

History of the Harris Neck Land Ownership Dispute

Controversy over legal ownership of lands now known as Harris Neck National Wildlife Refuge began in July, 1942 when the United States condemned the land in order to build an airfield during World War II. Some of the landowners whose property was purchased by the government at that time were descendants of slaves who acquired tracts on Harris Neck soon after the Civil War through the Freedman's Bureau. These black landowners and their descendants claim oral assurance was given that their land would be returned to them after the airfield was no longer needed by the federal government. They further contend that they were paid less than their white counterparts for their land.

A General Accounting Office (GAO) study, initiated in July 1984 at the behest of 1st District Representative Lindsay Thomas and Senators Sam Nunn and Mack Mattingly, investigated the government's role in obtaining the property and found no irregularities in the condemnation method used to acquire the 2,687 acres owned by 84 persons.

In fact, court records of the transaction show that the government paid an average of \$33.32 per acre for the land and that of the 84 landowners involved, 59 were black, 19 were white, and six were racially unidentified. The 59 black owners held 89 tracts totaling 1,102 acres and received a total of \$29,653. The per-acre price ranged from \$2.44 to \$5,921, with an average price of \$26.90 per acre.

The 19 white owners held 66 tracts totaling 1,532 acres and received a total of \$57,153. The per-acre price ranged from \$2.09 to \$1,260, with an average price of \$37.31 per acre. The six racially unidentified owners held 14 tracts totaling 53 acres and received a total of \$2,743; the per-acre price ranged from \$11.54 to \$325, with an average price of \$52.08 per acre.

The study also reviewed, for comparative purposes, the purchase of nearly 280,400 acres by the government between 1941 and 1950 to establish the Fort Stewart Military Installation, located about 20 miles from Harris Neck. 140,699 acres were acquired by condemnation at an average per-acre price of \$16.72, with another 139,707 acres acquired by direct purchase for an average per acre cost of \$16.86, about half of the amount paid for the Harris Neck property.

After World War II, the airfield was closed. In 1948, the property was declared surplus under the authority of the War Surplus Property Act of 1944, 58 Stat. 765. The property was conveyed to McIntosh County for use as a municipal airport in 1948. In 1961, amid accusations of corruption against certain officials of McIntosh County, a notice of reversion to the United States was published. On May 25, 1962, under provision of the Federal Property and Administrative Act of 1949, the General Services Administration transferred the property to the U. S. Fish & Wildlife Service for addition to the National Wildlife Refuge System.

In subsequent years, wildlife management and public use programs were developed for Harris Neck National Wildlife Refuge. Freshwater impoundments were created to

provide habitat for waterfowl and wading birds; grasslands were maintained for rare species of sparrows; nest structures and trees were added to support a rookery for the endangered wood stork; long leaf pine forest habitat has been reestablished; and prescribed burning has been employed to enhance existing habitat for a variety of native wildlife. Opportunities for wildlife dependent recreation draw increasing numbers of visitors, with current annual visitation now exceeding 40,000. Facilities specifically developed for the public include two fishing piers; an all-tide boat ramp providing the only free public access to the Barbour and South Newport Rivers; a four-mile interpretive auto tour route, eight designated bicycling/hiking trails ranging in length from 1.1 miles to 6.3 miles; and a visitor contact station accommodating school classes, organized groups, and individual refuge visitors.

Throughout the 43 year history of Harris Neck National Wildlife Refuge, there have been repeated attempts by some descendants of the pre-airfield era owners to reclaim their land. The most organized effort occurred on April 27, 1979 when Edgar Timmons, Jr., Hercules Anderson, Chris McIntosh, Ted Clark, and other of the group known as "People Organized for Equal Rights" entered the refuge with the apparent intention of asserting Timmons' previous claim to the land. The group constructed camp sites without permits or authorization, and informed John Davis, Project Leader of the Savannah NWR Complex, that they intended to remain indefinitely. When informed that camping on Harris Neck violated federal regulations, Clark and McIntosh said they did not recognize the area as federal property and felt it belonged to the previous owners.

By April 30, 1979, there were approximately 40 individuals camped on the refuge. The demonstrators brought building materials, including concrete blocks, bags of mortar, and ladders. A court order was issued to remove the demonstrators; four that defied the order were arrested. A suit filed by group representative Edgar Timmons was heard by the 7th District Court in Savannah. Judge B. Avant Edenfield found no evidence to support the group's claim and ruled that the land belonged to the United States government. The case was appealed to the 11th Circuit Court of Appeals in Atlanta, and they upheld the lower court's ruling.

On April 17, 1982, Timmons held a press conference with Savannah area television and newspaper reporters, and stated that if meaningful dialogue was not established with the Reagan administration, another occupation of the refuge would occur on July 27. In July, Timmons met with officials of the Interior Department and cancelled the proposed seizure. Timmons later stated that progress was being made and he expected the return of 800-1,000 acres within seven months. Rumors surfaced that the group intended to lease the acreage instead of returning it to private ownership. There were allusions to a plan for relocating 20-30 families onto the refuge and construct churches and a school.

On December 8, 1982, Mike Wallace and a film crew from the television show "60 Minutes" spent three hours filming on the refuge. Interviews were conducted with many of the local residents. The following day Mr. Wallace interviewed Project Leader Davis. Air date for the show was on February 20, 1983. On December 30, 1982, Southeast Regional director James Pulliam sent a response to Timmons in regard to their proposed

action. Pulliam stated that the proposal was not compatible with the laws which govern refuge lands and would destroy wildlife values that the Service is pledged to protect and preserve. He further stated that the Service desired to assist the local citizens by providing a new crabbing dock and boat ramp on the refuge at Barbour River Landing. These facilities would support the livelihood of the community's many watermen. A new dock, to be used exclusively by permit holders, was constructed in 1985. The boat ramp was also opened in 1985. Currently, a special use permit issued to the Barbour River Waterman's Association includes sub-permittees Ernest L. McIntosh, Sr., George S. Moran, and Edgar Timmons, Sr., authorizing their use of the dock.