

**Response to the “Report from the Ad Hoc Committee on Baldwin Hall to the
Franklin College Faculty Senate”
May 13, 2019**

The experience at Baldwin Hall has been a challenging and difficult one for all involved, but most especially for those who believe that it was their ancestors whose final resting places were disturbed. The University understands the concerns of these individuals and, despite what some might contend, has abided by a commitment to treat the remains of these men, women and children—likely slaves or former slaves—with dignity and respect throughout this long and unfortunate process.

We cannot undo the past, but we can learn from it. The University has been seeking to do so, by commissioning an archaeological report to learn more about the history of the site and by commissioning DNA research. This is hard, painful, and challenging work, but the University has advanced it responsibly.

That is why it is important to provide a substantive and constructive response to the “Report from the Ad Hoc Committee on Baldwin Hall to the Franklin College Faculty Senate,” approved by the Franklin College Faculty Senate on April 23, 2019. While the faculty representatives clearly care deeply about this issue, the Report unfortunately supports a narrative based on incomplete facts, misleading statements, and conclusions unsupported by the evidence. As President Morehead observed in response to the draft report on April 22, 2019:

It is one thing to debate the propriety of steps taken by the University in good faith, based on guidance of the State Archaeologist’s Office, in response to this unique and complex situation. But it is another thing to impugn the integrity and motives of dedicated employees based on an investigation filled with rumor and anonymous sources.

It is in that vein that this Response will briefly address eight of the Report’s most concerning allegations:

1. That the University should have known better.

Baldwin Hall was constructed by the Public Works Administration in 1937-38, and its Annex was added in 1942. There are numerous accounts of remains being removed from the construction site during this time period. The Ad Hoc Committee’s position is that the University should have employed ground-penetrating radar (GPR) or removed topsoil to ascertain whether any gravesites were still present.

The institution agrees that additional steps should have been taken by the Office of University Architects for Facilities Planning (OUA) from the outset. OUA had understood that ground penetrating radar (GPR) had been conducted outside the fence line of the Old Athens Cemetery, but later learned that it had not. GPR is a tool that provides an indication of potential and is not definitive. In addition, the recommendation to remove topsoil implies that a simple shovel in the ground would have easily identified graves. The proposed construction site contained fill dirt from the 1937 construction that would have been on top of the grave shafts; also, much of the site was covered by concrete or asphalt. Thus, the mere turning of topsoil likely would not have detected them.

In January 2016, the leadership of OUA transitioned to Ms. Gwynne Darden, and new processes and procedures were established. The Historic Preservation Master Plan, developed between 2015 and 2018, was directly influenced by lessons learned in the Baldwin Hall project. It now integrates archaeology and historic preservation in the early facilities planning stages—including retention of an independent archaeologist to research and provide guidance, as well as steps specific for each proposed area of construction-related ground disturbance in order to prevent another situation like this from ever happening again.

2. *That the University should have consulted with faculty to avoid the situation.*

The Baldwin Hall construction project was several years in the making, with approval requested from the Board of Regents in September 2013 and funds appropriated by the General Assembly in the 2014 legislative session; a design professional was approved in September 2014, and the construction manager selected in October 2014—all matters of public record. A ceremonial groundbreaking was held onsite in December 2014, and Allstate Construction commenced onsite construction activity in September 2015.

The Anthropology Department resides in Baldwin Hall; yet at no time did any faculty expert come forward to warn of the pending discovery. As the Franklin Senate’s own Report points out: “Archaeologists who have been part of the Anthropology Department since the 1970s were aware that Baldwin Hall had been built on the site of a graveyard, but **believed that all the remains had been removed from the site during construction in 1938**” (p. 35 [emphasis added]). In other words, the Report criticizes the University for having the same belief as the faculty experts on whom the Report claims the University should have relied.

To the University’s knowledge, **no one**—from the University or community—came forward with warnings about the construction site prior to the University’s announcement that remains had been inadvertently discovered in November 2015. It should be noted that the University did engage with and employ some members of the Anthropology Department immediately following the discovery: Dr. Laurie Reitsema, who conducted osteological analysis of the remains; and Dr. Ervan Garrison, who served as the Anthropology Department Head at the time and assisted with GPR analysis of the site.

3. *That the University acted unilaterally.*

The University followed the guidance of the State Archaeologist’s Office (OSA) in handling this difficult situation. However, without identifying a single source or identifying a specific example, the Report criticizes the University for purportedly claiming that OSA guidance was binding. The Report states: “Some statements from UGA officials have been **understood** as claiming that the University’s actions were compelled by this state agency. Any such **claim** is false” (p. 66 [emphasis added]). In fact, the University never made the “claims” that the Report attacks as “false.” The University’s position throughout this matter has simply been that its actions were not unilateral, that it was in regular communication with the State Archaeologist’s Office, and that it followed OSA’s guidance and expertise.

The Report further suggests that a March 6, 2017 letter from OSA was “solicited” by UGA or state officials “in order to provide a measure of legitimacy for decisions already made about the burial that was to occur secretly the next day” (p. 65). However, it ignores the fact—as the letter itself states—the University was “in contact with” OSA “[t]hroughout the

investigation process” (p. 124); the letter was simply a memorialization of advice and guidance provided by OSA since the situation first arose.

4. *That the University did not consult with the community.*

It is true that the University did not convene town hall meetings to discuss the Baldwin Hall remains. Instead, University representatives—including Dr. David Lee, Vice President for Research; Dr. Michelle Cook, Vice Provost for Diversity and Inclusion and Strategic University Initiatives; Mr. Arthur Tripp, Assistant to the President; and Ms. Alison McCullick, Director of Community Relations—met with members of the UGA faculty and Athens community on numerous occasions to discuss matters related to Baldwin Hall. Individuals included in these conversations were, among others, Mr. Fred Smith, Ms. Linda Davis, Mr. Charlie Maddox, Dr. Valerie Babb, and Dr. Scott Nesbit.

The primary goal of Dr. Lee’s meetings, specifically, was to offer community leaders the opportunity for input with regard to the possibility of continuing the DNA analyses. While some individuals may initially have been reluctant about research on the physical remains, Dr. Lee did not hear any reluctance at the time of these meetings, and thus determined to continue the ongoing DNA analyses. However, he did hear a diversity of opinions expressed in these meetings in other respects: for example, not everyone saw it as the University’s role to organize DNA testing. Opinions also differed on whether community members who wished to be tested should bear some of the cost. Dr. Lee regarded these as positive conversations, but there was no single, clear consensus.

Dr. Lee made members of the Ad Hoc Committee aware of these meetings, and at its request, provided the names of the community members with whom he met. However, there was no mention of these meetings in the Report. Ms. McCullick also made the Committee aware of her conversations. Rather than mention these individuals, however, the Report criticizes the University for using a “network [that] is weighted heavily in terms of supporters, that is, people who can be counted on to speak positively on behalf of UGA as necessary” (p. 53). Painting individuals who were contacted by University administrators as sycophants is insulting to these individuals and the valuable counsel that they have provided on multiple occasions.

5. *That the University should have chosen a different cemetery for reinterment.*

Oconee Hill was selected as the reburial site by the University with the guidance of the State Archaeologist’s Office. Three primary factors weighed into this decision: (1) proximity to the original gravesite; (2) reburial of the remains individually; and (3) arrangement of the remains as closely as possible to the original configuration so as not to inadvertently separate family members. Oconee Hill was the closest cemetery to the original gravesite, and it had sufficient space to bury the remains in the carefully catalogued, individual funeral boxes recommended by OSA in a manner approximating their original configuration.

The Report suggests that reinterring the Baldwin Hall remains in an historic African American cemetery—such as Brooklyn or Gospel Pilgrim—would have been preferable. However, as Ms. Darden informed the Ad Hoc Committee in a follow-up email on April 5, 2019, her office had been advised that it was unlikely that sufficient space could be found at Gospel Pilgrim without infringing upon other unmarked graves. Some local leaders in the

African American community have expressed gratitude that Oconee Hill, where perpetual care would be provided—unlike Brooklyn or Gospel Pilgrim—was selected.

6. *That the University was not upfront about the discovery of African American remains.*

The University stated in a press release dated December 11, 2015 that its archaeological consultant believed, on the basis of a field inspection, that the remains were likely of European descent. Shortly thereafter, the University funded a proposal from Dr. Laurie Reitsema to conduct basic osteological analysis and DNA testing; the DNA research was conducted by a professional colleague of Dr. Reitsema's choosing. Any insinuation that the University would knowingly mislead the public about the remains and then immediately commission DNA testing that would reveal the truth is nonsensical.

The Report states that Dr. Reitsema received a report on the DNA results at the end of the Fall 2016 semester; it then criticizes the University for "institutional silence" (p. 46) for waiting to report this information until 10 weeks later. As Ms. Darden explained in her April 5, 2019 email to the Ad Hoc committee—but which members failed to include in the Report: "I would like to make sure the committee realized that the archaeologists were still working on site until late January, when the last exhumation occurred." The Ad Hoc Committee is entitled to disagree, but the University made the reasoned judgment that rather than reveal information in piecemeal fashion, it should wait until the process was complete to provide the public with an accurate, comprehensive report of the total number of remains and the results of DNA testing.

Ever since, the University has acknowledged the race of the individuals whose remains were discovered and the fact that they were likely slaves or former slaves. The granite marker at the Oconee Hill gravesite states that the "vast majority" of the men, women and children whose remains were able to be identified were "presumably slaves or former slaves." In addition, on November 16, 2018, the University dedicated a memorial in tribute to those who were buried at Baldwin Hall. The memorial represented the work of an 18-member task force, comprised of leaders from both the University and campus community, including Judge Steve Jones, a native Athenian serving as U.S. District Court Judge for the Northern District of Georgia; Dr. Henry Young, a chaired professor in Pharmacy and President of UGA's Black Faculty and Staff Organization; Mr. Charlie Maddox, President of the Athens Rotary Club; Ms. Kathy Hoard, former Athens-Clarke County Commissioner and recipient of the 2018 ATHENA Award for community involvement; Rev. Benjamin Lett, Pastor of the Hill Chapel Baptist Church; and Mr. Ammishaddai Grand-Jean, President of the Student Government Association. The wording on the memorial's granite monument reads: "The University of Georgia recognizes the contributions of these and other enslaved individuals and honors their legacy. May they continue to rest in peace."

7. *That the University did not treat the remains with dignity and respect, and that the reinterment ceremony was "a spectacle."*

The University announced on March 1, 2017 that "the remains would be reinterred in Oconee Hill Cemetery and that the reburial would be commemorated with a ceremony on March 20, 2017." The University abided by the commitment stated in the release, by reburying the remains and then paying tribute during a public memorial service.

Much has been said about the “secrecy” of the reinterment. However, when a burial occurs at a cemetery, the excavation and preparation of the area, including use of large equipment, is typically not viewed by the public; this is consistent with the stance of Oconee Hill Cemetery. In the case of the Baldwin Hall reinterment, weather also was a factor, as there had been several days of rain, and a significant period of dry weather was required to accomplish the reburial in a day’s time rather than risk pooling of water at the site. In addition, all 105 vessels had to be carefully placed and their location meticulously noted on a chart of the site. This was not a surreptitious plan by the University to conduct the burial in secret; rather, it was standard operating procedure of the cemetery made more complex by the scope of the project, the number of vessels involved, and the precision required.

This claim that the memorial service “was itself a ‘spectacle’” (p. 59) is also unjustified. It undermines the sanctity of the event and belittles the African American funeral traditions that were observed. The ceremony was reverent and sincere, and it was presided over by prominent and respected members of the local African American community.

8. *That the University censured and intimidated faculty who spoke out against the University’s efforts at Baldwin Hall.*

As an institution of higher learning, dedicated to the pursuit of truth and knowledge, these allegations are deeply troubling. The Report cites two instances of alleged intimidation, one involving Dr. Laurie Reitsema and the other involving Dr. Scott Nesbit, an assistant professor with a joint appointment in History and Environment and Design.

The Report claims that the University “condemned” Dr. Reitsema in its published response to an article in the *Athens Banner-Herald* in March 2018. In fact, the University’s response never “condemned” Dr. Reitsema—it simply refuted her characterization of the University’s actions as irresponsible and unethical, while noting the irony that a faculty member so deeply involved in the University’s response would do so. The Report refers to the First Amendment and academic freedom, but the University and its administration also have the right and duty to respond to unfair and inaccurate criticism. The Report fails to mention that in the same time period, Dr. Reitsema was awarded tenure, promoted to associate professor, and honored publicly by the University with an outstanding research award—actions inconsistent with any claim of retaliation.

In regard to Dr. Nesbit, the Report claims that after a public presentation he made on slavery, an unnamed administrator told him that the then-Provost was “contemplating punitive measures against him” that “would make it impossible for him ever to gain employment at other universities” (p. 25). The Report does not identify these unspecified “measures” allegedly “contemplated” by the then-Provost, and there is no indication in the Report that any punitive measures were ever taken. The Report’s allegations of “threats” and “direct intimidation” by the former Provost appear to be based entirely on hearsay without any attempt at corroboration. This is deeply troubling.

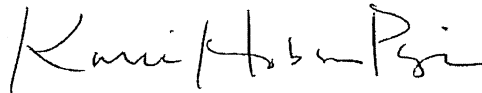
While we respect the rights of the Franklin Senate to express its views, this Response is intended to clarify the record on the Report’s most concerning accusations and ensure that institutional silence is not interpreted as tacit agreement. While the University has many other concerns about hearsay, innuendo and misstatements in the Report, in the interest of brevity and collegiality, this Response addresses only a few examples.

It is easy to succumb to the clarity of hindsight: now, three-and-a-half years after the inadvertent discovery of the first remains, the picture is much clearer than it ever could have been to those dedicated individuals dealing with matters as they unfolded. At every stage of this process, administrators at the University have acted in good faith to make decisions based on the facts known at the time. The forthcoming Management Report and DNA results could further expand our understanding. It is our sincere desire that, rather than seeking to apportion blame in this difficult situation, we can come together and move forward.

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