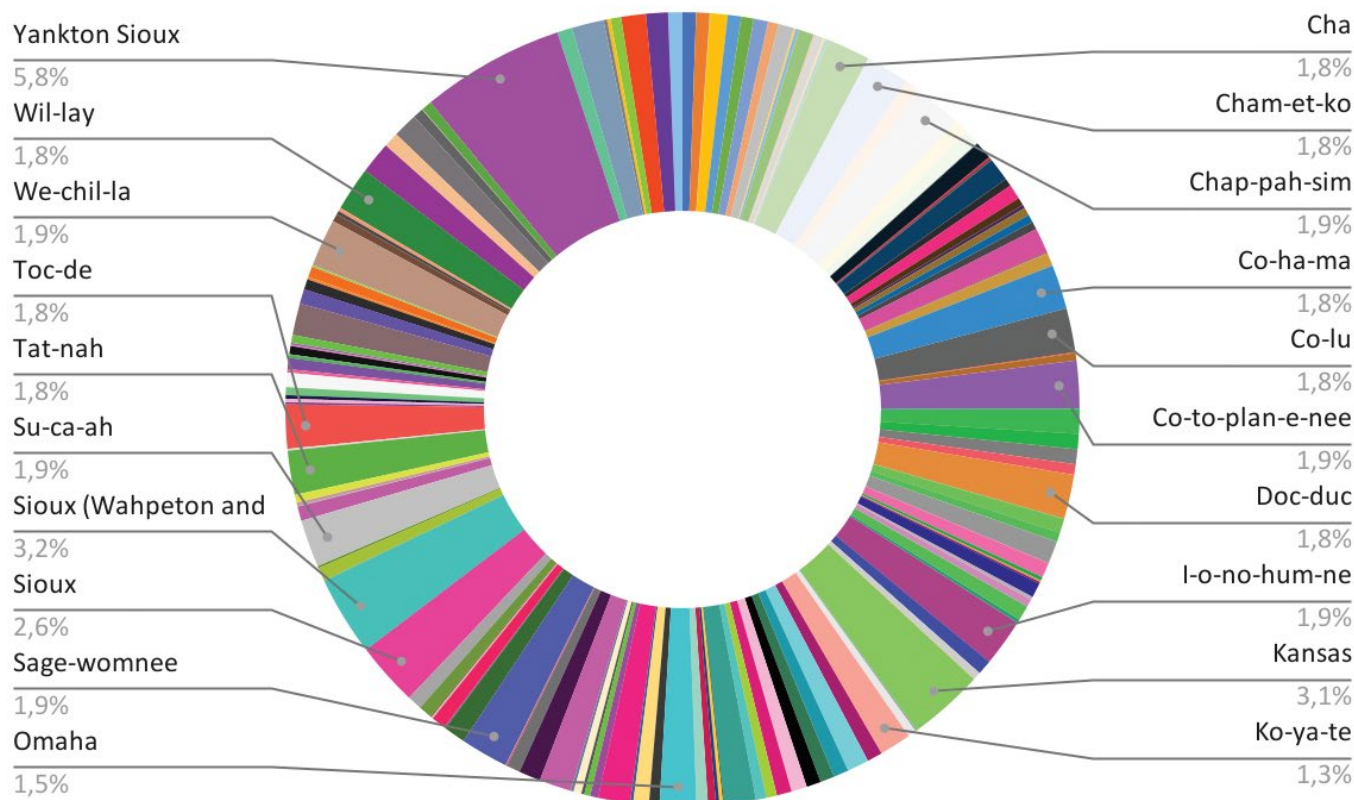


Figure 6. Tribal Nations and respective amounts of land affected by donations to the University of Georgia. Many of the treaties were signed by multiple Indigenous nations, in which case land area cannot be ascribed to a single nation (Adapted from Lee and Ahtone 2020).

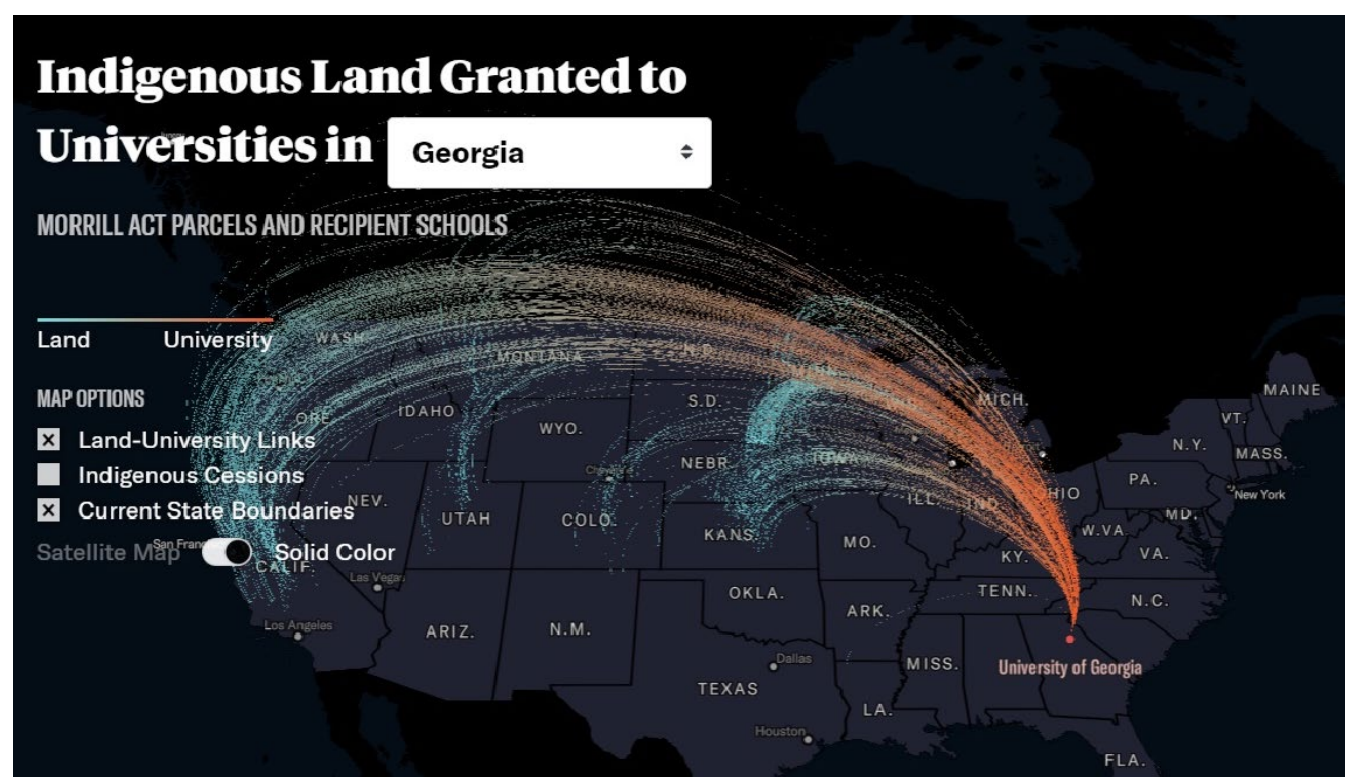


Figure 7. Links between the University of Georgia and 72 land parcels across the United States granted through the 1862 Morrill Act (Source: Lee & Ahtone, 2020).

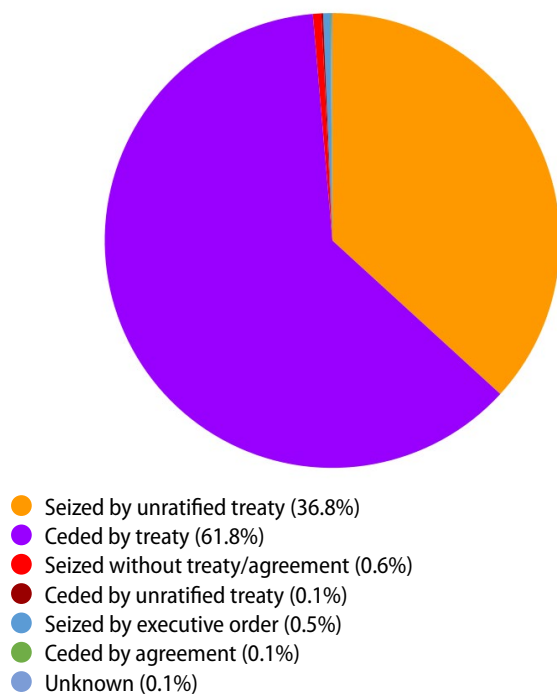


Figure 8. Modes the federal government used to acquire land designated to the University of Georgia (percentages are relative to acreage within each category) (Adapted from Lee and Ahtone 2020).

it continue to benefit. It is also important to ask how tribal nations with current and ancestral ties to Georgia view their relationship to the state and position their futures therein.

The most immediate question is how the benefits of the land UGA currently owns and the endowments generated from Native American dispossession benefit the institution at present. While it is impossible to generate an accurate estimate of the value generated from the land that UGA owns in the state, it is clear that the institution continues to own and benefit from vast swaths of land throughout the state (Figure 11). These landholdings overlap with the ancestral territories of at least nine tribal nations: Cherokee in the North Georgia Mountains; Muskogee (Creek) in the cluster of counties in the north-central part of the state; Guale, Timucua and Yamasee along the coastline; Apalachee in the south-west corner; and Hitchiti, Oconee and Miccosukee in the south-central part of the state. While the linkages between UGA and the Indigenous nations who lost those territories is indirect (with cessions occurring prior to UGA's establishment), UGA continues to own and occupy land that was wrested from tribal nations through legal maneuverings, trickery, violence, treaties and treaty violations (Saunt 2020).

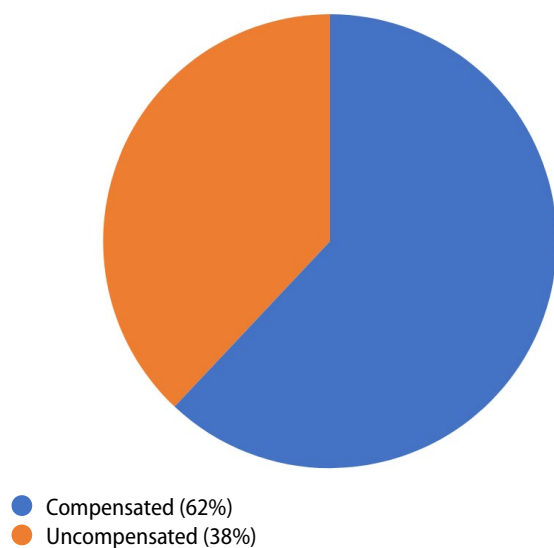


Figure 9. Financial compensation for the acquisition of Indigenous territory designated to the University of Georgia (percentages are relative to acreage within each category) (Adapted from Lee and Ahtone 2020).

While Georgia is not one of the 12 states that are still in possession of unsold Morrill acres and associated mineral rights, UGA continues to benefit from endowments established through the Morrill Act. While the United States paid \$6,786 for the total amount of land designated to UGA, the University raised \$242,202 from its sale—an amount that, adjusted for inflation, currently corresponds to \$302,752,712 (Lee and Ahtone 2020).

Infrastructural Legacies

The UGA campus in Athens also remains marked and delineated by buildings and streets bearing the names and legacies of many of those individuals described in the previous sections, including Baldwin Hall and Street, Milledge Hall and Avenue, Jackson Street, and Lumpkin Street. The house where Wilson Lumpkin lived is still on campus and has served as a classroom, branch library, computer center, and headquarters for the Institute of Ecology, and has more recently been used by the College of Agricultural and Environmental Sciences. Upon the sale of the last parcel of land that belonged to his plantation, his daughter included a protective clause to ensure that the house would be preserved and never demolished, otherwise the property would have to go back to Lumpkin's daughter's heirs (Owens 1962; Office of University Architects n.d.). Most of the South campus is built on land that falls under this clause.

AGRICULTURAL COLLEGE SCRIP OF JULY 2, 1862.

AGRICULTURAL SCRIP,

REGISTER AND RECEIVERS

No. 832

No. 808

State of Georgia



Land Office, Marionville Cal
10 Sept, 187³

WE HEREBY CERTIFY that the attached Scrip, No. 832, State of Georgia, was on this day received at this Office, from John W Simpson, of Colusa County, State of Cal

S. B. Ayers, Register. E. H. McGowan, Receiver.

I, John W Simpson of Colusa County, State of Cal, hereby apply to locate and do locate the

E of NE 1/4 16 1/4 SE 1/4 quarter of Section No. 20, in

Township No. 21 N, of Range No. N 2 W, in the District of Lands subject to sale at the Land Office at Marionville Cal containing 160

acres, in satisfaction of the attached Scrip numbered 832, State of Georgia, issued under the act of July 2, 1862. Ex in 6E.5649.

Witness my hand this 10 day of Sept, A. D. 187³

ATTEST: S. B. Ayers, Register. E. H. McGowan, Receiver.

~~I request the Patent to be sent to~~

Land Office, Marionville Cal, 10 Sept, 187³

WE HEREBY CERTIFY that the above location is correct, being in accordance with law and instructions.

D. W. McGowan, Receiver. S. B. Ayers, Register.
Excess paid for Receipt No. 3649.

Figure 10. A certificate of location for Georgia scrip (certificate 83) exchanged for 160 acres of land in Colusa County, California (Source: Land Entry Papers apud Sauder and Sauder 1987).

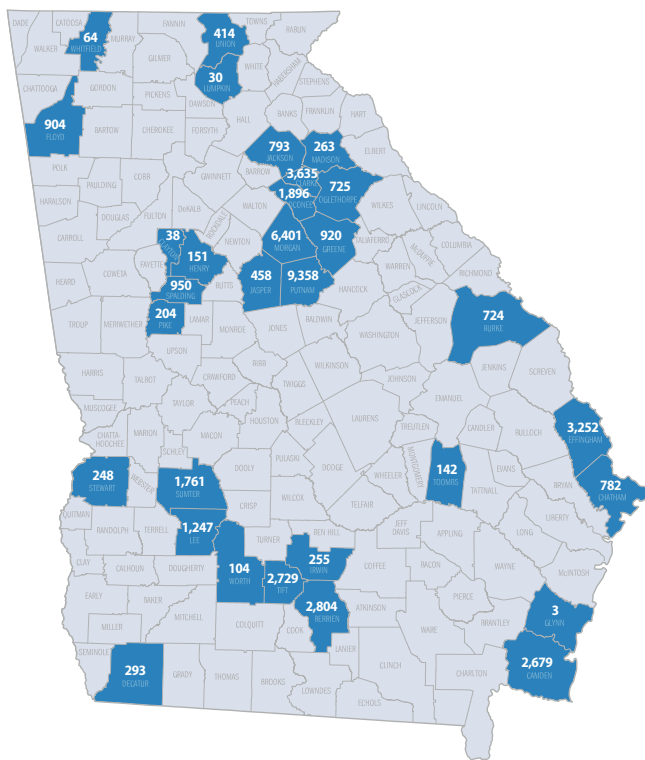


Figure 11. Spatial distribution of the 44,234 acres held by UGA and UGA-affiliated foundations in the State of Georgia, as of June 30, 2022 (Office of Institutional Research 2022).²⁹

Continuities of Erasure

How this history of dispossession is acknowledged and remembered, and how the Native American presence and cultural and ecological legacies in Georgia are acknowledged and memorialized, are key to the question of whether and how UGA and its constituent faculty and students continue to participate in ongoing forms of erasure. This is a question that is difficult to answer without entering classrooms in law (to understand how the role of the law throughout Georgia's past is taught); the environmental sciences (to see whether the presence and ecological legacies of tribes are acknowledged when studying Georgia's ecology); history (to understand how Native and settler histories are represented); and many other fields, and without a deep dive into all that is written by students and faculty. There is one form of erasure, however, that is clear: the way in which markers and monuments on the UGA campus participate in ongoing erasures of this history of land theft.³⁰ This includes the absence of any reference to

conflict over land in the mention of the land grant near the UGA columns; and no reference in UGA's history of its founding to the reasons for the time lag between 1785 when the UGA Charter was established and its opening in 1801. The Oconee War is reportedly memorialized in the symbols used at UGA graduation ceremonies, where the Marshall carries a broad sword "to fend off Indian attack."³¹

There are also controversies surrounding UGA's ownership of sites of cultural and spiritual significance to tribes with ancestral ties to Georgia. For example, the list of UGA's properties includes the "Singer-Moye Indian mound complex" in Stewart, GA—where UGA archaeologists have conducted archaeological investigations and carry out field schools; and Rock Eagle, a site of spiritual significance that is currently managed as a 4-H Center. It also includes former plantations powered by slave labor whose histories are poorly recognized or memorialized, including the UGA campus itself (home to Lumpkin's estate) and the Wormsloe Plantation.

On Memory and Return

As many non-Native populations in the Athens area continue to talk about these tribal nations in the past tense, cultural memory of ancestral ties to Georgia are alive and well among Native peoples who resisted removal and among those who walked the Trail of Tears and re-built their tribal Nations in Oklahoma. They also continue to have a spiritual connection to sacred sites in the state. And according to UGA Professor Leanne Howe, Director of the Institute of Native American Studies and enrolled member of the Choctaw Nation, they continue to foresee futures of return: "All of us were told, 'we will return,' and all of the tribes have this story of *when* we will return, not *if*."³² This raises a crucial question of how UGA will "show up" in the growing regional and national call to strengthen tribal relations to ancestral lands.

CONCLUSIONS AND NEXT STEPS

As a university from a state that was so central in regional as well as national processes of "Indian removal," and as a land grant university that benefited heavily from the Morrill Act, it is important to take stock of what took place so that we can consider as a university community what forms of accountability we owe to this history, and what might be

29 Generated from data provided in the 2022 UGA Fact Book (Office of Institutional Research 2022). To spatialize these data, landholdings cutting across county boundaries were assumed to have 50% of the land area in each county.

30 September 29, 2023, interview with Steven Scurry.

31 September 12, 2023, interview with Dr. Jace Weaver.

32 September 28, 2023: Interview with Dr. Leanne Howe.

done to honorably confront and redress the harms done. To date, recognition of our complicity in the wider settler colonial project of Native American dispossession has largely been limited to scholarships (donated by a Native alumnus³³) for Native American students wishing to pursue a certificate in Native American Studies; and land acknowledgements at the start of events that we host. While we have no formally accepted institutional land acknowledgement, the standard practice at UGA and beyond has been to acknowledge the Indigenous nations whose ancestral territories intersect with the spatial footprint of the main campus. At UGA, this has typically meant acknowledging the Cherokee and Muskogee (Creek) nations and peoples. Yet a look at the above history suggests our institutional history is connected to a much wider legacy of dispossession that extends well beyond the Athens campus to countless Indigenous nations across the state and country. What does this mean for how we acknowledge and address this history? Is it enough to acknowledge the two Indigenous nations with ties to Athens-Clarke County? And are land acknowledgements an appropriate response to a history of Native American dispossession with direct and indirect linkages to our founding fathers and trustees, our current financial and land endowments, and the benefits that the entire campus community derives from this history? There will be no single answer to these questions; they are offered up as points of reflection for the campus community in response to a report that will undoubtedly broaden our collective awareness of all that came to pass in the name of higher education and service to the State of Georgia.

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33 The scholarship fund was established by Chris Goeckel, a UGA alum who donated the money to fund the Ruth Pack scholarship program, named after his great-grandmother, who was a Cherokee Indian (see Kalaji and Scott 2021).

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